

**PACIFIC GROVE UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
REGULAR MEETING**

Trustees

*John Paff, President
Brian Swanson, Clerk
Debbie Crandell
Cristy Dawson
Jon Walton
Adrian Clark, Student Rep*

DATE: Thursday, October 24, 2019

TIME: 6:00 p.m. Closed Session
7:00 p.m. Open Session

LOCATION: District Office
435 Hillcrest Avenue
Pacific Grove, CA 93950

The Board of Education welcomes you to its meetings, which are regularly scheduled for the first and third Thursdays of the month. Regular Board Meetings shall be adjourned by 10:00 pm, unless extended to a specific time determined by a majority of the Board. This meeting may be extended no more than once and may be adjourned to a later date. Individuals who require special accommodation, including but not limited to an American Sign Language interpreter, accessible seating or documentation in accessible formats, should contact the Superintendent at least two days before the meeting date.

Any writings or documents that are public records and are provided to a majority of the Governing Board regarding an open session item on this agenda will be made available for public inspection in the District Office located at 435 Hillcrest Avenue, Pacific Grove during normal business hours.

AGENDA AND ORDER OF BUSINESS

I. OPENING BUSINESS

- A. Call to Order
- B. Roll Call
- C. Adoption of Agenda

II. CLOSED SESSION

A. Identify Closed Session Topics

The Board of Education will meet in Closed Session to consider matters appropriate for Closed Session in accordance with Education and Government Code.

1. Negotiations - Collective Bargaining Session planning and preparation with the PGTA for 2019-20 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, Matt Bell, Song Chin-Bendib and Ralph Gómez Porras, for the purpose of giving direction and updates.
2. Negotiations - Collective Bargaining Session planning and preparation with the CSEA for 2019-20 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, Billie Mankey, Song Chin-Bendib and Ralph Gómez Porras for the purpose of giving direction and updates.
3. Public Employee Discipline/Dismissal/Release/Complaint (1 case) [Government Code § 54957]

4. Consideration Of Student Discipline (2 Cases) (Education Code Section 48915)

B. Public comment on Closed Session Topics

C. Adjourn to Closed Session

III. **RECONVENE IN OPEN SESSION**

A. Report action taken in Closed Session:

1. Negotiations - Collective Bargaining Session planning and preparation with the PGTA for 2019-20 [Government Code § 3549.1 (d)]
2. Negotiations - Collective Bargaining Session planning and preparation with the CSEA for 2019-20 [Government Code § 3549.1 (d)]
3. Public Employee Discipline/Dismissal/Release/Complaint (1 case) [Government Code § 54957]
4. Consideration Of Student Discipline (2 Cases) (Education Code Section 48915)

B. Pledge of Allegiance

IV. **COMMUNICATIONS**

A. Written Communication

B. Board Member Comments

C. Superintendent Report

D. PGUSD Staff Comments (Non Agenda Items)

V. **INDIVIDUALS DESIRING TO ADDRESS THE BOARD**

Public comment on any item of interest to the public that is within the Board's jurisdiction will be heard. The Board may limit comments to no more than three (3) minutes for each agenda or non-agenda item; a total time for public input on each item is 20 minutes, pursuant to Board Policy 9323. Public comment will also be allowed on each specific action item prior to Board action thereon. This meeting of the Board of Education is a business meeting of the Board, conducted in public. Please note that the Brown Act limits the Board's ability to respond to public comment. The Board may choose to direct items to the Administration for action or place an item on a future agenda.

VI. **CONSENT AGENDA**

Items listed under the Consent Agenda are considered to be routine and/or may have been discussed at a previous Board meeting. There is no discussion of these items prior to the Board vote unless a member of the Board requests specific items be discussed and/or removed from the Consent Agenda. Each item on the Consent Agenda approved by the Board of Trustees shall be deemed to have been considered in full and adopted as recommended.

A. Minutes of October 3, 2019 Board Meeting

Recommendation: (Ralph Gómez Porras, Superintendent) Approval of minutes as presented.

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- B. Certificated Assignment Order #5 13
Recommendation: (Billie Mankey, Director of Human Resources) The Administration recommends adoption of Certificated Assignment Order #5.
- C. Classified Assignment Order #5 16
Recommendation: (Billie Mankey, Director of Human Resources) The Administration recommends adoption of Classified Assignment Order #5.
- D. Out of County or Overnight Activities 18
Recommendation: (Song Chin-Bendib, Assistant Superintendent) The Administration recommends that the Board approve or receive the request as presented.
- E. Acceptance of Donations 23
Recommendation: (Song Chin-Bendib, Assistant Superintendent) The Administration recommends that the Board approve acceptance of the donations referenced below.
- F. Contract for Services with Gail Root at Forest Gove Elementary School 24
Recommendation: (Buck Roggeman, Forest Grove Elementary School Principal) The District Administration recommends the Board review and approve the contract for services with Gail Root at Forest Grove Elementary School for parent education classes for elementary school parents.
- G. Contract for Services with Mobile Ed Productions at Forest Grove Elementary School 27
Recommendation: (Buck Roggeman, Forest Grove Elementary School Principal) The District Administration recommends the Board review and approve the contract for services with Mobile Ed Productions at Forest Grove Elementary School for two social emotional learning assemblies focused on character.
- H. Contract for Services with Richard Petty Electric for Installation of Proposition 39 Lighting District-Wide 30
Recommendation: (Matt Kelly, Director of Facilities and Transportation) The District Administration recommends the Board review and approve the contract for services with Richard Petty Electric for Lighting Installation at all District facilities.
- I. Contract for Services with Kleinfelder at Robert Down Elementary School 35
Recommendation: (Matt Kelly, Director of Facilities and Transportation) The District Administration recommends the Board review and approve the contract for services with Kleinfelder at Robert Down Elementary School for geotechnical testing.
- J. Agreement with California-American Water Company for Landscape Grant Program Funding 48
Recommendation: (Matt Kelly, Director of Facilities and Transportation) The District Administration recommends the Board review and approve the agreement for Landscape Grant Funding in the amount of \$50,000 at Pacific Grove Middle School with California-American Water Company.
- K. Revisions to Board Policy 5145.6 Parental Notifications 55
Recommendation: (Ralph Gómez Porras, Superintendent) The Administration recommends that the Board review and approve the revisions to Board Policy 5145.6 Parental Notifications.

- L. Short-Term Service Contract for Account Clerk III 70
 Recommendation: (Billie Mankey, Director of Human Resources; Song Chin-Bendib, Assistant Superintendent) The District Administration recommends the Board review and approve the short term contract for services for Account Clerk III.
- M. Contract for Services with DJ Dan Utica 73
 Recommendation: (Song Chin-Bendib, Assistant Superintendent) The District Administration recommends the Board review and approve the contract for services with DJ Dan Utica at Pacific Grove High School for Musical and optional photo booth services for the dances.
- N. Contract for Services with IsoRhythms 76
 Recommendation: (Clare Davies, Director of Student Services) The District Administration recommends the Board review and approve the contract for services with IsoRhythms Music Therapy to conduct a music therapy assessment.
- O. Memorandum of Understanding between Pacific Grove Unified School District and Salinas Union High School District for the Placement of Students with Disabilities in Special Day Classes for 2019-20 School Year 79
 Recommendation: (Clare Davies, Director of Student Services) The District Administration recommends that the Board review and approve the Memorandum of Understanding between Pacific Grove Unified School District and Salinas Union High School District for the placement of students with disabilities in Special Day Classes for 2019-2020.

Move: _____ Second: _____ Vote: _____

VII. PUBLIC HEARING

- A. Public Hearing on the Levy of Developer Fees Based on the Justification Study by SchoolWorks, Inc. 87
 Recommendation: (Song Chin-Bendib, Assistant Superintendent) The District Administration recommends that the Board hold a public hearing on the levy of developer fees based on the justification study by School Works, Inc.

Open Public Hearing _____ Close Public Hearing _____

VIII. ACTION/DISCUSSION

- A. Resolution No. 1038 Establishing a Capital Facilities Fund (Fund 25) To Account for Developer Fees 143
 Recommendation: (Song Chin-Bendib, Assistant Superintendent for Business Services) The District Administration recommends that the Board review and adopt Resolution No. 1038 establishing a Capital Facilities Fund, Fund 25, to account for the levy of developer fees from construction and reconstruction of residential, commercial and industrial development.

Move: _____ Second: _____ Roll Call Vote: _____

- B. Board Goals 2019-20 145
Recommendation: (Ralph Gómez Porras, Superintendent) The District Administration recommends that the Board discuss and approve the Board Goals, including any new additions presented at the meeting.

Move: _____ Second: _____ Vote: _____

- C. Revisions to Board Policy and Regulation 3350 Travel Expenses 149
Recommendation: (Song Chin-Bendib, Assistant Superintendent for Business Services) The Administration recommends that the Board review and approve the revisions to Board Policy and Regulation 3350 Travel Expenses.

Move: _____ Second: _____ Vote: _____

- D. Board Calendar/Future Meetings 158
Recommendation: (Ralph Gómez Porras, Superintendent) The Administration recommends that the Board review and possibly modify meeting dates on the attached calendar and determine, given information from the Administration, whether additional Board dates or modifications need to be established.

Move: _____ Second: _____ Vote: _____

IX. INFORMATION/DISCUSSION

- A. Report from Superintendent on Special Board Meeting Study Session 162
Recommendation: (Ralph Gómez Porras, Superintendent) The Administration recommends that the Board receive a report from the Superintendent on the Special Board Meeting Study Session.

Board Direction: _____

- B. Review of Bus Ridership 207
Recommendation: (Song Chin-Bendib, Assistant Superintendent for Business Services) The District Administration recommends that the Board review the bus ridership information compared with prior years.

Board Direction: _____

- C. Pacific Grove High School Advance Placement Program Report 209
Recommendation: (Matt Bell, Pacific Grove High School Principal) The District Administration recommends that the Board hear a presentation on statistics regarding the Advanced Placement program at Pacific Grove High School.

Board Direction: _____

- D. Parent Engagement State Priority 3 219
Recommendation: (Ani Silva, Director of Curriculum and Special Projects) The District Administration recommends the Board review the presentation of the findings for the Parent Engagement Survey.

Board Direction: _____

- E. Pacific Grove Unified School District Quarterly Safety Update 228
Recommendation: (Barbara Martinez, Director of Student Safety) The District Administration recommends that the Board review and be informed of Pacific Grove Unified School District activities and protocols related to school safety.

Board Direction: _____

- F. Future Agenda Items 229
Recommendation: (Ralph Gómez Porras, Superintendent) The Administration recommends that the Board review the list of future agenda items and direct Administration to add items to the list and/or schedule items for a particular agenda.

- Affordable Housing Project Impacts to District- Property Tax (In progress)
- Dual Language Elementary Program
- Student Information System
- Advertising/sponsorship for athletic facilities and teams
- Audio/video recording and streaming of Board meetings
- Celebration event for individuals that raised money or donated money for PGUSD

Board Direction: _____

X. ADJOURNMENT

Next regular meeting: November 14, 2019 – Pacific Grove Middle School

PACIFIC GROVE UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION
Minutes of Regular Meeting of October 3, 2019 – Robert Down Elementary School

I. OPENED BUSINESS

- A. Called to Order 6:00 p.m.
- B. Roll Call
- | | |
|-------------------------|----------------------------------|
| President: | Trustee Paff |
| Clerk: | Trustee Swanson |
| Trustees Present: | Trustee Crandell |
| | Trustee Dawson |
| | Trustee Walton |
| Administration Present: | Superintendent Porras |
| | Asst. Superintendent Chin-Bendib |
| Student Board Member: | Adrian Clark |
- C. Adopted Agenda

Changes to the agenda include a correction to the Minutes of September 19, 2019.

MOTION Crandell/Dawson to adopt agenda as amended.

Public comment: none

Motion CARRIED 5 – 0

II. CLOSED SESSION

- A. Identified Closed Session Topics
1. Public Employee Discipline/Dismissal/Release/Complaint [Government Code § 54957]
- B. Public comment on Closed Session Topics
- None.
- C. Adjourned to Closed Session 6:04 p.m.

III. RECONVENED IN OPEN SESSION 7:00 p.m.

- A. Reported action taken in Closed Session:
1. Public Employee Discipline/Dismissal/Release/Complaint [Government Code § 54957]
- The Board discussed this item.
- B. Pledge of Allegiance Led By: Robert Down Elementary School Students

IV. SITE PRESENTATIONS

Once a year, Board meetings are held at all school sites. This provides administration and staff with an opportunity to showcase their school's accomplishments.

Robert Down Elementary School Presentation: A Celebration of Otter Excellence

Robert Down Elementary School Principal Sean Keller introduced "A Celebration of Otter Excellence" in honor of the recent 2019 National Blue Ribbon Award announcement. Staff, students, parents, former staff, and volunteers were thanked for their continued support of Robert H. Down Elementary. Students Bethany and Scarlett shared a "Toolbox to Pencil Box" presentation describing how they transferred what they learned from the Toolbox social-emotional Learning Program to everyday materials found in their pencil box. Patty Bloomer presented her classroom video "What Makes You Different Makes You Special" followed by Music therapy instructor Darcy Smith leading a sing-along with Robert H. Down students, staff, and parents. Cake was served after the presentation in the cafeteria to celebrate the National Blue Ribbon Award.

The Board thanked the Administration, staff, students and families of Robert Down Elementary School for the presentation.

V. COMMUNICATIONS

A. Written Communication

The Board received written communication regarding music boosters, lunch policy, interdistrict transfer, counseling, Pacific Grove High School football team, school bus speed, and televising the Board meetings.

B. Board Member Comments

Student Representative Clark provided an update on the events and activities happening at Pacific Grove High School including the Homecoming Rally, Homecoming Game and Dance.

Trustee Swanson thanked Forest Grove Elementary School Principal Buck Roggeman for the welcome when visiting the school site.

Trustee Walton said there was an amazing turnout at the Forest Grove Elementary School Beautification Day, approximately 70 people attended.

Trustee Dawson spoke about the Board retreat, saying it was nice to have the support, that it was beneficial. Trustee Dawson also thanked Robert Down Elementary School for the presentation.

Trustee Paff spoke about the Forest Grove Elementary School Beautification Day.

C. Superintendent Report

Superintendent Porras thanked the staff at Robert Down Elementary School; clarified that anyone seeking further information regarding PG PRIDE's current revocation of 501(c)(3) status and the pending reinstatement should visit the PG PRIDE website for details and information, and give them a call if necessary; said the Board Retreat/Special Meeting was enjoyable, working on revising Board Goals; explained the Board policy search engine on the District website and that some Districts use GAMUT but the costs are high and that currently Executive Assistant Mandi Ackerman is converting all policies to PDF.

D. PGUSD Staff Comments (Non Agenda Items)

Forest Grove Elementary School Principal Buck Roggeman congratulated Robert Down Elementary School on behalf of Forest Grove Elementary School on the Blue Ribbon Award, reflective of the faculty, service provided to our students; don't forget about the parade.

Pacific Grove Middle School Principal Sean Roach spoke about the return of the 6th graders from outdoor school; Hamilton play experience with the 8th graders; Screenagers showing.

Director of Curriculum and Special Projects Ani Silva spoke about Next Generation Science Standards Curriculum, piloting a program at no cost, acknowledged: Mary Hiserman, Jacqueline Perkins, Katherine Yant, Nate Welch, Principal Roggeman and Principal Keller.

Shannon McCarty appreciates how hard Robert Down Elementary School team works; praised the new food at Forest Grove Elementary School cafeteria, awesome new menu.

VI. INDIVIDUALS DESIRING TO ADDRESS THE BOARD

Parent- thanked the Board for obtaining a bus for a field trip.

VII. CONSENT AGENDA

- A. Minutes of September 19, 2019 Board Meeting
- B. Minutes of September 21, 2019 Special Board Meeting
- C. Certificated Assignment Order #4
- D. Classified Assignment Order #4
- E. Out of County or Overnight Activities
- F. Acceptance of Donations
- G. Warrant Schedules No. 612
- H. Agreement with Jones Hall for Bond Counsel and Disclosure Counsel Services In Connection with General Obligation Bond Proceedings For the New Bond in March 2020
- I. Contract for Services with IXL Learning
- J. Contract for Services with Habitat Gardens at Pacific Grove Middle School

MOTION Dawson/Crandell to approve consent agenda as presented.

Public comment: none

Motion CARRIED 5 – 0

VIII. ACTION/DISCUSSION

- A. Resolution No. 1034 Congratulating Community Human Services 50th Anniversary

MOTION Paff/Crandell to approve the Resolution No. 1034 Congratulating Community Human Services 50th Anniversary.

Public comment: none

Motion CARRIED by roll call vote 5 – 0

B. Resolution 1035 and 1036 To Order An Election To Authorize The Issuance Of School Bonds, Establishing Specifications Of The Election Order, And Requesting Consolidation With Other Elections Occurring On March 3, 2020

Dale Scott of Dale Scott and Company presented information to the Board. The Board discussed this item.

The Board approved “Reconstruct, Rehabilitate and Replace facilities as needed” to be added to the School Facility Project List.

Public comment:

Parent Carolyn Swanson asked Dale Scott clarifying questions regarding the presentation and bond; asked about the Bond Admin Assistant and if that position would be paid for with the bond funds; asked the Board to add additional sites on the list including David Avenue, SPED Preschool, Child Development center, State Preschool.

Former Trustee Beth Shammass said \$30 million, can guarantee it will be spent. That a Campaign Committee would be the one to go out to the public to convince voters that it is needed. Be prepared to convince people this bond is necessary.

MOTION Crandell to approve the Resolution 1035 and 1036 To Order An Election To Authorize The Issuance Of School Bonds, Establishing Specifications Of The Election Order, And Requesting Consolidation With Other Elections Occurring On March 3, 2020.

Trustee Paff amended the motion to split the resolution into two separate votes and to include the amount of \$30 million.

MOTION Crandell/Dawson to approve the Resolution 1035 To Order An Election To Authorize The Issuance Of School Bonds, Establishing Specifications Of The Election Order, And Requesting Consolidation With Other Elections Occurring On March 3, 2020 for \$30 million.

Motion CARRIED by roll call vote 5 – 0

MOTION Dawson/Crandell to approve the Resolution 1036 To Order An Election To Authorize The Issuance Of School Bonds, Establishing Specifications Of The Election Order, And Requesting Consolidation With Other Elections Occurring On March 3, 2020 for \$30 million.

Motion CARRIED by roll call vote 5 – 0

C. Counseling Item

Public comment:

Former Trustee Beth Shammass thought the retreat was to discuss the overall goal. Suggested Option 4 a goal and discuss how to get there.

**MOTION Dawson/Crandell to approve Counseling Option #1 without SuperKids.
Motion CARRIED 5 – 0**

D. Revisions to Board Regulation and Exhibit 3541.1 Transportation for School-Related Trips

The Board directed Administration to amend to include e-cigarettes and vaping devices.

MOTION Crandell/Dawson to approve the Revisions to Board Regulation and Exhibit 3541.1 Transportation for School-Related Trips.

Public comment: none

Motion CARRIED 5 – 0

E. Revisions to Board Policy and Regulation 1230 School Connected Organizations

MOTION Dawson/Paff to approve the Revisions to Board Policy and Regulation 1230 School Connected Organizations.

Public comment: none

Motion CARRIED 5 – 0

F. Revisions to Board Policy and Regulation 1321 Solicitation of Funds

MOTION Dawson/Swanson to approve the Revisions to Board Policy and Regulation 1321 Solicitation of Funds.

Public comment: none

Motion CARRIED 5 – 0

MOTION Dawson/Swanson to extend the meeting until 10:45 p.m.

Public comment: none

Motion CARRIED 5 – 0

G. Facilities Use Custodial Fees Update

The Board directed Administration to correct the Groups listings, and to use caution when grouping; trust the Superintendent or designee to group appropriately.

MOTION Crandell/Dawson to approve the Facilities Use Custodial Fees Update.

Public comment: none

Motion CARRIED 5 – 0

H. Job Description – School Bus Driver, Trainer, Dispatcher

The Board directed Administration to amend the job description to include the completion of the twelfth grade or equivalent/GED.

MOTION Crandell/Swanson to approve the Job Description – School Bus Driver, Trainer, Dispatcher, as amended.

Public comment: none

Motion CARRIED 5 – 0

I. Board Calendar/Future Meetings

MOTION Paff/Crandell to approve the Board meeting calendar.

Public comment: none

Motion CARRIED 5 – 0

IX. INFORMATION/DISCUSSION

A. 2018-2019 Smarter Balanced Assessment Results

Director of Curriculum and Special Projects Ani Silva and Director of Education Technology Matthew Binder presented the 2018-2019 Smarter Balanced Assessment Results.

B. Future Agenda Items

- Affordable Housing Project Impacts to District- Property Tax (In progress)
- AP Results- The Board requested a presentation by Pacific Grove High School Administration on AP Results (Fall 2019)
- Dual Language Elementary Program

The Board added the following items:

- Student Information System
- Advertising/sponsorship for athletic facilities and teams
- Audio/video recording and streaming of Board meetings
- Celebration event for individuals that raised money or donated money for PGUSD

X. ADJOURNED

10:35 p.m.

Approved and submitted:

Dr. Ralph Gómez Porras
Secretary to the Board

- ☒ Consent
- ☐ Action/Discussion
- ☐ Information/Discussion
- ☐ Public Hearing

SUBJECT: Certificated Assignment Order #5

DATE: October 24, 2019

PERSON(S) RESPONSIBLE: Billie Mankey, Director II, Human Resources

Page 1 of 2

RECOMMENDATION:

The administration recommends adoption of Certificated Assignment Order #5.

BACKGROUND:

Under Board Policies #4200 and #4211, the Human Resource Office is directed by the Superintendent and the Board of Education to employ the most highly qualified person available for each position. Recruitment and selection procedures include dissemination of vacancy announcements to newspapers, trade journals, the internet through the Pacific Grove Unified School District website, Monterey County Office of Education website and other recruitment websites in California. The recommendation to hire a selected candidate is made after weighing the information obtained by the complete application package, the interview process, and confidential reference checks. No inquiry is made with regard to the age, sex, race, color, religion, national origin, disability or sexual orientation.

INFORMATION:

Persons listed in the Certificated Assignment Order are being recommended to the Board of Education for employment in the District. No individual is recommended to the Board of Education for employment prior to receipt of the criminal background summary.

FISCAL IMPACT:

Funding has been approved and allocated for these items.

**PACIFIC GROVE UNIFIED SCHOOL DISTRICT
CERTIFICATED PERSONNEL ASSIGNMENT ORDER NO. 5
October 24, 2019**

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VOLUNTARY CHANGE OF ASSIGNMENT:

Sonda Frudden, District Counselor, voluntary change of assignment from FGE 0.30 FTE and RDE 0.70 FTE to PGMS 0.20 FTE and RDE 0.80 FTE, effective November 4, 2019

VOLUNTARY REDUCTION IN ASSIGNMENT:

Jackie Kite, Adult School Parent Ed Program Teacher, voluntarily reduces hours from 32 hours per week to 20 hours per week based on enrollment, effective September 25, 2019

ADDITIONAL ASSIGNMENT:

Jackie Kite, Adult School Preschool Program Specialist, hourly per time sheet and not to exceed 4 hours per week, effective September 26, 2019 (replacing Zephra Adams)

2019-20 PGMS Lunch Clubs, 45 minutes per day, 1 day per week, paid at the PGTA hourly non-instructional rate, funded through PTA and paid per time sheet:

Employee	Assignment
Darcy Tuinenga	Star Club
Greg Enterline	Garden Club
Barbara Priest	Music Club
Susan Gaul	Drama Club
Kathy Wheeler	Sign Language Club, Environmental Club
Amy Tulley	Movie Club
Dennis Rosen	Breakfast Club, Car Enthusiast Club
Kyle Mountain	Dungeons and Dragons Club

2019-2020 GATE Class Instructors, paid per time sheet at the PGTA hourly instructional rate and not to exceed 30 hours per class (Chapman Grant Funded):

Employee	Site	Class Title
Maira Mahr	PGMS	Children to Children
Barbara Priest	PGMS	Instrumental Music
Karinne Gordon	PGHS	Young Writers
Isaac Rubin	PGHS	Robotics and Mathletics
Katie Selfridge	PGHS	The NewsBreaker
Tara Tullius	PGHS	Mock Trial
Larry Haggquist	PGHS	Poetry

RESIGNATION:

Michele Knight, FGE Special Education Teacher resigns effective November 8, 2019 after five successful years of employment with the Pacific Grove Unified School District

SUBSTITUTE:

Carrie Beckwith
Hannah Long
Karen Shaffer

**PACIFIC GROVE UNIFIED SCHOOL DISTRICT
CERTIFICATED PERSONNEL ASSIGNMENT ORDER NO. 5
October 24, 2019**

Jeanne Traback

- ☒ Consent
- ☐ Information/Discussion
- ☐ Action/Discussion
- ☐ Public Hearing

SUBJECT: Classified Assignment Order #5

DATE: October 24, 2019

PERSON(S) RESPONSIBLE: Billie Mankey, Director II, Human Resources

Page 1 of 2

RECOMMENDATION:

The administration recommends adoption of Classified Assignment Order #5

BACKGROUND:

Under Board Policies #4200 and #4211, the Human Resource Office is directed by the Superintendent and the Board of Education to employ the most highly qualified person available for each position. Recruitment and selection procedures include dissemination of vacancy announcements to newspapers, trade journals, the internet through the Pacific Grove Unified School District website, Monterey County Office of Education website and other recruitment websites in California. The recommendation to hire a selected candidate is made after weighing the information obtained by the complete application package, the interview process, and confidential reference checks. No inquiry is made with regard to the age, sex, race, color, religion, national origin, disability or sexual orientation.

INFORMATION:

Persons listed in the Classified Assignment Order are being recommended to the Board of Education for employment in the District. No individual is recommended to the Board of Education for employment prior to receipt of the criminal background summary.

FISCAL IMPACT:

Funding has been approved and allocated for these items.

<p style="text-align: center;">PACIFIC GROVE UNIFIED SCHOOL DISTRICT CLASSIFIED PERSONNEL ASSIGNMENT ORDER NO. 5 October 24, 2019</p>
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NEW HIRE:

Marie Faile, District Account Clerk III, 6 hrs./day/12 month work calendar, Range 39, Step B, effective November 18, 2019 (replacing retiree Elyse Thomas)

CHANGE OF ASSIGNMENT:

Marlene Mejia, voluntary change of assignment from PGAS Instructional Assistant to PGAS Child Care Attendant, 13 hrs./week, 11 month work calendar, Range 25, Step F, effective October 1, 2019 (replacing Emily Huss)

ADDITIONAL ASSIGNMENT:

Sylvia Mah, Spanish translation services, paid per time sheet at the regular hourly rate of \$25.77 per hour and based on need.

VOLUNTARY TRANSFER:

Silvia Gill, PGAS Parent Education Program, Instructional Assistant transfer and reassignment from Pine Avenue Preschool to Child Development Center, 3 hrs./day/5 days per week, Range 30 Step D, effective September 25, 2019

SHORT-TERM, TEMPORARY, HOURLY ASSIGNMENT:

Andrew Chyo, PGHS Academic Intervention Instructional Assistant, 2 hrs./day/3 days per week, short-term/temporary effective August 7, 2019 through May 29, 2020 only (funded Low Performing Student's Grant)

- ☒ Consent
- ☐ Information/Discussion
- ☐ Action/Discussion
- ☐ Public Hearing

SUBJECT: Out of County or Overnight Activities

DATE: October 24, 2019

PERSON(S) RESPONSIBLE: Song Chin-Bendib, Assistant Superintendent for Business Services

RECOMMENDATION:

The Administration recommends that the Board approve or receive the request as presented.

BACKGROUND:

Board Policy 6153 requires prior approval of all school sponsored trips. Out of County/State or overnight trips require Board approval. Other trips may be approved by the Superintendent or designee.

INFORMATION:

The attached list identifies an overnight/Out of County/State trip(s) being proposed by a school site at this time.

FISCAL IMPACT:

The request has an identified cost and associated source of funds. The activities expose the District to increased liability with a resulting potential for financial impact.

PACIFIC GROVE UNIFIED SCHOOL DISTRICT
OUT-OF-COUNTY OR OVERNIGHT ACTIVITIES

<u>DATE</u>	<u>STUDENTS/CLASS</u>			
<u>DESTINATION</u>	<u>ACTIVITY</u>	<u>TRANSPORTATION</u>	<u>COST</u>	<u>FUNDING SOURCE</u>
October 31, 2019	PGHS Photo classes	Auto	\$500	CTEIG
Pier 24 and city tour	Photography exhibition and photo project			
San Francisco				
January 8, 2020	Robert Down 4 th grade	Auto	\$265	PG Pride
San Juan Bautista Mission	California history lesson			
San Juan Bautista				
March 4, 2020	PGMS Orchestra	School Bus Charter	\$1300	Music/Music Boosters
MPC & Santa Cruz Beach Boardwalk		Salinas City School District		
Monterey, Santa Cruz				

PACIFIC GROVE UNIFIED SCHOOL DISTRICT REQUEST FOR OFF CAMPUS ACTIVITY

Board Approval is required for all out-of-county, out-of-state, or overnight activities. The request must be approved by the Board prior to the event, therefore the request must be submitted AT LEAST TWO (2) WEEKS PRIOR TO THE BOARD MEETING PRIOR TO THE EVENT. For ALL other activities, submit request two weeks in advance of activity. ¹ understand.

Date of Activity 10/31/2019 Day of Activity Thursday

Location of Activity San Francisco City San Francisco County San Francisco

School PG High School Class or Club Photo 2 and AP photo Grade Level/s 11, 12

School Departure Time 9 AM

Pickup Time from Place of Activity 6 PM

Name of Employee Accompanying Students Celia Lara

Number of Adults 5 Number of Students 19

Description of Activity/Educational Objective

Urban landscape and street photography project. To see the current exhibition at pier 24 gallery.

List All Stops Ferry building, embarcadero, pier 24, China town, SFAI, north beach

Means of Transportation: Auto*

* Board Regulation 3541.1 Requirements will be complied with when using private Autos Cl
(Teacher initials)

**If using District vans, driver names must be listed: _____

Cost of Activity \$ 0 + Cost of Transportation \$ 500.00 = Total \$ 500.00

Fund/s to be charged for all activity expenses () Students () Club () PG Pride () Other _____

Account Code: CTEIG Travel and Conference - 01-6387-0-3800-1000-5200-00-006-8410-0720

Requested by: celia lara / Celia Lara Date 09/30/2019
Employee Signature (accompanying student activity) Printed Name

Administration Approval/Principal Matthew J. Bell Date 10/04/2019

Transportation Department/District Office Use

() School Bus () Charter () Available () Not available Date Received _____
Cost Estimate \$ _____

Approved by Transportation Supervisor: _____ Date _____

Approved by Assistant Superintendent: song chimbendib Date 10/07/2019

Date of Board Approval 10/24/2019

PACIFIC GROVE UNIFIED SCHOOL DISTRICT REQUEST FOR OFF CAMPUS ACTIVITY

Board Approval is required for all out-of-county, out-of-state, or overnight activities. The request must be approved by the Board prior to the event, therefore the request must be submitted AT LEAST TWO (2) WEEKS PRIOR TO THE BOARD MEETING PRIOR TO THE EVENT. For ALL other activities, submit request two weeks in advance of activity. ^{I understand.}

Date of Activity 01/08/2020 Day of Activity Wednesday

Location of Activity San Juan Bautista mission City San Juan Bautista County San Benito county

School Robert Down Elementary Class or Club Mrs. Pechan's and Mrs. Cooper's Classes Grade Level/s 4

School Departure Time 8:45 AM

Pickup Time from Place of Activity 1:00 PM

Name of Employee Accompanying Students Stefanie Pechan, Shauna Cooper

Number of Adults 16 Number of Students 48

Description of Activity/Educational Objective

Field Trip: California history, Missions, Alta Californios, Interpreter led programs--wagons west and vaqueros

List All Stops RHD to the SJB mission and back to RHD

Means of Transportation: Auto*

* Board Regulation 3541.1 Requirements will be complied with when using private Autos sp
(Teacher initials)

**If using District vans, driver names must be listed: _____

Cost of Activity \$ 265.00 + Cost of Transportation \$ 0 = Total \$ 265.00

Fund/s to be charged for all activity expenses () Students () Club (x) PG Pride () Other _____

Account Code: 01-9002-0-1110-1000-4300-00-002-5995-0720

Requested by: Stefanie Pechan / Stefanie Pechan Date 09/24/2019
Employee Signature (accompanying student activity) Printed Name

Administration Approval/Principal Sean B. Keller Date 09/26/2019

Transportation Department/District Office Use

() School Bus () Charter () Available () Not available Date Received _____
Cost Estimate \$ _____

Approved by Transportation Supervisor: _____ Date _____

Approved by Assistant Superintendent: song chinbendib Date 09/26/2019

Date of Board Approval 10/24/2019

PACIFIC GROVE UNIFIED SCHOOL DISTRICT REQUEST FOR OFF CAMPUS ACTIVITY

Board Approval is required for all out-of-county, out-of-state, or overnight activities. The request must be approved by the Board prior to the event, therefore the request must be submitted AT LEAST TWO (2) WEEKS PRIOR TO THE BOARD MEETING PRIOR TO THE EVENT. For ALL other activities, submit request two weeks in advance of activity. ^{I understand.}

Date of Activity 03/04/2020 Day of Activity Wednesday

Location of Activity MPC and Santa Cruz Beach Boardwalk City Monterey, Santa Cruz County Monterey and Santa Cruz

School PG Middle School Class or Club Symphonic Band and Chamber Orchestra Grade Level/s 6-8

School Departure Time 7AM AM

Pickup Time from Place of Activity 5:30PM PM

Name of Employee Accompanying Students Barbara Priest

Number of Adults 6 Number of Students 67

Description of Activity/Educational Objective

CMEA Adjudicated Concert Festival; Aesthetic Valuing, Evaluate, Refine and Present, Curriculum evaluation and benchmark, professional development, etc., qualifying Festival for State.

List All Stops MPC and Santa Cruz Beach Boardwalk

Means of Transportation: School Bus

* Board Regulation 3541.1 Requirements will be complied with when using private Autos BP
(Teacher initials)

**If using District vans, driver names must be listed: _____

Cost of Activity \$ _____ + Cost of Transportation \$ 1300 = Total \$ 1,300.00

Fund/s to be charged for all activity expenses () Students () Club () PG Pride () Other _____

Account Code: 01-9005-0-1110-1000-5200-00-005-1432-0720

Requested by: Barbara A Priest / Barbara Priest Date 10/03/2019
Employee Signature (accompanying student activity) Printed Name

Administration Approval/Principal Sean Roach Date 10/03/2019

Transportation Department/District Office Use

() School Bus (x) Charter () Available () Not available Date Received 10/04/2019
Cost Estimate \$ 1300.00...Salinas City

Approved by Transportation Supervisor: Istacks Date 10/04/2019

Approved by Assistant Superintendent: song chinbendib Date 10/07/2019

Date of Board Approval 10/24/2019

- ☒ Consent
☐ Information/Discussion
☐ Action/Discussion
☐ Public Hearing

SUBJECT: Acceptance of Donations

DATE: October 24, 2019

PERSON(S) RESPONSIBLE: Song Chin-Bendib, Assistant Superintendent for Business Services

RECOMMENDATION:

The Administration recommends that the Board approve acceptance of donations referenced below.

INFORMATION:

During the past month the following donations were received:

Forest Grove Elementary School

McNary Family	\$ 100 (B. Cina classroom)
McNary Family	\$ 100 (L. Moore classroom)
Swanson Family	\$ 100 (A. McMillan classroom)
Swanson Family	\$ 100 (N. Welch classroom)

Robert H. Down Elementary School

Doug & Rosie Chesshire	\$1,000 (P. Bloomer class field trips)
Nicholas & Allison Smith	\$ 50 (school play production)
Kevin Grobman & Lisa Szechter	\$ 40 (school play production)
Tiffany Mason	\$ 40 (school play production)

Pacific Grove Middle School

Forest Grove PTA	\$3,100 (science camp)
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Pacific Grove High School

Keybank Foundation	\$ 50 (undesignated)
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Pacific Grove Community High School

Barbara Thomas	\$2,000 (undesignated)
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Pacific Grove Adult School /Lighthouse Preschool & Preschool Plus Co-op

None

Pacific Grove Unified School District

None

Ref: Donations

- ☒ Consent
- ☐ Action/Discussion
- ☐ Information/Discussion
- ☐ Public Hearing

SUBJECT: Contract for Services with Gail Root at Forest Gove Elementary School

DATE: October 24, 2019

PERSON(S) RESPONSIBLE: Buck Roggeman, Forest Grove Elementary School Principal

RECOMMENDATION:

The District Administration recommends the Board review and approve the contract for services with Gail Root at Forest Grove Elementary School for parent education classes for elementary school parents.

BACKGROUND:

During parent gatherings earlier in the school year, Principal Roggeman asked those in attendance for input regarding topics that they would like covered if parent education classes were held throughout the year at Forest Grove. Parents identified several topics three of which were conflict resolution with siblings, anger management/tantrums, and preparing for children's puberty. Our school will be partnering with the Pacific Grove Adult Education program to fund and offer these three classes at a cost of \$200 per class under the adult education program area - student success. Independent consultant and longtime parent educator Gail Root will deliver the instruction for these three classes. The series of classes will begin on Nov. 15 with the other two dates to be determined.

INFORMATION:

Parent educator Gail Root will teach three parent education classes beginning on Nov. 15, 2019, and continuing throughout the year at dates to be determined at Forest Grove Elementary school. These classes were requested by our parent community and will be funded using fund 11.

FISCAL IMPACT:

This contract will be for 3 classes at a cost of \$200 per class in 2019-20 using previously budgeted funds from Fund 11.

PACIFIC GROVE UNIFIED SCHOOL DISTRICT**435 Hillcrest Avenue****Pacific Grove, CA 93950****CONTRACT FOR SERVICES**

This contract is an agreement between the Pacific Grove Unified School District and Gail Root for services rendered as specified below.

1. Scope of Service:

To ~~provide~~ Three parent education classes to be delivered at Forest Grove Elementary School. The topics will be anger management/tantrums, conflict resolution with sibling relationships, and preparing for children's puberty.

2. Evaluation and/or expected outcome(s)(continue on attached page if needed):

Forest Grove will track student data including attendance and academic performance, and seek feedback from parents attending classes to assess the success of the program.

3. Length of the Contract:

Service is to be provided on the following date(s):

Beginning on Nov. 15, 2019 and two more dates to be determined in the 19-20 school year.

4. Financial Consideration:

Consultant to be paid at the rate of:

\$200 per class (\$ per hr/day/other)

for three classes (hours/days/other)

School Funding Source: Fund 11

Account Code:

Consultant (Please print) Gail Root

Address 306 Oak Circle, Marina, CA 93933 Phone 831-601-3401

Signed _____ Date _____ Email: mamaroot@gmail.com

☐ District Employee

☐ Independent Consultant

Signed Buck Roggeman Date 10/9/19

Site/Program Administrator (Check appropriate box below)

☐ Contracted work was assigned using District's normal employment recruitment process.

☐ Contracted work was not assigned using District's normal employment recruitment process.

Attached Criteria Page (REQUIRED) identifies reason.

Signed _____ Date _____

Director of Human Resources

Signed _____ Date _____

Assistant Superintendent

ALL SIGNATURES MUST BE OBTAINED BEFORE SERVICES ARE PROVIDED.

***Independent Consultant** must sign and submit a W-9 to District prior to providing service.

Contract for Services Criteria

District/Site Administrator – Please circle criteria that apply and sign below.

- (1) There is a specifically documented cost savings relative to using district employment. (The documentation requirements are specified and must be attached).
- (2) The contract is for new school district functions and the Legislature has specifically mandated or authorized the performance of the work by independent contractors.
- ☒ (3) The services contracted are not available within the district, cannot be performed satisfactorily by school district employees, or are of such a highly specialized or technical nature that the necessary expert knowledge, experience, and ability are not available through the school district.
- (4) The services are incidental to a contract for the purchase or lease of real or personal property. Contracts under this criterion, known as "service agreements," shall include, but not be limited to, agreements to service or maintain office equipment or computers that are leased or rented.
- (5) The policy, administrative, or legal goals and purposes of the district cannot be accomplished through the utilization of persons selected pursuant to the regular or ordinary school district hiring process. Contracts are permissible under this criterion to protect against a conflict of interest or to ensure independent and unbiased findings in cases where there is a clear need for a different, outside perspective. These contracts shall include, but not be limited to, obtaining expert witnesses in litigation.
- (6) The nature of the work is such that the criteria for emergency appointments apply. "Emergency appointment" means an appointment made for a period not to exceed 60 working days either during an actual emergency to prevent the stoppage of public business or because of the limited duration of the work. The method of selection and the qualification standards for an emergency employee shall be determined by the district. The frequency of appointment, length of employment, and the circumstances appropriate for the appointment of firms or individuals under emergency appointments shall be restricted so as to prevent the use of emergency appointments to circumvent the regular or ordinary hiring process.
- (7) The contractor will provide equipment, materials, facilities, or support services that could not feasibly be provided by the school district in the location where the services are to be performed.
- (8) The services are of such an urgent, temporary, or occasional nature that the delay incumbent in their implementation under the district's regular or ordinary hiring process would frustrate their very purpose.

Buck Roggeman
District/Site Administrator

10/9/19
Date

- ☒ Consent
- ☐ Action/Discussion
- ☐ Information/Discussion
- ☐ Public Hearing

SUBJECT: Contract for Services with Mobile Ed Productions at Forest Grove Elementary School

DATE: October 24, 2109

PERSON(S) RESPONSIBLE: Buck Roggeman, Forest Grove Elementary School Principal

RECOMMENDATION:

The District Administration recommends the Board review and approve the contract for services with Mobile Ed Productions at Forest Grove Elementary School for two social emotional learning assemblies focused on character.

BACKGROUND:

Each year, the Parent Teacher Association provides funding for assemblies that support programs at Forest Grove. This year, the PTA worked with our counseling staff to connect with Mobile Ed Productions to bring a “Character Counts” experience to our students where an actor will use comedy and magic embedded in a mystery involving character traits. This program will support our character education and social emotional learning efforts at Forest Grove. It will also serve as culmination to our Kindness Week activities.

INFORMATION:

Mobile Ed Production will provide two assemblies at Forest Grove Elementary on Friday, January 24, 2109. The assemblies will be for grades 3-5 from 9-9:45 a.m. and for TK-2 from 10-10:45.

FISCAL IMPACT:

This contract is for a single day of assemblies for the 2019-20 school year only. The cost is \$995.00 to be paid by our PTA. There will be no impact on the general fund because our PTA gift will cover the entire cost.

PACIFIC GROVE UNIFIED SCHOOL DISTRICT

**435 Hillcrest Avenue
Pacific Grove, CA 93950**

CONTRACT FOR SERVICES

This contract is an agreement between the Pacific Grove Unified School District and Mobile Ed Productions for services rendered as specified below.

1. Scope of Service:

To provide: Two character counts assemblies.

2. Evaluation and/or expected outcome(s)(continue on attached page if needed):

Expected outcome is that the assemblies will provide valuable lesson about positive character traits in a format that is entertaining for elementary school students.

3. Length of the Contract:

Service is to be provided on the following date(s):

Friday, January 24, 2020

4. Financial Consideration:

Consultant to be paid at the rate of:

\$995/day_ (\$ per hr/day/other)

for performing two assemblies_(hours/days/other)

School Funding Source: PTA Donation

Account Code: NA (to be paid directly by PTA)

Consultant (Please print) Mobile Ed Productions

Address 26018 West Seven Mile Road, Redford, MI 48240 Phone 800-433-7459

Signed _____ Date _____ Email _____

☐ District Employee

☐ Independent Consultant

Signed Buck Roygeman Date 10/9/19

Site/Program Administrator (Check appropriate box below)

☐ Contracted work was assigned using District's normal employment recruitment process.

☐ Contracted work was not assigned using District's normal employment recruitment process.
Attached Criteria Page (REQUIRED) identifies reason.

Signed _____ Date _____
Director of Human Resources

Signed _____ Date _____
Assistant Superintendent

ALL SIGNATURES MUST BE OBTAINED BEFORE SERVICES ARE PROVIDED.

***Independent Consultant must sign and submit a W-9 to District prior to providing service.**

Contract for Services Criteria

District/Site Administrator – Please circle criteria that apply and sign below.

- (1) There is a specifically documented cost savings relative to using district employment. (The documentation requirements are specified and must be attached).
- (2) The contract is for new school district functions and the Legislature has specifically mandated or authorized the performance of the work by independent contractors.
- ☒ (3) The services contracted are not available within the district, cannot be performed satisfactorily by school district employees, or are of such a highly specialized or technical nature that the necessary expert knowledge, experience, and ability are not available through the school district.
- (4) The services are incidental to a contract for the purchase or lease of real or personal property. Contracts under this criterion, known as "service agreements," shall include, but not be limited to, agreements to service or maintain office equipment or computers that are leased or rented.
- (5) The policy, administrative, or legal goals and purposes of the district cannot be accomplished through the utilization of persons selected pursuant to the regular or ordinary school district hiring process. Contracts are permissible under this criterion to protect against a conflict of interest or to ensure independent and unbiased findings in cases where there is a clear need for a different, outside perspective. These contracts shall include, but not be limited to, obtaining expert witnesses in litigation.
- (6) The nature of the work is such that the criteria for emergency appointments apply. "Emergency appointment" means an appointment made for a period not to exceed 60 working days either during an actual emergency to prevent the stoppage of public business or because of the limited duration of the work. The method of selection and the qualification standards for an emergency employee shall be determined by the district. The frequency of appointment, length of employment, and the circumstances appropriate for the appointment of firms or individuals under emergency appointments shall be restricted so as to prevent the use of emergency appointments to circumvent the regular or ordinary hiring process.
- (7) The contractor will provide equipment, materials, facilities, or support services that could not feasibly be provided by the school district in the location where the services are to be performed.
- (8) The services are of such an urgent, temporary, or occasional nature that the delay incumbent in their implementation under the district's regular or ordinary hiring process would frustrate their very purpose.

Buck Roggeman
District/Site Administrator

10/9/19
Date

Ref: Contract for Services Criteria

Revised 7/19

- ☒ Consent
☐ Action/Discussion
☐ Information/Discussion
☐ Public Hearing

SUBJECT: Contract for Services with Richard Petty Electric for Installation of Proposition 39 Lighting District-Wide

DATE: October 24, 2019

PERSON(S) RESPONSIBLE: Matt Kelly, Director, Facilities and Transportation

RECOMMENDATION:

The District Administration recommends the Board review and approve the contract for services with Richard Petty Electric for Lighting Installation at all District facilities.

BACKGROUND:

Proposition 39 was a ballot initiative in the state of California that modified the way out-of-state corporations calculate their income tax burdens. The proposition was approved by voters in the November 6, 2012 general election, with 61.1% voting in favor of it.

Proposition 39 closed a tax loophole that rewarded out-of-state companies for taking jobs out of California and, for tax purposes, now taxes out-of-state companies the way California-based companies are taxed. The savings generated by closing the loophole was directed to fund public schools and create jobs in the state, especially construction jobs in the clean energy sector.

The Five Year Prop 39 allocation amount to PGUSD was approximately \$496,669. The District is also eligible for rebates from PG&E and Association of Monterey Bay Area Governments (AMBAG) Energy Watch Program totaling an estimated \$63,807.05.

INFORMATION:

The District contracted with Edges Electrical Supply to purchase all the lighting materials for the project. The District had to report all encumbered costs by June 30, 2019 for the last year of the program that are no longer available. Richard Petty Electric will complete the project using the budgeted rebate dollars the district has received through the program.

FISCAL IMPACT:

Contract is for \$20,000 to be completed by December 31, 2019
Funding will be from Prop 39 rebates

PACIFIC GROVE UNIFIED SCHOOL DISTRICT**AGREEMENT FOR CONTRACTOR SERVICES**

(To be used for provision of services involving potential for liability exposure for District)

THIS AGREEMENT is hereby entered into by the **Pacific Grove Unified School District**, hereinafter referred to as DISTRICT, and:

Richard Petty Electric**License #600818**

CONTRACTOR

SOCIAL SECURITY NUMBER OR BUSINESS ID #

PO Box 673**Pebble Beach****CA****93953**

MAILING ADDRESS

CITY

STATE

ZIP

hereinafter referred to as CONTRACTOR.

CONTRACTOR agrees to provide to DISTRICT the services enumerated in Section G of this Agreement under the following terms and conditions:

- A. Services shall begin on October 28, 2019 and shall be completed on or before December 31, 2019.
- B. CONTRACTOR understands and agrees that CONTRACTOR and CONTRACTOR'S employees are not employees of the DISTRICT and are not entitled to benefits of any kind or nature normally provided employees of the DISTRICT and/or to which DISTRICT employees are normally entitled, including, but not limited to, State Unemployment Compensation or Workers' Compensation. CONTRACTOR shall assume full responsibility for payment of all Federal, State and local taxes or contribution including Unemployment Insurance, Social Security, and Income Taxes with respect to CONTRACTOR'S employees.
- C. CONTRACTOR shall furnish, at CONTRACTOR'S own expense, all labor, materials equipment and other items necessary to carry out the terms of this Agreement.
- D. In the performance of the work herein contemplated, CONTRACTOR is an independent contractor, with the authority to control and direct the performance of the details of the work, DISTRICT being interested only in the results obtained.
- E. CONTRACTOR agrees to defend, indemnify and hold harmless the DISTRICT, its Board of Trustees, employees and agents from any and all liability or loss arising in any way out of CONTRACTOR'S negligence in the performance of this Agreement, including but not limited to any claim due to injury and/or damage sustained by CONTRACTOR, and/or the CONTRACTOR'S employees or agents.

AGREEMENT FOR CONTRACTOR SERVICES (continued)

- F. CONTRACTOR shall maintain Insurance with a minimum \$1,000,000 combined single limits of general liability and automobile coverage.
- G. Services to rendered to the DISTRICT by the CONTRACTOR are as follows:

Provide labor to install the remainder of Prop 39 lighting.

Neither party shall assign or delegate any part of this Agreement without the written consent of the other party.

- I. The work completed herein must meet the approval of the DISTRICT and shall be subject to the DISTRICT'S general right of inspection and supervision to secure the satisfactory completion thereof. CONTRACTOR agrees to comply with all Federal, State, Municipal and District laws, rules and regulations that our now, or may in the future become applicable to CONTRACTOR, CONTRACTOR'S business, equipment, and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations.
- J. CONTRACTOR shall be paid:

\$80.00/Man hour not to exceed \$20,000.00.

Source of Funds: Fund 01

- K. Payments will be made by the District to the Contractor as follows:

Lump sum upon completion of services rendered.

- L. This agreement may be terminated by either party notifying the other, in writing, at least 30 days prior to the date of termination.
- M. CONTRACTOR shall sign and submit a W-9 to DISTRICT prior to providing service.

AGREEMENT FOR CONTRACTOR SERVICES (continued)

This Agreement is entered into this _____ day of _____, 20 _____.

For the Site/Program:

For the Contractor:

Site/Program Administrator Date

Name

For the District:

Title

Director of Human Resources Date

Date

Assistant Superintendent Date
(Board Approved October 24, 2019)

NOTE: PARAGRAPH “F” ABOVE IS HEREBY WAIVED IF SIGNED BELOW.

Assistant Superintendent

Date

- All signatures must be obtained before services are provided. -



**PO Box 673
Pebble Beach, CA 93953**

(831) 647-9657 Office

Lic# 600818

pettyelect@gmail.com

October 9, 2019

**Matt Kelly
Dir of Facilities
PGUSD
Pacific Grove Ca 93950**

Matt

Please review this proposal for labor to assist you and your staff on the Prop 39 work load.

The labor proposed is per employee, per hour.

We will need certain assistance on equipment/access and location of certain items to perform.

Labor rate proposed is \$80 per hour.

We plan to work around the hours of school, into the evening and breaks as per school schedule.

Thank you

Please feel free to contact me at any time.

Richard Petty
831 901-0301 (Cell)

- ☒ Consent
- ☐ Action/Discussion
- ☐ Information/Discussion
- ☐ Public Hearing

SUBJECT: Contract for Services with Kleinfelder at Robert Down Elementary School

DATE: October 24, 2019

PERSON(S) RESPONSIBLE: Matt Kelly, Director, Facilities and Transportation

RECOMMENDATION:

The District Administration recommends the Board review and approve the contract for services with Kleinfelder at Robert Down Elementary School for geotechnical testing.

BACKGROUND:

Administration is bringing in a geotechnical engineer to investigate the soft soil affecting portions of the foundation at Robert Down Elementary. The contract is for geotechnical testing and report of the findings.

INFORMATION:

Kleinfelder has been requested to conduct a limited geotechnical investigation to evaluate the soil beneath the basement at Robert Down Elementary School in Pacific Grove, CA. During our site visit we identified various soft spots in the subgrade. The locations were observed to be impacting several of the foundation areas. Kleinfelder will conduct a survey of the basement and building exterior using a third-party Geophysical consultant (Advanced Geological Services). The consultant will employ Ground Penetrating Radar (GPR) and Subsurface Interface Radar (SIR) techniques to identify the soil conditions below the basement surface.

FISCAL IMPACT:

Contract amount for \$8,350.00, Fund 40 Capital Outlays Projects Fund (2019-20 school year)



October 9, 2019
Proposal No.: LOCALMKT.WEOH

Pacific Grove Unified School District
435 Hillcrest Ave
Pacific Grove, CA 93950

Attention: Matt Kelly, Director of Facilities & Transportation

**SUBJECT: Proposal for Limited Geotechnical Investigation
Robert Down Elementary School Basement
485 Pine Ave, Pacific Grove, CA 93950**

Mr. Kelly:

Pursuant to your recent request, Kleinfelder is pleased to submit the enclosed budgetary estimate to PGUSD to perform a limited geotechnical investigation for the subject project.

Our proposal is based on:

- Kleinfelder's site visit to the Robert Down Elementary school campus on October 4, 2019;
- Conversations with you; and
- Our experience on similar projects and local geology.

PROJECT DESCRIPTION

Per conversation with you and our recent site visit on October 4, 2019, Kleinfelder has been requested to conduct a limited geotechnical investigation to evaluate the soil beneath the basement at Robert Down Elementary School in Pacific Grove, CA. During our site visit we identified various soft spots in the subgrade. The locations were observed to be impacting several of the foundation areas. Kleinfelder will conduct a survey of the basement and building exterior using a third-party Geophysical consultant (Advanced Geological Services). The consultant will employ Ground Penetrating Radar (GPR) and Subsurface Interface Radar (SIR) techniques to identify the soil conditions below the basement surface.

Kleinfelder summarize findings from the survey and provide geotechnical recommendations or further exploration recommendations in a letter report for the district. If there are significant changes to the project description provided herein, it may be necessary to revise our scope and estimated fee in order to complete the project.

FEE ESTIMATE

Fees for our geotechnical services will be charged on a **lump sum, fixed fee basis** in the amount of **\$8,350**, billed on a percent complete basis. For the scope of services outlined in this proposal, our fee will be as follows:

Task	Description	Fee
1	Geotechnical Investigation	
	KLF Staff Site visit, field coordination	\$1,500
	GPR/SIR Subcontractor (Advanced GEO Services)	\$3,850
2	Data Analysis and Report Preparation	\$3,000
ESTIMATED PROJECT TOTAL		\$8,350

This fee estimate selected will not be exceeded without your prior authorization for the scope of services outlined above. If weather, access, and/or site conditions restrict our field operations, we may need to revise our quotation. Our fee does not include any site access charges and assumes that the site work is not restricted by current usage. Also, our fee applies to work commenced within 90 days of this proposal. After that time, we should review our proposal. All outside services will be marked up 10 percent and mileage will be charged at current IRS rate.

If a portion of this proposal does not meet your needs, or if those needs have changed, Kleinfelder is prepared to consider appropriate modifications, subject to the standards of care to which we adhere as professionals. Modifications such as changes in scope, methodology, scheduling, and contract terms and conditions may result in changes to the risks assumed by the Client as well as adjustments to our fees.

The fees presented in this proposal are based on prompt payment for services presented in our standard invoicing format. Late fees will be charged if payment is not received in accordance with terms contained in our contract.

PREVAILING WAGE PROJECT

The California Prevailing Wage Law requires payment of a local “prevailing wage” to workers on publicly funded projects. This includes projects “paid for in whole or in part out of public funds” and has been expanded to include various types of payments, credits and monetary equivalents provided by the State or public entity. The Prevailing Wage Law extends to geotechnical engineering consultants, their soils/material testing and building inspection personnel. Services subject to prevailing wage are typically non-professional field services and are applicable during design as well as construction. This law significantly increases employee wages for qualified activities on publicly funded projects. **It is our understanding that this project falls under the definition of a prevailing wage project.** We need to be notified if certified payroll is required. Certified payroll will incur administrative processing fees in addition to those listed in this proposal.

LIMITATIONS

Our work will be performed in a manner consistent with that level of care and skill ordinarily exercised by other members of Kleinfelder's profession practicing in the Bay Area, under similar conditions and at the date the services are provided. Our conclusions, opinions, and recommendations will be based on a limited number of observations and data. It is possible that conditions could vary between or beyond the data evaluated. Kleinfelder makes no guarantee or warranty, express or implied, regarding the services, communication (oral or written), report, opinion, or instrument of service provided.

This proposal specifically excludes the assessment of environmental characteristics, particularly those involving hazardous substances at the site. As a leader in providing environment services throughout the western United States, we would be pleased to discuss environmental services on this project with you. If so desired, a separate proposal for environmental services can be prepared for your specific needs on this project.

AUTHORIZATION

Enclosed with this proposal are our Master Service Agreement (MSA) and Work Order under which our services will be provided. Kleinfelder has an existing MSA with PGUSD which has lapsed. Please sign where indicated on the MSA and Work Order, make a copy for your files, and return the entire proposal. Acceptance of this proposal will indicate that an authorized representative has reviewed the scope of work and determined that they do not need or want more services than are being proposed at this time. Any exceptions should be noted and may result in adjustment to our fees.

CLOSURE

We appreciate the opportunity to submit this proposal and trust that this proposal meets your needs. If you have any questions or require additional information, please contact the undersigned at (408) 595-3275. Thank you.

Respectfully submitted,

KLEINFELDER, INC.



Dan Dockendorf, EIT
Staff Professional



Andrea Traum, PE
Senior Program Manager

Attachments: Master Services Agreement
Work Order

CLIENT MASTER SERVICES AGREEMENT

SJO19C102362

This Agreement is made on: October 9, 2019

Between Pacific Grove Unified School District with offices at 435 Hillcrest Ave, Pacific Grove, CA 93950 (**Client**)

And Kleinfelder, Inc. with offices at 380 North First Street, Suite A, San Jose, CA 95112 (**Kleinfelder**).

Recitals

- A. Client wishes to appoint Kleinfelder to provide certain services (the **Services**, as defined below) required by Client for one or more projects on a Work Order basis and on the terms and conditions contained in this Agreement.
- B. Kleinfelder has agreed to perform the Services on the terms and conditions contained in this Agreement.

Now it is agreed as follows:

1. CONTENTS OF AGREEMENT

- 1.1 The parties agree that the documents listed in 1.1(a) through (d) constitute the “**Contract Documents**” of this Agreement. To establish obligations and resolve ambiguities in the Contract Documents, the following order of precedence will prevail:
 - (a) first, amendments and Change Orders issued in accordance with this Agreement;
 - (b) second, Work Orders (Appendix A, as defined below);
 - (c) third, Kleinfelder’s Proposals as may be subsequently issued and referenced, attached or incorporated into Work Orders; and
 - (d) fourth, this Agreement.
- 1.2 Any pre-printed terms and conditions on forms used by either party in the administration of this Agreement are void and do not supplement or replace the terms and conditions of the Contract Documents of this Agreement.

2. APPOINTMENT AND SCOPE OF SERVICES

- 2.1 This Agreement anticipates the execution of various written work orders (in the form of Appendix A) which the parties agree will specify the scope of Services to be performed (**Services**) and Client’s project for which the Services will be performed (**Project**), the location of Client’s Project for providing the Services (**Site**), the time period for performance, the agreed fees and additional provisions, if any, applicable to such Services (**Work Orders**).
- 2.2 By executing this Agreement, Client does not guarantee any future work, nor does Kleinfelder commit to performing any specific future Work Order.

3. STANDARD OF CARE

- 3.1 Kleinfelder will perform its Services in a manner consistent with that level of care and skill ordinarily exercised by other members of Kleinfelder's profession practicing in the same locality, under similar conditions and at the date the Services are provided.
- 3.2 Kleinfelder makes no representation, guarantee or warranty, express or implied, regarding the Services, or any communication (oral or written), certification, report, opinion, or Instrument of Service provided pursuant to this Agreement.
- 3.3 Kleinfelder will not be responsible for constant or exhaustive inspection of the work, for the means, methods, techniques sequences or procedures of construction, or for the safety procedures employed by any party other than its own employees, subconsultants and subcontractors.
- 3.4 No level of assessment can conclusively determine whether a property or its structures are completely free of geotechnical hazards or hazardous substances (including but not limited to mold). Client represents that it has carefully reviewed the limitations described in the Proposal.
- 3.5 Even with diligent observation, some defects, deficiencies, or omissions may occur. Before exercising any other remedy for any alleged breach by Kleinfelder of this Agreement, Client will direct Kleinfelder in writing to re-perform any defective Services within twelve (12) months after completion of the Services.
- 3.6 Kleinfelder will only sign certifications relating to the Services if Kleinfelder agreed in writing prior to the commencement of the Services to provide such certifications. Such certifications are statements of professional opinion only.

4. KLEINFELDER'S RESPONSIBILITIES

- 4.1 Kleinfelder will perform the Services as an independent contractor and not as an agent or employee of Client. Nothing in this Agreement creates any special relationship or fiduciary duty.
- 4.2 Kleinfelder will, as reasonably directed by Client or its authorized agent:
 - (a) provide qualified staff to perform the Services;
 - (b) maintain records of Project activities and costs for no more than three years from its completion of the Services;
 - (c) coordinate to the extent reasonably possible with Client's employees, contractors, consultants so as not to impede the progress of the Project; and
 - (d) require its personnel to maintain a safe, clean and orderly work environment.

5. TERM AND TERMINATION

- 5.1 This Agreement will commence on the date of its execution, except as to any Services authorized by Client and performed by Kleinfelder beforehand, and will continue in effect for two years or until terminated by either party or extended for an additional two years by mutual written agreement of the parties.
- 5.2 Either party may terminate this Agreement or any Work Order at any time by providing not less than ten (10) days' written notice to the other party.
- 5.3 Notwithstanding the termination or expiry of this Agreement, the terms of this Agreement will survive and continue to apply to all Work Orders signed by both parties prior to the Agreement's effective termination or expiry date, and until all of the rights and obligations of both parties have been fulfilled.

- 5.4 Within fifteen (15) days from termination Client will pay Kleinfelder on demand for all Services rendered and costs incurred through to the date of any termination and for all reasonable costs and expenses incurred by Kleinfelder in effecting the termination, including, without limitation, non-cancellable commitments, fixed cost components and other demobilization costs.

6. COMPENSATION

- 6.1 In consideration for undertaking the Services, the Client shall pay to Kleinfelder the sum specified in each Work Order in payments in accordance with the terms of each Work Order and the payment provisions of this Agreement.
- 6.2 Client agrees to provide any special invoicing requirements to Kleinfelder in advance of signing this Agreement, to which additional charges may apply.
- 6.3 Kleinfelder reserves the right to periodically adjust its fee schedule.
- 6.4 Kleinfelder will generally submit its invoices to Client on a monthly basis. Client must pay all invoices within thirty (30) days from the date of invoice, with interest at the rate of one and one-half percent (1 1/2 %) per month payable on all outstanding payments. Interest on all outstanding payments will be charged from the initial date of invoice.
- 6.5 Kleinfelder may suspend performance of Services under this Agreement until it has been paid in full for all outstanding payments, including interest charges.
- 6.6 Kleinfelder will be entitled to recover from Client on demand all expenses incurred (including all legal costs and expenses) in recovering any outstanding payments from Client.
- 6.7 All travel will be invoiced at cost and reimbursed by Client. All travel required under this Agreement is subject to the terms, conditions and applicable rates set forth in the U.S. Federal Travel Regulations.

7. INSURANCE

- 7.1 Kleinfelder will maintain during the term of this Agreement worker's compensation, commercial general liability, automobile liability Insurance and professional indemnity insurance coverage.
- 7.2 Client will maintain during the term of this Agreement adequate insurance coverage and will require and verify any contractors or parties it hires to have adequate insurance coverage. Client agrees that failure to comply with this clause will invalidate any indemnify provided by Kleinfelder under clause 12.1.

8. CHANGES TO SCOPE OF SERVICES

- 8.1 Client or Kleinfelder may request to modify the scope of Services as set out in any Work Order, whereon both parties agree to negotiate in good faith and execute a written Change Order. A **Change Order** is an amendment to this Agreement or to a Work Order that modifies the Services and specifies the following:
- (a) a change in the terms and conditions or Services;
 - (b) an adjustment in the schedule for performance; and
 - (c) the amount of adjustment in Kleinfelder's compensation.
- 8.2 Kleinfelder will treat as a Change Order any written or oral Client order (including directions, instructions, interpretations, or determinations) which request changes in the Services. Kleinfelder will give Client written notice within a reasonable time of any resulting adjustment in the schedule and compensation. Unless Client

objects in writing within 5 business days, the proposed terms of the Change Order with the adjustment in the schedule and price shall become a part of this Agreement.

- 8.3 If Client and Kleinfelder cannot agree upon an equitable adjustment in the schedule and compensation, and Kleinfelder does not sign the Change Order, the disagreement shall be treated as a Dispute under clause 18.

9. FORCE MAJEURE

- 9.1 Kleinfelder will not be liable for delay or failure to perform its Services caused directly or indirectly by circumstances beyond its control, including but not limited to, acts of God, fire, flood, war, sabotage, accident, labor dispute, shortage, government action or inaction, changed conditions, delays resulting from actions or inactions of Client or third parties, Site inaccessibility or inability of others to obtain material, labor, equipment, or transportation.
- 9.2 Should any of the preceding circumstances occur, then the date for completion or any other milestone date shall be adjusted for the delay in accordance with clause 8, provided Kleinfelder reports the delay to Client within a reasonable time of discovery.

10. INSTRUMENTS OF SERVICE

- 10.1 All data, reports, drawings, plans, or other documents (or copies) provided to Kleinfelder by Client for the purposes of this Agreement will, at Client's written request, be returned upon completion of the Services and payment in full for all Services rendered. Client agrees that Kleinfelder may retain one copy of all such documents.
- 10.2 Client agrees:
- (a) all reports, drawings, plans, documents, software, source code, object code, boring logs, field data, field notes, calculations, estimates, laboratory test data and other similar data, documents and work products (or copies thereof) in any form prepared by Kleinfelder pursuant to this Agreement are instruments of service (**Instruments of Service**), not products;
 - (b) Kleinfelder will retain exclusive ownership, copyright and title to all Instruments of Service, and Client has no rights to incomplete or partial data;
 - (c) all opinions, certifications, communications (oral or written) or Instruments of Service furnished to Client are intended for the benefit of Client for the specific purposes stated herein and therein, are not intended to inform, guide, or otherwise influence any entities or persons other than Client in relation to the Project, and are not intended or represented to be suited for reuse by Client or others, and;
 - (d) reuse without the specific prior written consent of Kleinfelder will be at the user's sole risk and without Kleinfelder liability, and Client agrees (i) to remove Kleinfelder's and Kleinfelder's consultants' names and seals therefrom, and (ii) to defend, indemnify and hold harmless Kleinfelder and Kleinfelder's contractors, consultants, affiliates, directors and employees from and against all losses, damages and liabilities (including all legal expenses) in connection with the unauthorized use.
- 10.3 Any requests by third parties for reliance upon any communication (oral or written), certification, report, opinion, or Instrument of Service provided by Kleinfelder pursuant to this Agreement will be subject to approval at Kleinfelder's sole discretion and to additional fees, terms and conditions.

11. CLIENT'S RESPONSIBILITIES

- 11.1 Client agrees to provide and discuss with Kleinfelder on an ongoing basis throughout all available material, data, and information pertaining to the Services, including, without limitation, (i) the composition, quantity, toxicity, or potentially hazardous properties of any material known or believed to be present at any Site, (ii) any hazards that may be present, (iii) the nature and location of underground or otherwise not readily apparent utilities, (iv)

summaries and assessments of the Site's past and present compliance status, (v) the status of any filed or pending judicial or administrative action concerning the Site or Project, and (vi) Client records (in electronic format where possible) for such data as benchmarks, plans, maps, and property ownership.

- 11.2 Client will ensure the cooperation of Client's employees, contractors and consultants with Kleinfelder.
- 11.3 Client acknowledges and agrees that Kleinfelder is entitled to rely upon the accuracy and completeness of any information given by Client, its employees, contractors and consultants.
- 11.4 Client will provide reasonable assistance to obtain data and records concerning the Site or Project in the possession, custody or control of third parties.

12. ALLOCATION OF RISK AND INDEMNITIES

- 12.1 Subject to the limitation of liability provisions of this Agreement, Kleinfelder indemnifies Client against all liabilities, losses or damages caused by the negligence or other fault of Kleinfelder and its employees, agents, representatives, subcontractors, and any other party for whom Kleinfelder is legally responsible (**Kleinfelder Parties**), but only to the extent such liabilities, losses or damages are caused by the negligence or other fault of the Kleinfelder Parties when compared to the negligence or other fault of all other persons and entities. If California law applies to this Agreement, the parties also expressly agree that this indemnity provision does not include, and in no event shall Kleinfelder be required to assume, any obligation or duty to defend any claims, cause of action, demands, or lawsuits in connection with or arising out of this Project or the Services rendered by Kleinfelder. This clause 12.1 is not intended to and will not in any way be limited by any insurance coverage available to Client under any Kleinfelder insurance policy.
- 12.2 Client indemnifies Kleinfelder against all liabilities, losses or damages caused by the negligence or other fault of Client and its employees, agents, representatives, subcontractors, and all other parties for whom Client is legally responsible (**Client Parties**), but only to the extent such liabilities, losses or damages are caused by the negligence or other fault of Client Parties when compared to the negligence or other fault of all other applicable persons and entities. If California law applies to this Agreement, the parties also expressly agree that this indemnity provision does not include, and in no event shall Client be required to assume, any obligation or duty to defend any claims, cause of action, demands, or lawsuits in connection with or arising out of this Project or services rendered by Client. This clause 12.2 is not intended to and will not in any way be limited by any insurance coverage available to Kleinfelder under any Client, Owner or Project insurance policy.
- 12.3 Subject to any applicable statutory limitations, the indemnity obligations in this clause 12 shall survive the expiration or termination of this Agreement.

13. LIMITATION OF LIABILITY

- 13.1 The maximum aggregate liability of Kleinfelder arising out of or related to this Agreement and all Work Orders and amendments thereto, whether based in contract or tort or otherwise in law or equity, will be limited to the greater of the compensation actually paid to Kleinfelder for the Services under all Work Orders or \$50,000, and Client hereby releases Kleinfelder from any liability above such amount. This limitation of liability includes any losses payable to Client under clause 12.1 and will apply to any and all claims.
- 13.2 This limitation of liability has been agreed after Client and Kleinfelder discussed the risks and rewards associated with the Project and the Services as well as the provision of the Services within both the obligations of this Agreement and the associated compensation. Upon written request by Client, the parties may negotiate in good faith and agree, by way of a written Change Order in accordance with clause 8 herein, to increase the amount of this liability limitation or eliminate it in exchange for payment of increased compensation to Kleinfelder.

- 13.3 As used in this clause 13, "Kleinfelder" includes Kleinfelder, its affiliates, subconsultants and subcontractors, and their respective partners, officers, directors, shareholders and employees. The limitation of liability established in this clause 13 shall survive the expiration or termination of this Agreement.

14. WAIVER OF CONSEQUENTIAL DAMAGES

- 14.1 Neither party will be liable to the other party for any special, incidental, indirect, exemplary, punitive, penal or consequential damages however arising incurred by either Kleinfelder or Client or for which either may be liable to a third party.

15. NO CONTROL OF MEANS AND METHODS OF OTHERS

- 15.1 Client agrees:
- (a) Kleinfelder will have no control over or charge of or responsibility for the construction means, methods, techniques, sequences, or procedures, or for the safety precautions and programs of Client's employees, or contractors or consultants engaged by Client in connection with the Project;
 - (b) Kleinfelder's performance of the Services does not include any job site safety obligations which may be required by or in connection with the Project or the Services or any applicable code or regulation, other than strictly in respect of its own employees; and
 - (c) Kleinfelder will not have control over or charge of the acts or omissions of any contractor or contractors' agents, employees or subcontractors.

16. SITE ACCESS

- 16.1 Client agrees to:
- (a) provide unimpeded and timely access to the Site, including any third party sites, if required;
 - (b) provide an adequate area for Kleinfelder's Site office facilities, equipment storage, and parking;
 - (c) furnish all construction utilities and utility releases necessary for the performance of the Services; and
 - (d) obtain all permits, licenses or authorizations necessary for the performance of the Services.

17. WARRANTY OF TITLE, WASTE OWNERSHIP

- 17.1 Kleinfelder will not take title to or be liable for any hazardous materials found at any Project Site. Any risk of loss with respect to all materials remains with Client or the Site owner, who will be considered the generator of such materials, execute all manifests as the generator of such materials, and be liable for the arrangement, transportation, treatment, and/or disposal of all material. All samples remain the property of Client. Client agrees to promptly, at its cost, remove and lawfully dispose of samples, cuttings, and hazardous materials.

18. DISPUTE RESOLUTION

- 18.1 If a dispute arises out of or relates this Agreement (**Dispute**), the parties agree to submit the Dispute to mediation pursuant to the Construction Industry Mediation Rules of the American Arbitration Association (**AAA**). The mediator will be an independent person agreed between the parties from a panel suggested by the Institute or, failing agreement, a mediator appointed by AAA. A party shall not call for mediation of any Dispute after such period of time as would bar the initiation of legal proceedings to litigate such Dispute under the laws of the state in which the Project is located.

- 18.2 Client and Kleinfelder agree that in the event of a Dispute, they will not seek recourse against individual officers, employees, directors, or shareholders of the other party.
- 18.3 A party shall not start court proceedings in relation to a Dispute until it has exhausted the procedures in this clause, unless the party seeks injunctive or other interlocutory relief.
- 18.4 If the Dispute cannot be resolved through mediation, either party may file suit in an appropriate court in the state where the Services are performed.
- 18.5 This clause survives termination or expiry of this Agreement.

19. MISCELLANEOUS

- 19.1 This Agreement is governed and construed in accordance with the laws of the state where the Services are performed. The parties hereby submit to the jurisdiction of the courts of the state where the Services are performed and waive any right to object to any proceedings being brought in those courts.
- 19.2 Waiver of any term, condition or breach of this Agreement will not operate as a subsequent waiver of the same term, condition or breach. A waiver is not valid or binding unless made in writing.
- 19.3 If any provision of this Agreement is found by a duly constituted authority to be invalid, void, or unenforceable, all remaining provisions shall continue in force.
- 19.4 This Agreement does not create, nor will it be construed to create, any benefit or right in any third party or any special relationship or fiduciary duty to third parties.
- 19.5 This Agreement constitutes the entire understanding and agreement of the parties with respect to its subject matter. It supersedes all earlier conduct, prior agreements and understandings between the parties in connection with its subject matter.
- 19.6 All notices, requests or instructions hereunder must be in writing and either hand delivered to the recipient, delivered by registered mail or express mail the addresses given in this Agreement.
- 19.7 This Agreement cannot be assigned by either party without the prior written approval of the other party. Kleinfelder may subcontract performance of portions of the Services to a qualified subcontractor.
- 19.8 Any amendment or revision to this Agreement, including for the avoidance of any doubt, to any Work Order, must be in writing and signed by both parties. Any oral modification or revision of this Agreement shall not operate to modify this Agreement.
- 19.9 Client and Kleinfelder shall abide by the requirements of 41 CFR 60-1.4(a), 60-300.5(a) and 60-741.5(a). These regulations prohibit discrimination against qualified individuals based on their status as protected veterans or individuals with disabilities, and prohibit discrimination against all individuals based on their race, color, religion, sex, or national origin. Moreover, these regulations require that covered prime contractors and subcontractors take affirmative action to employ and advance in employment individuals without regard to race, color, religion, sex, national origin, protected veteran status or disability.

19.10 This Agreement may be executed in counterparts, including photo or electronic copies, which taken together, shall constitute one original document.

IN WITNESS WHEREOF, Client and Kleinfelder have caused this Agreement to be executed on the date first written above.

CLIENT:

KLEINFELDER:

By: _____

By: _____

Printed Name: _____

Printed Name: _____

Title:

Title:

ATTACHMENTS: Appendix A, Work Order

APPENDIX A: WORK ORDER SJO19W102363

Issued Pursuant to The Client Master Services Agreement SJO19C102362 effective as of October 9, 2019 by and between Pacific Grove Unified School District (**Client**) and Kleinfelder, Inc. (**Kleinfelder**).

Client Name: Pacific Grove Unified School District

Kleinfelder Project No: Pending

Project Name: Robert Down Elementary School Basement GEO

Work Order Type: (Check One)

☐ Time-and-Materials

☒ Fixed-Price

Kleinfelder Office: San Jose, CA

Subcontractor Reference No:

Kleinfelder Contact Name: Andrea Traum (408) 595-3275 atraum@kleinfelder.com (Kleinfelder Project Manager)

1. SCOPE OF WORK: Kleinfelder will conduct a limited geotechnical investigation to examine the soils conditions below the established basement at Robert Down Elementary School. Kleinfelder will accompany a third-party Geophysical consultant (Advanced Geological Services) to the site and witness GPR and SIR testing. Findings will be summarized in a letter report along with geotechnical recommendations.

2. LOCATION/CLIENT FACILITY INVOLVED: 485 Pine Avenue, Pacific Grove, CA 93950

3. PERIOD OF PERFORMANCE: FROM: October 9, 2019 TO:

4. AUTHORIZED FUNDING: \$8,350

5. SPECIAL PROVISIONS: N/A

NOTICE TO PROCEED IS GIVEN ON (DATE): _____

CLIENT:

KLEINFELDER:

By: _____

By: _____

Printed Name: _____

Printed Name: _____

Title:

Title:

Address:

Address:

- ☒ Consent
- ☐ Action/Discussion
- ☐ Information/Discussion
- ☐ Public Hearing

SUBJECT: Agreement with California-American Water Company for Landscape Grant Program Funding

DATE: October 24, 2019

PERSON(S) RESPONSIBLE: Matt Kelly, Director of Facilities and Transportation

RECOMMENDATION:

The District Administration recommends the Board review and approve the agreement for Landscape Grant Funding in the amount of \$50,000 at Pacific Grove Middle School with California-American Water Company.

BACKGROUND:

California American Water is offering Pacific Grove Unified School District a special water conservation landscape grant in the amount of \$50,000 for Pacific Grove Middle School. The program offers funding for replacement of turf with low water use landscaping and/or for the installation of water-saving irrigation technology.

On the Monterey Peninsula, outdoor water use accounts for approximately 30% of total water consumption for most customers. Faced with critical state restrictions on the local water supply and increasing-tier pricing designed to discourage excessive outdoor water use, it is in the interest of our community to promote beautiful, native, low-water use landscaping.

INFORMATION:

Towards the end of this summer staff met with California American representatives and were awarded a \$50,000 grant to replace sod with drought tolerant and native landscaping. All parties were in agreement that the front of the Middle School would be the ideal location for this project. Funds need to be spent by December 15, 2019 to receive the reimbursement so this project has a very tight time line.

To date, Cal Am has conducted a water audit and we have met with a local contractor to provide a design build proposal to install the landscaping.

The Board has already approved a contract for services with Habitat Gardens to assist designing and installing the landscaping in front of the Middle School. The contract is to remove the majority of the sod kikuyu and replace with 910 native and drought tolerant plants and 3"4" of wood chips. Because there is such a short time line for completion this project will mostly be a design-build as to the layout and type of native plants. With winter rains coming it is an ideal time of year to plant and the plan is to not install any irrigation. There will be some minor hand watering next summer and possibly the next summer before the plants are established.

FISCAL IMPACT:

Amount of grant \$50,000.00

Contract timeframe – Five years from the completion date

Funding Source – California American Landscape Grant. This was not budgeted as the grant was awarded to us after the start of the new fiscal year. There is no cost to the District for this contract.

CALIFORNIA-AMERICAN WATER COMPANY

AGREEMENT FOR LANDSCAPE GRANT PROGRAM FUNDING

This Agreement for Landscape Grant Program Funding is entered into by and between California-American Water Company ("Company") and the Pacific Grove Unified School District (PGUSD) ("School") collectively referred to herein as the "Parties."

RECITALS

WHEREAS, Company established a Landscape Grant Program for its customers, including municipalities, whereby customers with large landscapes not irrigated by well water are eligible to apply for grants to reimburse the customer for costs of water efficient landscape alteration ("Program");

WHEREAS, pursuant to the Program, PGUSD submitted a proposal to Company describing PGUSD's project, including proposed changes, an itemized cost estimate, estimated water savings, timeframe for completion, and maintenance plan ("Project"); and

WHEREAS, Company has reviewed and approved the proposal including any recommended changes ("Proposal"), and desires to award a Program grant to PGUSD, in accordance with the terms and conditions set forth in this Agreement.

NOW THEREFORE, in consideration of the above Recitals, which are true and correct and incorporated herein by this reference, and of the mutual covenants and conditions herein and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties agree as follows:

AGREEMENT

1. Term. This term of this Agreement shall commence on the date it has been executed by both Parties, and shall continue for a period of five (5) years following the date the Project has been completed to the reasonable satisfaction of Company.

2. Proposal. PGUSD agrees to implement its Proposal, attached hereto as Exhibit A. PGUSD represents that it owns the property on which the Project will be constructed ("Property"). PGUSD agrees to display signage as described in Exhibit B.

2.1.1 Time and Budget. PGUSD agrees that the Project will be completed within the budget included in the Proposal. PGUSD agrees that the Project will be completed and invoices will be submitted to Company by December 15, 2019.

2.1.2 On-Site Inspections. PGUSD agrees that Company, its employees, consultants, contractors, and agents shall be authorized during normal business hours to perform on-site inspections of the Property or the Project before, during, and after implementation of the Project.

2.1.3 Maintenance. PGUSD shall be responsible for maintenance of the Property as set forth in the Proposal and all costs associated therewith at all times

CALIFORNIA-AMERICAN WATER COMPANY

during the term of this Agreement. PGUSD shall also be responsible for: (1) replacing dead plants and broken equipment within 60 days of PGUSD actual or constructive notice of such condition, (2) leveling, aligning, and raising sprinklers/emitter stakes as needed to maximize zone uniformity, (3) adjusting sprinkler arcs as needed to maximize coverage and reduce overspray and runoff, (4) ensuring that emitters are exposed and repositioned as plants grow, (5) repairing leaks when detected, and (6) completing a system audit each spring and completing and submitting to Company the checklist provided by Company by June 1 each year.

2.1.4 Controller and Irrigation. PGUSD agrees to manage the irrigation of the landscaping as follows: (1) irrigation controllers shall have the ability to adjust watering by percentages (2) all valves must be activated by a standard or smart controller, or a battery-operated controller located at the valve or valves, (3) if a standard controller is used, the water budget feature must be adjusted monthly during the irrigation season, (4) if a weather-based controller is used, the zone inputs must be adjusted monthly or as needed to maximize the water-saving potential of the controller, (5) irrigation shall use separate controller programs based on plant type and/or sprinkler/emitter type, (6) a soil moisture sensor and/or rain sensor shall be attached to the controller or controllers, (7) all zones/stations must be identified at the controller, (8) irrigation of the landscaping must follow a weather-based irrigation schedule and be adjusted for (a) an initial grow-in period of 12 months and (b) the period thereafter, (9) non-turf areas shall be irrigated with low-volume irrigation, (10) zones with established shrubs and trees shall be irrigated on a limited schedule or on an as-needed basis, (11) irrigation from November through February shall be on an as-needed basis.

2.1.5 Required Components. PGUSD agrees to incorporate the following components into each site proposed for revisions: (1) all emission devices shall be regulated to the pressure specified in the manufacturer's specifications and shall be accomplished through the use of the necessary number of pressure regulators, (2) a covering of a minimum of 2 inches of organic mulch for all non-turf landscape plantings that are irrigated with low volume irrigation, (3) all plants irrigated with single-point emitters must have a minimum of 2 emitters per plant to ensure uniform wetting of the root ball.

3. Reimbursement. Upon completion of the Project, PGUSD may submit all invoices for work performed on the Project to Company for reimbursement. The maximum reimbursement PGUSD may be entitled to under this Agreement is \$50,000

3.1 PGUSD Labor Costs. PGUSD shall not be entitled to reimbursement for any costs for labor performed by employees of PGUSD.

3.2 Alteration Costs. PGUSD shall not be entitled to reimbursement for costs associated with any alterations to the Project that have not been approved in advance by Company.

4. Forfeiture. PGUSD agrees that upon Company's demand, PGUSD shall refund to Company all reimbursement funds received by PGUSD pursuant to Section 3 if, during the term of this Agreement:

CALIFORNIA-AMERICAN WATER COMPANY

4.1 Unauthorized Alterations. Alterations to the Project are implemented without the consent of Company. Alterations include removal of any component of the Project; or

4.2 Inadequate Maintenance. The Project or any component thereof is not kept in good working order through regular and effective implementation of the maintenance plan included in the Proposal or as modified with the approval of Company.

5. Outreach. From the start of the Project until six months following Project completion, PGUSD agrees to allow Company to place signage on the Property for the purposes of informing the public that: i) Company is funding the Project; ii) water-saving products and practices are being used; and iii) Company and the Monterey Peninsula Water Management District offer rebates for water-saving products. Prior to placement of signage Company will submit a proof to the Superintendent's office for approval. Further, during the term of this Agreement, PGUSD agrees it will not prevent the public from viewing the Project site and will assist Company upon request with any media coverage of the Project. PGUSD also agrees to allow information about Projects to be placed on MontereyWaterInfo.org.

6. Indemnification. In consideration of PGUSD's participation in the Program, PGUSD agrees to indemnify and hold harmless Company, its officers, employees, consultants, and agents, from any and all claims, demands, actions, or causes of action arising from the Program or the Project. PGUSD duty to indemnify shall not include any claims arising from Company's sole negligence or willful misconduct. PGUSD agrees that it is solely responsible for: i) compliance with all laws applicable to the Project, including those applicable to land use and water use; and ii) all work performed on the Project, including design, construction, and maintenance.

7. Notices. Any notice required to be given under this Agreement shall be in writing and delivered by personal delivery or United States Mail, postage prepaid, to the Parties at the following addresses:

If to PGUSD:

Project inquiries Pacific Grove Unified School District 835 Forest Avenue Pacific Grove, CA 93950 Attn: Sean Roach & Matt Kelly	Contractual/ Financial Pacific Grove Unified School District 435 Hillcrest Ave Pacific Grove, CA 93950 Attn: Matt Kelly
---	---

If to Company: California American Water
 511 Forest Lodge Road, Suite 100
 Pacific Grove, CA 93950
 Attn: Landscape Grant Program Manager

Either party may by like notice change their address or contact for giving notices.

8. Independent Contractor. PGUSD is an independent contractor and is not and shall not be deemed to be an employee, agent, servant, partner, or joint venturer of Company. PGUSD shall have the exclusive supervision, direction, and control of all of its

CALIFORNIA-AMERICAN WATER COMPANY

employees, consultants, subcontractors, suppliers, materials, equipment, and facilities employed, contracted with, or used by PGUSD for the Program and the Project.

9. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of California, without reference to or application of conflict of laws provisions.

10. Section Headings. Paragraph and section headings in this Agreement are for convenience only and are not to be used in the construction or interpretation of this Agreement.

11. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original and all of which taken together shall constitute one instrument.

12. Entire Agreement. This Agreement constitutes the entire understanding between PGUSD and Company relating to the subject matter herein, and supersedes any and all prior or contemporaneous agreements or understandings, whether oral or written, relating to the subject matter herein. Any waiver, modification, or amendment of any provision of this Agreement will be effective only if in writing and signed by duly authorized representatives of the Parties.

13. Exhibits Incorporated. All Exhibits and Attachments referenced in this Agreement are attached hereto and incorporated into the Agreement by this reference.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their respective duly authorized representatives.

PACIFIC GROVE UNIFIED SCHOOL DISTRICT CALIFORNIA AMERICAN WATER

By: _____

By: _____

Print Name and Title

Print Name and Title

Date: _____

Date: _____

EXHIBIT B

California American Water Landscape Proposal Pacific Grove Unified School District

Signage

Signs are placed on the property, the public is allowed to observe construction, and the PG Middle School participates with California-American Water on any media efforts regarding the program. Signs are to be kept on city property for a minimum of 6 months.

- Location:
 - Approximate size 4' x 8'
 - Number of signs 1
 - Sign should be legible to motorists on
- Location:
 - Approximate size 3' x 3'
 - Number signs 2
 - Interpretive signs intended for viewing from

- ☒ Consent
- ☐ Action/Discussion
- ☐ Information/Discussion
- ☐ Public Hearing

SUBJECT: Revisions to Board Policy 5145.6 Parental Notifications

DATE: October 24, 2019

PERSON(S) RESPONSIBLE: Ralph Gómez Porras, Superintendent

RECOMMENDATION:

The Administration recommends that the Board review and approve the revisions to Board Policy 5145.6 Parental Notifications.

INFORMATION:

The revisions to Board Policy 5145.6 Parental Notifications were based on legal counsel recommended revisions. The policy had not been updated since 2003.

Revisions include:

- Parent notification of rights and responsibilities specified in Education Code 48980 shall be sent at the beginning of the academic year
- Parents can acknowledge the receipt of the notifications electronically
 - District procedure includes the receipt and acknowledgement of the Parents Rights Handbook when a student is registered on the online student registration system
- If a parent or guardian does not understand the notifications, he/she shall inform the principal to establish assistance

FISCAL IMPACT:

There is no direct fiscal cost to this item.

Pacific Grove Unified School District

Students

Policy #5145.6

PARENTAL NOTIFICATIONS

The Governing Board ~~recognizes that notifications are essential to~~ desires to promote effective communication between the school and the home and to keep parents/guardians informed regarding educational programs, school operations, and the legal rights of students and their parents/guardians. The Superintendent or designee shall send ~~students and~~ students all notifications required by law, including and any other notifications ~~about their legal rights, and any other notifications~~ he/she believes will promote parental understanding and involvement.

Notice of the rights and responsibilities of parents/guardians as specified in Education Code 48980 shall be sent at the beginning of each academic year and may be provided by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used by the district for written communication with parents/guardians. (Education Code 48981)

No activity specified in Education Code 48980 shall be undertaken with respect to any particular student unless his/her parent/guardian has been informed of such action through the annual notification or other separate special notification. Such notice shall state the activity that will be undertaken and the approximate date on which the activity will occur. (Education Code 48983-48984)

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code 48982)

~~The Superintendent or designee shall ensure that notifications that must be sent at the beginning of each academic year include a request that the parent/guardian sign the notice and return it to the school. (Education Code 48982)~~

At the beginning of the school year, or whenever a student enrolls in a district school during the school year, his/her parents/guardians shall be given all required parental notifications at that time.

Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code 52164, all notices sent to the parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code 48981, 48985)

Whenever an employee learns that a student's parent/guardian is unable to understand the district's printed notifications for any reason, he/she shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

~~Notifications to parents/guardians shall be written both in English and in the family's primary language when so required by law. Whenever an employee learns that a student's parent/guardian is~~

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PARENTAL NOTIFICATIONS

~~for any reason unable to understand the district's printed notifications, the principal or designee shall work with the parent/guardian to establish other appropriate means of communication.~~

Legal Reference:

Legal Reference:EDUCATION CODE221.5 Prohibited sex discrimination231.5 Sexual harassment policy234.7 Student protections relating to immigration and citizenship status262.3 Appeals for discrimination complaints; information regarding availability of civil remedies310 Language acquisition programs313 Reclassification of English learners, parental consultation313.2 Long-term English learner, notification440 English language proficiency assessment; instruction in English language development8483 Before/after school program; enrollment priorities17288 Building standards for university campuses17611.5-17612 Notification of pesticide use32221.5 Insurance for athletic team members32255-32255.6 Right to refuse harmful or destructive use of animals32390 Fingerprint program; contracts; funding; consent of parent/guardian33479.3 The Eric Paredes Sudden Cardiac Arrest Prevention Act35160.5 Extracurricular and cocurricular activities35178.4 Notice of accreditation status35182.5 Advertising in the classroom35183 School dress codes; uniforms35186 Complaints concerning deficiencies in instructional materials and facilities35211 Driver training; district insurance, parent/guardian liability35256 School Accountability Report Card35258 School Accountability Report Card35291 Rules for student discipline37616 Consultation regarding year-round schedule39831.5 School bus rider rules and information44050 Employee codes of conduct, employee interactions with students44808.5 Permission to leave school grounds46010.1 Notice regarding excuse to obtain confidential medical services46014 Regulations regarding absences for religious purposes46600-46611 Interdistrict attendance agreements48000 Minimum age of admission48070.5 Promotion or retention of students48204 Residency requirements48205 Absence for personal reasons48206.3 Students with temporary disabilities; individual instruction; definitions48207-48208 Students with temporary disabilities in hospitals48213 Prior notice of exclusion from attendance

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48216 Immunization
48260.5 Notice regarding truancy
48262 Need for parent conference regarding truancy
48263 Referral to school attendance review board or probation department
48301 Interdistrict transfers
48350-48361 Open Enrollment Act
48354 Option to transfer from school identified under Open Enrollment Act
48357 Status of application for transfer from school identified under Open Enrollment Act
48412 Certificate of proficiency
48432.3 Voluntary enrollment in continuation education
48432.5 Involuntary transfers of students
48850-48859 Education of foster youth and homeless students
48900.1 Parental attendance required after suspension
48904 Liability of parent/guardian for willful student misconduct
48904.3 Withholding grades, diplomas, or transcripts
48906 Notification of release of student to peace officer
48911 Notification in case of suspension
48911.1 Assignment to supervised suspension classroom
48912 Closed sessions; consideration of suspension
48915.1 Expelled students; enrollment in another district
48916 Readmission procedures
48918 Rules governing expulsion procedures
48929 Transfer of student convicted of violent felony or misdemeanor
48980 Required notification at beginning of term
48980.3 Notification of pesticide use
48981 Time and means of notification
48982 Parent signature acknowledging receipt of notice
48983 Contents of notice
48984 Activities prohibited unless notice given
48985 Notices to parents in language other than English
48987 Child abuse information
49013 Use of uniform complaint procedures for complaints regarding student fees
49063 Notification of parental rights
49067 Student evaluation; student in danger of failing course
49068 Transfer of permanent enrollment and scholarship record
49069 Absolute right to access
49070 Challenging content of student record
49073 Release of directory information
49073.6 Student records, social media
49076 Access to student records
49077 Access to information concerning a student in compliance with court order
49403 Cooperation in control of communicable disease and immunization
49423 Administration of prescribed medication for student
49451 Physical examinations: parent's refusal to consent

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PARENTAL NOTIFICATIONS

[49452.5 Screening for scoliosis](#)
[49452.7 Information on type 2 diabetes](#)
[49452.8 Oral health assessment](#)
[49456 Results of vision or hearing test](#)
[49471-49472 Insurance](#)
[49475 Student athletes; concussions and head injuries](#)
[49480 Continuing medication regimen for nonepisodic conditions](#)
[49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970](#)
[49557.5 Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account](#)
[51225.1 Exemption from district graduation requirements](#)
[51225.2 Course credits; foster youth, homeless youth, former juvenile court school students and military-connected students](#)
[51225.3 Graduation requirements; courses that satisfy college entrance criteria](#)
[51229 Course of study for grades 7-12](#)
[51513 Personal beliefs; privacy](#)
[51938 HIV/AIDS and sexual health instruction](#)
[52164 Language census](#)
[52164.1 Census-taking methods; determination of primary language; assessment of language skills](#)
[52164.3 Reassessment of English learners; notification of results](#)
[54444.2 Migrant education programs; parent involvement](#)
[56301 Child-find system; policies regarding written notification rights](#)
[56321 Special education: proposed assessment plan](#)
[56321.5-56321.6 Notice of parent rights pertaining to special education](#)
[56329 Written notice of right to findings; independent assessment](#)
[56341.1 Development of individualized education program; right to audio record meeting](#)
[56341.5 Individualized education program team meetings](#)
[56343.5 Individualized education program meetings](#)
[56521.1 Behavioral intervention](#)
[58501 Alternative schools; notice required prior to establishment](#)
[60615 Exemption from state assessment](#)
[60641 California Assessment of Student Performance and Progress](#)
[69432.9 Submission of grade point average to Cal Grant program](#)
[CIVIL CODE](#)
[1798.29 District records, breach of security](#)
[HEALTH AND SAFETY CODE](#)
[1596.857 Right to enter child care facility](#)
[104420 Tobacco use prevention](#)
[104855 Availability of topical fluoride treatment](#)
[116277 Lead testing of school drinking water](#)
[120365-120375 Immunizations](#)
[120440 Sharing immunization information](#)
[124100-124105 Health screening and immunizations](#)
[PENAL CODE](#)

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PARENTAL NOTIFICATIONS626.81 Notice of permission granted to sex offender to volunteer on campus627.5 Hearing request following denial or revocation of registrationCODE OF REGULATIONS, TITLE 5852 Exemptions from state assessments863 Reports of state assessment results3052 Behavioral intervention4622 Notification of uniform complaint procedures4631 Uniform complaint procedures; notification of decision and right to appeal4702 Student transfer from school identified under Open Enrollment Act4917 Notification of sexual harassment policy11303 Reclassification of English learners11511.5 English language proficiency assessment; test results11523 Notice of proficiency examinations18066 Child care policies regarding excused and unexcused absences18094-18095 Notice of Action; child care services18114 Notice of delinquent fees; child care services18118-18119 Notice of Action; child care servicesCODE OF REGULATIONS, TITLE 172951 Hearing tests6040 Time period to obtain needed immunizationsUNITED STATES CODE, TITLE 201232g Family Educational and Privacy Rights Act1232h Privacy rights1415 Procedural safeguards6311 State plan6312 Local educational agency plans6318 Parent and family engagement7908 Armed forces recruiter access to studentsUNITED STATES CODE, TITLE 421758 Child nutrition programs11431-11435 McKinney-Vento Homeless Assistance ActCODE OF FEDERAL REGULATIONS, TITLE 7245.5 Eligibility criteria for free and reduced-price meals245.6a Verification of eligibility for free and reduced-price mealsCODE OF FEDERAL REGULATIONS, TITLE 3499.7 Student records, annual notification99.30 Disclosure of personally identifiable information99.34 Student records, disclosure to other educational agencies99.37 Disclosure of directory information104.32 District responsibility to provide free appropriate public education104.36 Procedural safeguards104.8 Nondiscrimination106.9 Dissemination of policy, nondiscrimination on basis of sex200.48 Teacher qualifications

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PARENTAL NOTIFICATIONS300.300 Parent consent for special education evaluation300.322 Parent participation in IEP team meetings300.502 Independent educational evaluation of student with disability300.503 Prior written notice regarding identification, evaluation, or placement of student with disability300.504 Procedural safeguards notice for students with disabilities300.508 Due process complaint300.530 Discipline proceduresCODE OF FEDERAL REGULATIONS, TITLE 40763.84 Asbestos inspections, response actions and post-response actions763.93 Asbestos management plansManagement Resources:U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONSUnpaid Meal Charges: Guidance and Q&A, SP 23-2017, March 2017Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005WEB SITESU.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov>(3/07 11/12) 3/18**EDUCATION CODE**221.5 Prohibited sex discrimination231.5 Sexual harassment policy262.3 Appeals; information re: availability of civil remedies310 Structured English Immersion Program17288 Pupils: school buildings17612 Notification of pesticide use32255 32255.6 Right to refuse harmful or destructive use of animals32390 Fingerprint program; contracts; funding; consent of parent/guardian; mailing of documents containing fingerprints to parent/guardian35178.4 Notice of accreditation status35183 School dress codes; uniforms35256 School accountability report card35291 Rules35291.5 Rules and procedures on school discipline37616 Consultation39831.5 School bus rider rules and information44808.5 Permission to leave school grounds46010.1 Notice re: excuse to obtain confidential medical services46014 Regulations regarding absences for religious purposes46600 46611 Interdistrict attendance agreements especially:46601 Failure to approve interdistrict attendance48000 Minimum age of admission48070.5 Promotion or retention of students

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~~48204~~ Residency requirements for school attendance
~~48205~~ Absence for personal reasons
~~48206.3~~ Pupils with temporary disabilities; individual instruction; definitions
~~48207~~ Pupils with temporary disabilities in hospitals outside of school district
~~48208~~ Students with temporary disabilities in qualifying hospitals
~~48209.9~~ Application deadline; notice of acceptance or rejection
~~48213~~ Notice to parent or guardian
~~48216~~ Immunization
~~48260.5~~ Notice to parent re truancy
~~48263~~ Referral to SARB or probation department
~~48432.5~~ Involuntary transfers of pupils
~~48637.1~~ Notice of intended assignment
~~48900.1~~ Attendance of parent or guardian for portion of school day
~~48904~~ Liability of parent/guardian for willful pupil misconduct
~~48904.3~~ Withholding grades, diplomas, or transcripts
~~48906~~ Notification of release of pupil to peace officer
~~48911~~ Notification in case of suspension
~~48912~~ Closed sessions; consideration of suspension
~~48915.1~~ Expelled individuals: enrollment in another district
~~48915.5~~ Expulsion of special education student
~~48916~~ Readmission procedures
~~48918~~ Rules governing expulsion procedures
~~48980~~ Required notification at beginning of term
~~48980.3~~ Notification of pesticide use
~~48981~~ Time and means of notification
~~48982~~ Signature; return to school; effect of signature
~~48983~~ Contents of notice
~~48984~~ Activities prohibited unless notice given
~~48985~~ Notices to parents in language other than English
~~48987~~ Child abuse information
~~49063~~ Notification of parents of their rights
~~49067~~ Regulations regarding pupil's achievement
~~49068~~ Transfer of permanent enrollment and scholarship record
~~49069~~ Absolute right to access
~~49070~~ Challenging content of records
~~49073~~ Release of directory information
~~49076~~ Access to student records
~~49077~~ Access to information concerning a student in compliance with court order
~~49091.14~~ Prospectus
~~49302~~ Parental consent
~~49332~~ Notifications of retention of object by school personnel; release
~~49403~~ Cooperation in control of communicable disease and immunization
~~49423~~ Administration of prescribed medication for pupil
~~49451~~ Physical examinations; parent's refusal to consent

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PARENTAL NOTIFICATIONS~~49452.5 Screening for scoliosis~~~~49456 Report to parent~~~~49472 Medical and hospital services for pupils~~~~49480 Continuing medication regimen for nonepisodic conditions~~~~49510 49520 Duffy Moscone Family Nutrition Education and Services Act of 1970~~~~51201.5 Instruction on AIDS and AIDS prevention~~~~51240 Excuse from instruction due to religious beliefs~~~~51513 Personal beliefs~~~~51550 Sex education courses~~~~51554 Parent notification; sex education courses~~~~51555 Parent notification in grades K-6; sex education courses~~~~51820 Venereal disease instruction; written notification to parent; inspection of instructional material; consensual pupil participation~~~~51870.5 Internet access policy~~~~52164.1 Census taking methods; determination of primary language; assessment of language skills; notice~~~~52164.3 Notice of reassessment of language skills~~~~52173 Consultation with parents or guardians; notice to parents or guardians; withdrawal of pupil from program~~~~52244 Advanced Placement Program~~~~54444.2 Migrant education programs; parent involvement~~~~56301 Child find system; policies re: written notification rights~~~~56321 Special education: proposed assessment plan~~~~56329 Written notice of right to findings; independent assessment~~~~56341 Individualized education program team~~~~56343.5 IEP meetings~~~~56346 Parental notice and consent to special education program~~~~56507 State hearing; use of attorney~~~~58501 Alternative schools; notice required prior to establishment~~~~60641 Standardized Testing and Reporting Program~~~~60850 High School Exit Exam~~~~HEALTH AND SAFETY CODE~~~~1596.857 Right to enter child care facility~~~~120365 Immunizations~~~~120370 Immunizations~~~~120375 Immunizations~~~~120440 Sharing immunization information~~~~124085 Certificate of receipt; health screening and evaluation services; waiver by parent/guardian~~~~124100 School districts and private schools; information to parents or guardians of kindergarten children; withholding of average daily attendance funds~~~~PENAL CODE~~~~627.5 Hearing request following denial or revocation of registration~~~~WELFARE AND INSTITUTIONS CODE~~~~18976.5 Parental notice; right of refusal to participate~~

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PARENTAL NOTIFICATIONS

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The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code [48982](#))

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Whenever an employee learns that a student's parent/guardian is unable to understand the district's printed notifications for any reason, he/she shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

Legal Reference:

Legal Reference:

EDUCATION CODE

[221.5](#) Prohibited sex discrimination

[231.5](#) Sexual harassment policy

[234.7](#) Student protections relating to immigration and citizenship status

[262.3](#) Appeals for discrimination complaints; information regarding availability of civil remedies

[310](#) Language acquisition programs

[313](#) Reclassification of English learners, parental consultation

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[313.2](#) Long-term English learner, notification
[440](#) English language proficiency assessment; instruction in English language development
[8483](#) Before/after school program; enrollment priorities
[17288](#) Building standards for university campuses
[17611.5-17612](#) Notification of pesticide use
[32221.5](#) Insurance for athletic team members
[32255-32255.6](#) Right to refuse harmful or destructive use of animals
[32390](#) Fingerprint program; contracts; funding; consent of parent/guardian
[33479.3](#) The Eric Paredes Sudden Cardiac Arrest Prevention Act
[35160.5](#) Extracurricular and cocurricular activities
[35178.4](#) Notice of accreditation status
[35182.5](#) Advertising in the classroom
[35183](#) School dress codes; uniforms
[35186](#) Complaints concerning deficiencies in instructional materials and facilities
[35211](#) Driver training; district insurance, parent/guardian liability
[35256](#) School Accountability Report Card
[35258](#) School Accountability Report Card
[35291](#) Rules for student discipline
[37616](#) Consultation regarding year-round schedule
[39831.5](#) School bus rider rules and information
[44050](#) Employee codes of conduct, employee interactions with students
[44808.5](#) Permission to leave school grounds
[46010.1](#) Notice regarding excuse to obtain confidential medical services
[46014](#) Regulations regarding absences for religious purposes
[46600-46611](#) Interdistrict attendance agreements
[48000](#) Minimum age of admission
[48070.5](#) Promotion or retention of students
[48204](#) Residency requirements
[48205](#) Absence for personal reasons
[48206.3](#) Students with temporary disabilities; individual instruction; definitions
[48207-48208](#) Students with temporary disabilities in hospitals
[48213](#) Prior notice of exclusion from attendance
[48216](#) Immunization
[48260.5](#) Notice regarding truancy
[48262](#) Need for parent conference regarding truancy
[48263](#) Referral to school attendance review board or probation department
[48301](#) Interdistrict transfers
[48350-48361](#) Open Enrollment Act
[48354](#) Option to transfer from school identified under Open Enrollment Act
[48357](#) Status of application for transfer from school identified under Open Enrollment Act
[48412](#) Certificate of proficiency
[48432.3](#) Voluntary enrollment in continuation education
[48432.5](#) Involuntary transfers of students
[48850-48859](#) Education of foster youth and homeless students
[48900.1](#) Parental attendance required after suspension
[48904](#) Liability of parent/guardian for willful student misconduct

PARENTAL NOTIFICATIONS

- [48904.3](#) Withholding grades, diplomas, or transcripts
- [48906](#) Notification of release of student to peace officer
- [48911](#) Notification in case of suspension
- [48911.1](#) Assignment to supervised suspension classroom
- [48912](#) Closed sessions; consideration of suspension
- [48915.1](#) Expelled students; enrollment in another district
- [48916](#) Readmission procedures
- [48918](#) Rules governing expulsion procedures
- [48929](#) Transfer of student convicted of violent felony or misdemeanor
- [48980](#) Required notification at beginning of term
- [48980.3](#) Notification of pesticide use
- [48981](#) Time and means of notification
- [48982](#) Parent signature acknowledging receipt of notice
- [48983](#) Contents of notice
- [48984](#) Activities prohibited unless notice given
- [48985](#) Notices to parents in language other than English
- [48987](#) Child abuse information
- [49013](#) Use of uniform complaint procedures for complaints regarding student fees
- [49063](#) Notification of parental rights
- [49067](#) Student evaluation; student in danger of failing course
- [49068](#) Transfer of permanent enrollment and scholarship record
- [49069](#) Absolute right to access
- [49070](#) Challenging content of student record
- [49073](#) Release of directory information
- [49073.6](#) Student records, social media
- [49076](#) Access to student records
- [49077](#) Access to information concerning a student in compliance with court order
- [49403](#) Cooperation in control of communicable disease and immunization
- [49423](#) Administration of prescribed medication for student
- [49451](#) Physical examinations: parent's refusal to consent
- [49452.5](#) Screening for scoliosis
- [49452.7](#) Information on type 2 diabetes
- [49452.8](#) Oral health assessment
- [49456](#) Results of vision or hearing test
- [49471-49472](#) Insurance
- [49475](#) Student athletes; concussions and head injuries
- [49480](#) Continuing medication regimen for nonepisodic conditions
- [49510-49520](#) Duffy-Moscone Family Nutrition Education and Services Act of 1970
- [49557.5](#) Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account
- [51225.1](#) Exemption from district graduation requirements
- [51225.2](#) Course credits; foster youth, homeless youth, former juvenile court school students and military-connected students
- [51225.3](#) Graduation requirements; courses that satisfy college entrance criteria
- [51229](#) Course of study for grades 7-12
- [51513](#) Personal beliefs; privacy

PARENTAL NOTIFICATIONS

[51938](#) HIV/AIDS and sexual health instruction
[52164](#) Language census
[52164.1](#) Census-taking methods; determination of primary language; assessment of language skills
[52164.3](#) Reassessment of English learners; notification of results
[54444.2](#) Migrant education programs; parent involvement
[56301](#) Child-find system; policies regarding written notification rights
[56321](#) Special education: proposed assessment plan
[56321.5-56321.6](#) Notice of parent rights pertaining to special education
[56329](#) Written notice of right to findings; independent assessment
[56341.1](#) Development of individualized education program; right to audio record meeting
[56341.5](#) Individualized education program team meetings
[56343.5](#) Individualized education program meetings
[56521.1](#) Behavioral intervention
[58501](#) Alternative schools; notice required prior to establishment
[60615](#) Exemption from state assessment
[60641](#) California Assessment of Student Performance and Progress
[69432.9](#) Submission of grade point average to Cal Grant program

CIVIL CODE

[1798.29](#) District records, breach of security

HEALTH AND SAFETY CODE

[1596.857](#) Right to enter child care facility
[104420](#) Tobacco use prevention
104855 Availability of topical fluoride treatment
116277 Lead testing of school drinking water
120365-[120375](#) Immunizations
[120440](#) Sharing immunization information
[124100-124105](#) Health screening and immunizations

PENAL CODE

[626.81](#) Notice of permission granted to sex offender to volunteer on campus
[627.5](#) Hearing request following denial or revocation of registration

CODE OF REGULATIONS, TITLE 5

[852](#) Exemptions from state assessments
[863](#) Reports of state assessment results
3052 Behavioral intervention
[4622](#) Notification of uniform complaint procedures
[4631](#) Uniform complaint procedures; notification of decision and right to appeal
[4702](#) Student transfer from school identified under Open Enrollment Act
[4917](#) Notification of sexual harassment policy
[11303](#) Reclassification of English learners
[11511.5](#) English language proficiency assessment; test results
[11523](#) Notice of proficiency examinations
[18066](#) Child care policies regarding excused and unexcused absences
[18094-18095](#) Notice of Action; child care services
[18114](#) Notice of delinquent fees; child care services
[18118-18119](#) Notice of Action; child care services

CODE OF REGULATIONS, TITLE 17

PARENTAL NOTIFICATIONS

[2951](#) Hearing tests
[6040](#) Time period to obtain needed immunizations
UNITED STATES CODE, TITLE 20
[1232g](#) Family Educational and Privacy Rights Act
[1232h](#) Privacy rights
[1415](#) Procedural safeguards
[6311](#) State plan
[6312](#) Local educational agency plans
[6318](#) Parent and family engagement
[7908](#) Armed forces recruiter access to students
UNITED STATES CODE, TITLE 42
1758 Child nutrition programs
[11431-11435](#) McKinney-Vento Homeless Assistance Act
CODE OF FEDERAL REGULATIONS, TITLE 7
[245.5](#) Eligibility criteria for free and reduced-price meals
[245.6a](#) Verification of eligibility for free and reduced-price meals
CODE OF FEDERAL REGULATIONS, TITLE 34
[99.7](#) Student records, annual notification
[99.30](#) Disclosure of personally identifiable information
[99.34](#) Student records, disclosure to other educational agencies
[99.37](#) Disclosure of directory information
[104.32](#) District responsibility to provide free appropriate public education
[104.36](#) Procedural safeguards
[104.8](#) Nondiscrimination
[106.9](#) Dissemination of policy, nondiscrimination on basis of sex
200.48 Teacher qualifications
[300.300](#) Parent consent for special education evaluation
[300.322](#) Parent participation in IEP team meetings
[300.502](#) Independent educational evaluation of student with disability
[300.503](#) Prior written notice regarding identification, evaluation, or placement of student with disability
[300.504](#) Procedural safeguards notice for students with disabilities
[300.508](#) Due process complaint
[300.530](#) Discipline procedures
CODE OF FEDERAL REGULATIONS, TITLE 40
[763.84](#) Asbestos inspections, response actions and post-response actions
[763.93](#) Asbestos management plans
Management Resources:
U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS
Unpaid Meal Charges: Guidance and Q&A, SP 23-2017, March 2017
Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005
WEB SITES
U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov>
(3/07 11/12) 3/18

- ☒ Consent
- ☐ Information/Discussion
- ☐ Action/Discussion

SUBJECT: Short-Term Service Contract for Account Clerk III

DATE: October 24, 2019

PERSON(S) RESPONSIBLE: Billie Mankey, Director II, Human Resources;
Song Chin-Bendib, Assistant Superintendent Business Services

RECOMMENDATION:

The District Administration recommends the Board review and approve the short term contract for services for Account Clerk III.

BACKGROUND:

Marie Faile, incoming Account Clerk III (Accounts Payable) requires a minimal period of cross training time with outgoing Account Clerk III, Elyse Thomas prior to her vacation leave and retirement date of November 30, 2019.

INFORMATION:

This contract covers five days, six hours each day of cross training paid at the hourly rate of \$25.75 per hour plus statutory benefit costs. To note, one date listed on this contract, October 23rd is prior to the board meeting of October 24th as we needed to work within both Elyse Thomas and Marie Faile's availability.

FISCAL IMPACT:

General Fund

Total cost: \$984.26 (includes statutory benefits) covered by the savings from the reduction in hourly rate between employees of \$10.24 per hour for the remainder of the 2019-20 school year and beyond.

PACIFIC GROVE UNIFIED SCHOOL DISTRICT
435 Hillcrest Avenue
Pacific Grove, CA 93950
CONTRACT FOR SERVICES

This contract is an agreement between the Pacific Grove Unified School District and **Marie Faile** for services rendered as specified below.

1. Scope of Service:

To provide : Cross Training in Accounts Payable

2. Evaluation and/or expected outcome(s)(continue on attached page if needed):

Train with Elyse Thomas to be prepared to start the position of Clerk III providing Accounts Payable duties for the entire district prior to her official start date as an employee on November 18, 2019

3. Length of the Contract:

Service is to be provided on the following date(s):

Five days at 6 hours each day on October 23, 30, November 6, 13, and 14.

4. Financial Consideration:

Consultant to be paid at the rate of:

\$25.75 per hour plus statutory benefit costs (\$ per hr/day/other)

for October 23, 30, November 6, 13, and 14 (hours/days/other)

School Funding Source: General Fund

Account Code: 01-0000-0-0000-7300-5800-30-009-6120-0720

Consultant (Please print) _____

Address _____ Phone _____

Signed Date _____ Email _____

☐ District Employee ☐ Independent Consultant

Signed Date _____

Site/Program Administrator (Check appropriate box below)

☐ Contracted work was assigned using District's normal employment recruitment process.

☐ Contracted work was not assigned using District's normal employment recruitment process.

Attached Criteria Page (REQUIRED) identifies reason.

Signed Date _____

Director of Human Resources

Signed _____ Date _____

Assistant Superintendent

ALL SIGNATURES MUST BE OBTAINED BEFORE SERVICES ARE PROVIDED.

***Independent Consultant** must sign and submit a W-9 to District prior to providing service. Revised 7/19

Contract for Services Criteria

District/Site Administrator – Please circle criteria that apply and sign below.

- (1) There is a specifically documented cost savings relative to using district employment. (The documentation requirements are specified and must be attached).
- (2) The contract is for new school district functions and the Legislature has specifically mandated or authorized the performance of the work by independent contractors.
- (3) The services contracted are not available within the district, cannot be performed satisfactorily by school district employees, or are of such a highly specialized or technical nature that the necessary expert knowledge, experience, and ability are not available through the school district.
- (4) The services are incidental to a contract for the purchase or lease of real or personal property. Contracts under this criterion, known as "service agreements," shall include, but not be limited to, agreements to service or maintain office equipment or computers that are leased or rented.
- (5) The policy, administrative, or legal goals and purposes of the district cannot be accomplished through the utilization of persons selected pursuant to the regular or ordinary school district hiring process. Contracts are permissible under this criterion to protect against a conflict of interest or to ensure independent and unbiased findings in cases where there is a clear need for a different, outside perspective. These contracts shall include, but not be limited to, obtaining expert witnesses in litigation.
- (6) The nature of the work is such that the criteria for emergency appointments apply. "Emergency appointment" means an appointment made for a period not to exceed 60 working days either during an actual emergency to prevent the stoppage of public business or because of the limited duration of the work. The method of selection and the qualification standards for an emergency employee shall be determined by the district. The frequency of appointment, length of employment, and the circumstances appropriate for the appointment of firms or individuals under emergency appointments shall be restricted so as to prevent the use of emergency appointments to circumvent the regular or ordinary hiring process.
- (7) The contractor will provide equipment, materials, facilities, or support services that could not feasibly be provided by the school district in the location where the services are to be performed.
- (8) The services are of such an urgent, temporary, or occasional nature that the delay incumbent in their implementation under the district's regular or ordinary hiring process would frustrate their very purpose.

District/Site Administrator Date

Ref: Contract for Services Criteria

- ☒ Consent
- ☐ Action/Discussion
- ☐ Information/Discussion
- ☐ Public Hearing

SUBJECT: Contract for Services with DJ Dan Utica

DATE: October 24, 2019

PERSON(S) RESPONSIBLE: Matt Bell, Pacific Grove High School Principal

RECOMMENDATION:

The District Administration recommends the Board review and approve the contract for services with DJ Dan Utica at Pacific Grove High School for Musical and optional photo booth services for the dances.

BACKGROUND:

This is not a new service. We have hired Dan Utica for dances in the past and we are continuing with his services for the 2019-20 school year. We had a previous contract for the Back to School Dance that was held in August 2019 and wanted to contract with him for the rest of the school year.

INFORMATION:

DJ Dam Utica is a DJ that provides music, lights and sometimes photo booth activities at our dances on and off site. He will be hired (as in the past) to provide appropriate music for the dances. The use of the photo booth has been a popular activity at previous dances and is a great keepsake for after the event.

FISCAL IMPACT:

The cost is between \$700 and \$900 per event. The ASB Leadership account is funding the events through ticket sales. No cost to the district.

PACIFIC GROVE UNIFIED SCHOOL DISTRICT

435 Hillcrest Avenue

Pacific Grove, CA 93950

CONTRACT FOR SERVICES

This contract is an agreement between the Pacific Grove Unified School District and

DJ Dan Utica

for services rendered as specified below.

1. Scope of Service:

To provide:

Music and optional photo booth for all school dances for the 2019-20 school year

2. Evaluation and/or expected outcome(s) (continue on attached page if needed):

Music and optional photo booth

3. Length of Contract:

Service is to be provided on the following date(s):

October 26, 2019 – May, 2020

4. Financial Consideration:

Consultant to be paid at the rate of:

\$700 and \$900 per event/dance

For (hours/days/other) Dates to be determined – starting at Homecoming October 26, 2019 and continuing throughout the year

School Funding Source: ASB Leadership – Wells Fargo Bank

Account Code#8994873977/500 (W9 is on file)

Consultant: DJ Dan Utica/Daniel Marquez

Address: 213 El Roya Avenue Modesto, CA

Signed _____ Date _____ Email _____

☐ District Employee

☒ Independent Consultant

Signed _____ Date _____

Site/Program Administrator (Check appropriate box below)

☐ Contracted work was assigned using District's normal employment recruitment process

☒ Contracted work was NOT assigned using District's normal employment recruitment process

Signed _____ Date _____

Director of Human Resources

Signed _____ Date _____ **ALL**

SIGNATURES MUST BE OBTAINED BEFORE SERVICES ARE PROVIDED.

***Independent Consultant must sign and submit a W-9 to District prior to providing service.**

Contract for Services Criteria**District/Site Administrator – Please check criteria that apply and sign below.**

- ☐ There is a specifically documented cost savings relative to using district employment. (The documentation requirements are specified and must be attached).
- ☐ The contract is for new school district functions and the Legislature has specifically mandated or authorized the performance of the work by independent contractors.
- ☐ The services contracted are not available within the district, cannot be performed satisfactorily by school district employees, or are of such a highly specialized or technical nature that the necessary expert knowledge, experience, and ability are not available through the school district.
- ☒ The services are incidental to a contract for the purchase or lease of real or personal property. Contracts under this criterion, known as "service agreements," shall include, but not be limited to, agreements to service or maintain office equipment or computers that are leased or rented.
- ☐ The policy, administrative, or legal goals and purposes of the district cannot be accomplished through the utilization of persons selected pursuant to the regular or ordinary school district hiring process. Contracts are permissible under this criterion to protect against a conflict of interest or to ensure independent and unbiased findings in cases where there is a clear need for a different, outside perspective. These contracts shall include, but not be limited to, obtaining expert witnesses in litigation.
- ☐ The nature of the work is such that the criteria for emergency appointments apply. "Emergency appointment" means an appointment made for a period not to exceed 60 working days either during an actual emergency to prevent the stoppage of public business or because of the limited duration of the work. The method of selection and the qualification standards for an emergency employee shall be determined by the district. The frequency of appointment, length of employment, and the circumstances appropriate for the appointment of firms or individuals under emergency appointments shall be restricted so as to prevent the use of emergency appointments to circumvent the regular or ordinary hiring process.
- ☐ The contractor will provide equipment, materials, facilities, or support services that could not feasibly be provided by the school district in the location where the services are to be performed.
- ☐ The services are of such an urgent, temporary, or occasional nature that the delay incumbent in their implementation under the district's regular or ordinary hiring process would frustrate their very purpose.

 District/Site Administrator

 Date

- ☒ Consent
- ☐ Action/Discussion
- ☐ Information/Discussion
- ☐ Public Hearing

SUBJECT: Contract for Services with IsoRhythms

DATE: October 24, 2019

PERSON(S) RESPONSIBLE: Clare Davies, Director of Student Services

RECOMMENDATION:

The District Administration recommends the Board review and approve the contract for services with IsoRhythms Music Therapy to conduct a music therapy assessment.

BACKGROUND:

Request for music therapy assessment to determine eligibility to receive music therapy as an Individual Education Plan (IEP) related service as per California Code of Regulations, Title 5, Section 3051.21

INFORMATION:

Music therapy eligibility assessment to be conducted by a Board Certified Music Therapist to determine if the service is educationally necessary. Assessment to be provided by December 20, 2019.

FISCAL IMPACT:

\$950 not previously budgeted to be paid for through available restricted funds.

PACIFIC GROVE UNIFIED SCHOOL DISTRICT
435 Hillcrest Avenue
Pacific Grove, CA 93950
CONTRACT FOR SERVICES

This contract is an agreement between the Pacific Grove Unified School District and

Darcy Smith, MA, MT-CB, NMT (doing business as ISO Rhythms Music Therapy)

for services rendered as specified below.

1. Scope of Service:

To provide:

A music therapy assessment.

2. Evaluation and/or expected outcome(s) (continue on attached page if needed):

Student will be assessed by a board certified Music Therapist.

3. Length of Contract:

Service is to be provided on the following date(s):

During the 2019-2020 school year, October 25, 2019 – December 20, 2020

4. Financial Consideration:

Consultant to be paid at the rate of:

\$950

For (hours/days/other) a music therapy assessment

School Funding Source: Mental Health Funds

Account Code: 01-6512-0-5001-3140-5800-00-000-1546-0740

Consultant Darcy Smith, dba ISO Rhythms Music Therapy

Address 220 Country Club Gate Center, Ste #7

Signed _____ Date _____ Email _____

☐ District Employee

☒ Independent Consultant

Signed _____ Date _____

Site/Program Administrator (Check appropriate box below)

☐ Contracted work was assigned using District's normal employment recruitment process

☐ Contracted work was NOT assigned using District's normal employment recruitment process

Signed _____ Date _____

Director of Human Resources

Signed _____ Date _____

ALL SIGNATURES MUST BE OBTAINED BEFORE SERVICES ARE PROVIDED.

***Independent Consultant must sign and submit a W-9 to District prior to providing service.**

Contract for Services Criteria**District/Site Administrator – Please check criteria that apply and sign below.**

- ☐ There is a specifically documented cost savings relative to using district employment. (The documentation requirements are specified and must be attached).
- ☐ The contract is for new school district functions and the Legislature has specifically mandated or authorized the performance of the work by independent contractors.
- ☒ The services contracted are not available within the district, cannot be performed satisfactorily by school district employees, or are of such a highly specialized or technical nature that the necessary expert knowledge, experience, and ability are not available through the school district.
- ☐ The services are incidental to a contract for the purchase or lease of real or personal property. Contracts under this criterion, known as "service agreements," shall include, but not be limited to, agreements to service or maintain office equipment or computers that are leased or rented.
- ☐ The policy, administrative, or legal goals and purposes of the district cannot be accomplished through the utilization of persons selected pursuant to the regular or ordinary school district hiring process. Contracts are permissible under this criterion to protect against a conflict of interest or to ensure independent and unbiased findings in cases where there is a clear need for a different, outside perspective. These contracts shall include, but not be limited to, obtaining expert witnesses in litigation.
- ☐ The nature of the work is such that the criteria for emergency appointments apply. "Emergency appointment" means an appointment made for a period not to exceed 60 working days either during an actual emergency to prevent the stoppage of public business or because of the limited duration of the work. The method of selection and the qualification standards for an emergency employee shall be determined by the district. The frequency of appointment, length of employment, and the circumstances appropriate for the appointment of firms or individuals under emergency appointments shall be restricted so as to prevent the use of emergency appointments to circumvent the regular or ordinary hiring process.
- ☐ The contractor will provide equipment, materials, facilities, or support services that could not feasibly be provided by the school district in the location where the services are to be performed.
- ☐ The services are of such an urgent, temporary, or occasional nature that the delay incumbent in their implementation under the district's regular or ordinary hiring process would frustrate their very purpose.

 District/Site Administrator

 Date

Ref: Contract for Services Criteria

- ☒ Consent
- ☐ Information/Discussion
- ☐ Action/Discussion
- ☐ Public Hearing

SUBJECT: Memorandum of Understanding between Pacific Grove Unified School District and Salinas Union High School District for the Placement of Students with Disabilities in Special Day Classes for 2019-20 School Year

DATE: October 24, 2019

PERSON(S) RESPONSIBLE: Clare Davies, Director of Student Services

RECOMMENDATION:

The District Administration recommends that the Board review and approve the Memorandum of Understanding between Pacific Grove Unified School District and Salinas Union High School District for the placement of students with disabilities in Special Day Classes for 2019-2020.

BACKGROUND:

Salinas Union High School District would like to develop this partnership in order to expand placement options for their students with special needs.

INFORMATION:

By entering into this Memorandum of Understanding with Salinas Union High School District (SUHSD) we will create economy of scale and offset the cost of operating our special classes. The acceptance of students will be on a case by case basis and require renewal every school year through the Individual Education Plan (IEP) process. Inter-district transfer paperwork is not required for placement.

An Individual Service Agreement (ISA) is created for each student that details the cost of tuition, and related services (Occupational Therapy, Physical Therapy, Speech Therapy) and the cost of Extended School Year (ESY). If a student requires transportation and/or bus rider, SUHSD is responsible to provide this directly. If a student requires a one-to-one paraprofessional a Pacific Grove Unified School District employee will be assigned and SUHSD will be billed on the student's ISA.

FISCAL IMPACT:

The revenue offsets the General Fund contribution to Special Education.

Projected revenue dependent on Individual Service Agreements:

Tuition per student \$40,000

Tuition ESY \$5,000

Speech Therapy \$90.00 an hour

Occupational Therapy \$90.00 an hour

Physical Therapy \$90.00 an hour



Monterey County Special Education Local Plan Area

Regional Collaboration for Student Success

Agreement for Regional Operation of Special Education Programs

THIS AGREEMENT is entered into pursuant to the provisions of Part 30 of the Education Code of the State of California (commencing with Section 56000 et seq.) concerning the statewide operation of the Master Plan for Special Education, and in accordance with the provisions of the Individuals with Disabilities Education Act and Section 504 of Public Law 93-112, as amended, and state and federal regulations relating thereto. This Agreement is made by and between the Salinas Union High School District, hereinafter referred to as LEA of residence, and the Pacific Grove Unified School District, hereinafter referred to as the LEA/s of operation, participants in the Monterey County Special Education Local Plan Area, hereinafter referred to as SELPA.

The governing board of each participating LEA has approved this Agreement, and has authorized the execution of this Agreement by an authorized agent.

WHEREAS, each participating LEA's governing board has approved the *Monterey County Special Education Local Plan* and WHEREAS, this Agreement is written in furtherance of, and in accordance with said plan.

NOW THEREFORE, the aforesaid parties do hereby agree as follows:

1. Period Of Agreement

This Agreement is effective for the period beginning October 24, 2019 and ending June 30, 2020. This Agreement may be renewed at the end of that period. This agreement may be amended by mutual consent of the parties.

2. Purpose Of Agreement

This Agreement governs the maintenance of a system for delivery of specified services to individuals with exceptional needs whose primary disability is any of the following Visually Impaired, Deaf/Hard of Hearing, Autism Spectrum Disorder, Orthopedically Impaired, Intellectually Disabled, Emotionally Disturbed, Speech or Language Impairment, Physical Therapy, Mental Retardation and Therapeutic Intervention who reside within the SELPA, and in accordance with the requirements of Education Code Section 56300 et seq.

This Agreement establishes the vehicle for the education of individuals with the above exceptional needs who reside within the SELPA in programs and classes conducted by the LEA of operation without any additional attendance agreements.

This Agreement defines the duties and responsibilities of each district for all program activities as specified in Education Code Section 56200 et seq.



Monterey County Special Education Local Plan Area

Regional Collaboration for Student Success

3. Definitions

For the purposes of this Agreement the following definitions shall apply:

- a. LEA of operation – the LEA within the SELPA conducting special education programs and classes for individuals with exceptional needs on behalf of all LEAs within the SELPA or on behalf of several LEAs within a geographical region within the SELPA.
- b. LEA of residence – the LEA where the pupils attending classes conducted by the LEA of operation reside.

4. Compliance Assurances

Each of the SELPA's participating LEAs, by signature to the SELPA local plan has already certified that the LEA will comply with the provisions of state and federal laws and regulations related to special education, participation in state program reviews, and participation in state-wide assessments. The provisions of any new laws that may become effective during the period of this Agreement which relate to special education program delivery shall be incorporated herein. In addition, the LEA of residence agrees to utilize the appropriate resources of regular education in accordance with California Education Code 56303 and California Code of Regulations, Title 5, Section 3021 et seq., prior to referral for special education services as specified herein.

5. Individual Services Agreement

In addition to this agreement, the LEA of operation and the LEA of residence shall enter into an Individual Services Agreement (ISA) for each student served by the LEA of operation for the LEA of Residence. A separate ISA shall be required for the Extended School Year (ESY). The purpose of the ISA is to outline the specific services that shall be provided to the student and the projected cost for those services.

6. Responsibilities of the LEA of Operation

The PGUSD, as the LEA of operation, shall be responsible for the following:

- a. Implementation of the procedures for referrals, placements, IEP reviews, and reevaluations as specified in Part II, Chapter 8 of the *Monterey County SELPA Procedural Handbook*;
- b. Administrative support for the purposes of developing and implementing the regional program;
- c. Preparation of all required federal, state and local reports, and related accounting services;



Monterey County Special Education Local Plan Area

Regional Collaboration for Student Success

- d. Provision of classrooms and other facilities as required to appropriately house the programs and classes;
 - e. Identifying which students intend to participate in ESY no later than April 30 and notifying the LEA of residence prior to May 10 regarding student intent to participate in ESY;
 - f. Initiating an ISA for each student to be served for both the regular school year and the extended school year and presenting the proposed ISA(s) to the district of residence for approval;
 - g. Providing for the coordination of investigation and response to compliance and due process complaints; and
 - h. Provision of food services to pupils attending regional programs conducted hereunder consistent with food services provided to all students within the LEA of operation.
7. Responsibilities Of The LEA Of Residence

The LEA of residence is responsible for the following:

- a. Implementation of the procedures for referrals, placements, IEP reviews, and reevaluations as specified in chapter 8 of the *Monterey County SELPA Procedural Handbook, Administrative Procedures*;
 - b. Arranging and providing for special transportation for those pupils with exceptional needs who are enrolled in classes conducted hereunder;
 - c. Signing and returning all ISAs for both the regular school year and ESY to the district of operation by the due date specified by the LEA of operation;
 - d. Cooperation and collaboration with the LEA of operation in investigating and responding to compliance and due process complaints; and
 - e. Retaining ultimate authority and responsibility for the provision of educational programs and services to its pupils regardless of who provides the programs and services.
8. Suspensions And Expulsions

When a student is being considered for disciplinary action that may result in a change of placement (suspension in excess of 10 days or expulsion), the LEA of operation shall notify the LEA of residence immediately. The LEA of operation will complete the manifestation determination, review or revise a behavior plan, if appropriate, and



Monterey County Special Education Local Plan Area

Regional Collaboration for Student Success

schedule an IEP team meeting to review the manifestation determination and behavior plan. Beginning on the 11th day of suspension, the LEA of residence will offer an alternative interim placement pending the outcome of any expulsion hearing. The LEA of residence will hold the expulsion hearing within 30 days. If the student is expelled, the LEA of residence must provide for the student's educational needs during the period of expulsion.

In the case of an expulsion, the LEA of residence shall notify the LEA of operation when the student has served the terms of his or her expulsion. The two LEAs will collaboratively schedule a re-entry IEP team meeting prior to the student returning to school. A representative from the LEA of residence will be required to attend the re-entry IEP meeting.

9. Payment For Services

Regional Programs Operated by Monterey County Office of Education

Each participating LEA of residence shall be responsible for its portion of the excess cost of operating the regional program. Determination of excess cost and method of payment for students being placed in a Monterey County Office of Education special education program shall be determined as outlined in the *Memorandum of Agreement Regarding MCOE Provided Special Education Programs and Transportation*.

Regional Programs Operated by a District

Payment for placement of students enrolled in a regional program operated by a district within the SELPA shall be based upon the following:

Special Class

Excess cost shall be based upon the revenue specific to the class (including AB 602 allocation, Federal Local Assistance Entitlement allocation, ADA, other state or federal grants, and any one-time funds) minus the total expenses for operation of the class (including salaries; benefits; specialized materials and equipment; personnel development; travel and conference; mileage; and an indirect cost equal to that charged to LEAs by the Monterey County Office of Education for regional services, unless otherwise agreed to by both parties). A per pupil amount will then be determined by dividing the excess cost by the total average enrollment of special education students in the regional program for the year. Each district with students served in the regional program will be responsible for the per pupil rate multiplied by the number of its students placed in the class.

Related Services

The operating expense for each related service provider assigned to the regional class



Monterey County Special Education Local Plan Area

Regional Collaboration for Student Success

shall be calculated (including salaries, benefits, specialized materials and equipment, personnel development, travel and conference, mileage).

An average hourly rate shall be established for each type of related service based upon the prior year's actual expenditures. Each district with students enrolled in the class and provided with a related service, will be responsible for the hourly rate for each related service multiplied by the number of hours of service provided.

Individual Services

Each LEA of residence will be responsible for the full cost of services to an individual student, as outlined in the IEP. The decision to add a one-to-one instructional assistant to a student's IEP will only be made following the SELPA-approved process for determining need and with participation of a special education administrator/designee from the student's LEA of residence.

Using the three methods identified above, the LEA of operation will invoice each LEA of residence on a ☐ monthly, ☐ quarterly, or ☒ semi-annual basis. The LEA of operations shall provide the LEA of residence with the projected excess cost billback in the Individual Service Agreement for each student. Two times per year, the amount per student will be adjusted to reflect student exits and entries, changes in services required by the IEP, and actual expenditures for special classes and individual services.

Adjustments to the billback charge for any of these reasons shall be pro-rated based on a daily per student rate. Final adjustments required following the last regular invoice of the school year must be submitted prior to September 30 of the subsequent year. Backup for adjusted costs will include relevant IEP pages or entry and exit dates. The LEA of residence shall remit payment to the LEA of operation within 30 days.

10. Hold Harmless and Indemnification

In compliance with the provisions of Section 895.4 of the Government Code of the State of California, each party hereto agrees to indemnify and hold the other party harmless from any and all liability, claims, loss, damages, judgments, penalties, costs, or expenses (including, without limitations, attorney's fees and court costs which are imposed upon or incurred by, or asserted against the Operating District) to persons or property arising out of, or resulting from, negligence acts or omissions of the indemnifying party.

11. Insurance

The LEA of operation shall maintain a program of liability, property damage, worker's compensation and auto insurance in amounts adequate to protect the LEAs of residence as their interests may appear.



Monterey County Special Education Local Plan Area

Regional Collaboration for Student Success

12. Dispute Resolution

For disputes between the parties related to this Agreement, said dispute shall be resolved by using the following dispute resolution process, also provided in the *Monterey County SELPA Procedural Handbook*:

If an LEA disagrees with a decision or practice of another LEA or the SELPA Office, that LEA has a responsibility to discuss and attempt resolution of the disagreement with the party or parties directly involved. The parties involved will present the issues to their respective superintendents, or designees, who will attempt to resolve the matter. Either party may request the direct assistance of the SELPA Executive Director, or his/her designee. In the event the issue has not been resolved, either party may request review by the Superintendent's Executive Committee. If either party disagrees with the recommendation of the SELPA Executive Committee, either party may request that the issue be placed on the SELPA Governance Council agenda for a decision.

In the event the initiating or other affected agencies disagree with a decision of the Governing Council, the dispute will be resolved through the following alternative dispute resolution procedure.

1. The dissatisfied party shall issue a written request for formal dispute resolution as described herein. The written request shall include a description of the concerns to be addressed, with sufficient specificity as to permit the receiving party to clearly comprehend the disagreement and to formulate a response to the disagreement. The written request shall be submitted to the SELPA Executive Director.
2. Within 5 days of receipt of the request, the SELPA Executive Director will request that a mediator be appointed. Mediation shall be offered through a neutral individual or agency as determined appropriate by the Monterey County SELPA Executive Director and acceptable to all parties. The SELPA shall be considered a participating party. Costs for mediation shall be assessed equally between all participating parties.
3. If the parties are unable to resolve their disagreement through mediation, the parties will request binding arbitration. Request for appointment of an arbitrator shall be made within 15 days following conclusion of the mediation process.

Arbitration shall be provided through neutral staff from American Arbitration Association (AAA) or another neutral agency as determined appropriate by the SELPA Executive Director and acceptable to all parties. The SELPA shall be considered a participating party. The decision of the arbitrator shall be final and binding upon all parties. The arbitration costs shall be assessed equally between all participating parties.



Monterey County Special Education Local Plan Area

Regional Collaboration for Student Success

13. Severability/Waiver

- a. If any provision of this Agreement is determined to be illegal, unenforceable, or invalid, such provision shall in no way affect the validity of any other provision in this Agreement.
- b. No waiver of any provision of this Agreement shall be deemed, or shall constitute, a waiver of any other provision, whether or not similar, nor shall any such waiver constitute a continuing or subsequent waiver of the same provision. No waiver shall be binding unless executed in writing by the party making the waiver.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed by an agent authorized by each party's governing board as set forth below.

Executed this _____ day of _____, 2019 _____

Salinas Union High School District
LEA OF OPERATION

Pacific Grove Unified School District
LEA OF RESIDENCE

By:

By:

Jennifer Smith, Director of Special Ed.
Typed or Printed Name

Clare Davies, Director of Student Services
Typed or Printed Name

Signature:

Signature:

Dan Burns, SUHSD Superintendent

Ralph Porras, PGUSD Superintendent

Date: _____

Date: _____

- ☐ Consent
- ☐ Information/Discussion
- ☐ Action/Discussion
- ☒ Public Hearing

SUBJECT: Public Hearing on the Levy of Developer Fees Based on the Justification Study by SchoolWorks, Inc.

DATE: October 24, 2019

PERSON RESPONSIBLE: Song Chin-Bendib, Assistant Superintendent for Business Services

RECOMMENDATION:

The District Administration recommends that the Board hold a public hearing on the levy of developer fees based on the justification study by School Works, Inc.

BACKGROUND:

The District has never levied any developer fees in the past. Upon review of the criteria and justifications, the District is in a favorable position to levy Level I developer fees.

Developer fees are fees that are paid by property owners and developers to school districts to mitigate the impact created by new development within a school district's boundaries on the school facilities. Fees are typically paid to the school district as a condition of a property developer or owner obtaining a building permit from the city or county for a construction project.

INFORMATION:

Level I (Developer Fee Justification Study) fees are established by the State and are considered the basic mitigation fee. Justification for the fee can be shown if anticipated residential, commercial and industrial development within a district will impact it with additional students. The State Allocation Board (SAB) adjusts the rates every two years. Education Code allows for an exemption from development impact fees for any additions to existing residential structures that are 500 square feet or less.

The current rates adopted on January 24, 2018, are **\$3.79** per square foot for residential construction and **\$0.61** per square foot for commercial/industrial construction. The next proposed increase will be in January 2020 at the SAB meeting.

Attached is the 2018 Developer Fee Justification Study completed for Pacific Grove USD. Based on the result of the study by School Works, Inc. Pacific Grove USD is qualified to levy developer fees subject to the timeline laid out per Government Code Section 6062(a).

FISCAL IMPACT:

The fee to be paid to School Works, Inc. for this study at \$3,500 can be paid from the newly created Fund 25, Developer Fees Fund. There are no fees collected yet. General Fund will have to advance the fee and be reimbursed by collection of developer fees later.



www.pgusd.org

Public Hearing

PACIFIC GROVE UNIFIED SCHOOL DISTRICT

435 Hillcrest Avenue Pacific Grove, CA 93950

Ralph Gomez Porras
Superintendent
(831) 646-6520
Fax (831) 646-6500
rporras@pgusd.org

Song Chin-Bendib
Assistant Superintendent
Business Services
(831) 646-6509
schinbendib@pgusd.org

PUBLIC HEARING NOTICE

The Pacific Grove Unified School District Governing Board will hold a public hearing on Thursday, October 24, 2019, pursuant to Education Code Section 17620 et seq. and Government Code section 65995, authorizing the governing board of any school district to levy a fee, charge, dedication, or other form of requirement (hereinafter “fee” or “fees”), in the maximum amounts specified therein, against residential, commercial and industrial development projects occurring within the boundaries of the district (hereinafter “development”), for the purpose of funding the construction or reconstruction of school facilities;

The hearing will be held during the regular Governing Board meeting, which begins at 7:00 p.m. at the District Office at 435 Hillcrest Avenue, Pacific Grove, CA 93950.

All interested parties are encouraged to attend, speak and be heard. Written comments are acceptable and should be addressed to: Assistant Superintendent Song Chin-Bendib, Pacific Grove Unified School District Office, 435 Hillcrest Avenue, Pacific Grove. Written comments will be accepted up to the time of the hearing.

This notice posted in accordance with EC 60119(b) on October 7, 2019

1. Robert Down Elementary School
2. Forest Grove Elementary School
3. Pacific Grove Middle School
4. Pacific Grove High School
5. Community High School
6. Pacific Grove Unified School District Office

Public Hearing

**BEFORE THE GOVERNING BOARD OF TRUSTEES OF THE
PACIFIC GROVE UNIFIED SCHOOL DISTRICT
MONTEREY COUNTY, CALIFORNIA**

In the Matter of Adopting Development
Fees on Residential and Commercial and
Industrial Development to Fund the
Construction or Reconstruction of School
Facilities

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RESOLUTION

NO. ____ 1037 _____

WHEREAS, Education Code section 17620 et seq. and Government Code section 65995, authorize the governing board of any school district to levy a fee, charge, dedication, or other form of requirement (hereinafter “fee” or “fees”), in the maximum amounts specified therein, against residential, commercial and industrial development projects occurring within the boundaries of the district (hereinafter “development”), for the purpose of funding the construction or reconstruction of school facilities; and

WHEREAS, Government Code section 65995 provides that the maximum fees which may be levied on development projects shall be increased starting in 2000 and every two years thereafter according to the adjustment for inflation set forth in the statewide cost index for Class B construction as determined by the State Allocation Board “SAB” and to become effective at its January meeting; and

WHEREAS, the SAB at its January 24, 2018 meeting, set the maximum fee to \$3.79 per square foot for residential development and to \$0.61 per square foot for commercial/industrial development; and

WHEREAS, the new Fees are an increase of what is currently being collected by Pacific Grove Unified School District. A copy of the Study is attached hereto, marked Exhibit "A," and incorporated herein by this reference; and

WHEREAS, in the judgment of this Board it is necessary and appropriate, and in the best interests of the District and its students, to levy fees for the purpose of funding the construction or reconstruction of school facilities necessary to serve the students generated by new development occurring within the District;

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by this Board as follows:

1. The foregoing recitals are true and correct.

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2. This Board approves and adopts the Study and recommendation of the District Superintendent, or designee, to levy fees in the maximum amounts authorized on new residential, commercial and industrial development that occurs within the District, and based upon the Study and recommendations, and upon all other written and oral information presented to this Board concerning this matter, makes the following findings:

A. The purpose of the fees is to finance the construction and reconstruction of school facilities in order to provide adequate school facilities for the students of the District who will be generated by new residential and commercial/industrial development taking place in the District.

B. The construction or reconstruction of school facilities is necessary to create updated, adequate, appropriate classroom space and academic support facilities for the following reasons:

(1) New residential and commercial and industrial development is projected to occur within the District within the next five years which will generate additional school-aged children.

(2) Additional students projected from new development will impact and increase the need of the District to create updated, adequate, appropriate classroom space and academic support facilities.

(3) Existing school facilities in the District are in need of, or will be in need of, reconstruction or modernization. New development will generate students who will attend District schools and be housed in existing facilities. These students cannot be housed without upgrading existing school facilities, ultimately making reconstruction or modernization of such facilities necessary.

(4) Both existing students and new students generated by future development occurring within the district will need to be housed and served in existing school facilities, as well as new and additional school facilities necessary to serve the projected student population.

(5) As commercial and industrial development occurs, new jobs are created. Many of the people hired for these jobs move into the community, thereby increasing the need for residential development which generates additional students adding to the impact on

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the school facilities of the District. The maximum fee that can be levied against residential development is insufficient to cover the full cost of the new or reconstructed school facilities needed by the district to house students generated from new residential development, and therefore justifies a separate fee against commercial and industrial development in the maximum amount allowed by law.

C. Without the addition of new school facilities and/or the reconstruction and modernization of existing facilities, the District will be unable to adequately house and serve additional students generated by new development which will impair or adversely impact the normal functioning of educational programs and services of the District.

D. The District has no, or limited local revenue sources available for funding the construction or reconstruction of school facilities attributable to new development;

E. The fees adopted herein bear a reasonable relationship to the need for, and the estimated cost of, the construction or reconstruction of school facilities attributable to the type of new development on which the fees will be imposed.

F. The cost of providing for the construction and/or reconstruction of school facilities attributable to the type of new development occurring in the District will exceed the revenues reasonably anticipated from fees.

G. Existing students will benefit from the use of developer fees for new school facilities. Conversely, students generated from new development will occupy existing school facilities and will benefit from the use of fees to reconstruct or modernize those facilities. Therefore, it is appropriate to use developer fees for existing facilities to the extent of the estimated use of such facilities by students generated by new development.

3. Based on the foregoing, this Board hereby determines:

A. To levy a fee on any new or on other residential development, as described in Education Code § 17620(a), occurring within the District, in the maximum amount currently authorized by law of \$3.79 per square foot of assessable space as such space is defined in Government Code § 65995(b)(1).

B. To levy a fee on categories of new commercial or industrial development, as described in Education Code § 17620(a), occurring within the boundaries of the District, in the maximum amount currently authorized by law of \$0.61 per square foot of chargeable covered

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and enclosed space as such space is defined in Government Code § 65995(b)(2), except for Rental Self Storage facilities in which a fee of \$0.04 per square foot is justified .

4. The fee provisions of this Resolution are not exclusive, and this Board specifically reserves authority to undertake other or additional methods to finance school facilities in partial or complete substitution for, or in conjunction with, the fee provisions set forth therein, as authorized by law. This Board reserves the authority, in its discretion, to substitute the dedication of land or other form of requirement in lieu of fees to be levied pursuant to this Resolution.

5. The District intends to utilize fees for new construction of school facilities, reconstruction or modernization of existing facilities, purchase, lease or lease-purchase of portable or relocatable classrooms and related facilities as interim school facilities to house students pending the construction of permanent facilities, or the purchase of land for school facilities. This includes all associated costs to plan and execute school facilities projects including, but not limited to, architectural and engineering costs, testing and inspection costs, permits and plan checking, and other administrative costs related to the provision of school facilities. Construction, reconstruction or modernization of school facilities includes, but is not limited to, classrooms and equipment and furnishings for classrooms, and all other reasonable and customary auxiliary, accessory, adjunct, or other supportive facilities for classrooms such as restrooms, gymnasiums, administrative offices, cafeterias, libraries, multi-purpose rooms, maintenance and storage rooms, walkways, overhangs, parking lots, landscaping, and all other similar facilities. Finally, fees may be used for studies and reports necessary to make the findings and determinations required by law for the collection of fees which may include the school facilities needs analysis described in Government Code section 65995.6, for reimbursement of administrative costs to collect fees, and for such other purposes consistent with the purpose and intent of this Resolution, or authorized by law, or deemed necessary or appropriate by this governing board.

6. The Superintendent, or designee, is authorized to certify compliance of a particular development project with the fee or other requirement levied by this Board, or to certify where appropriate that a project is fully or partially exempt from fees in appropriate circumstances. Any certification of compliance for a particular residential construction project is

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expressly conditioned upon the continued satisfaction by that project of the requirements for that certification and failure to meet those requirements in the future may result in the revocation of such certification and enforcement of the appropriate fee requirement for the project.

7. Pursuant to Education Code § 17621(c), this board determines that the fee levied on residential development is not subject to the restrictions set forth in subdivision (a) of Government Code § 66007 and, pursuant to Education Code § 17620(b), shall be collected at the time of issuance of the building or similar permit required for a particular development project.

8. Pursuant to Government Code section 66001(d), the Superintendent or the District's designee shall review the Fund established pursuant to this Resolution for the fifth fiscal year following the first deposit of fees in the Fund, and every five years thereafter, and with respect to any portion of a fee remaining unspent five or more years after deposit, the Superintendent or the District's designee shall report to this Board which shall either make the findings required by section 66001(d) for said unspent fees, or direct the refund of such fees in the manner provided in 66001(e) and (f).

9. Pursuant to Government Code section 66001(e), the Superintendent or designee, shall advise this board whenever it appears sufficient fees have been collected to complete financing on incomplete public improvements that have been identified in a Study. This board shall then make a determination whether or not sufficient fees have been collected for a particular project, and when a determination is made by this board that sufficient fees have been collected, this Board shall identify, within 180 days of the determination, an approximate date by which the construction of the public improvement will be commenced, or shall refund the fees as provided in said section, unless the provisions of section 66001(f) are deemed to apply.

10. The fees adopted herein are effective sixty (60) days after the approval of this Resolution unless the School Board states this is an urgency due to the significant needs and impacts of the impending new housing developments and there is a 4/5ths majority vote, to cause that the imposition of fees shall take effect thirty (30) days after the date of this Resolution.

11. The Superintendent or the District's designee is hereby authorized and directed to do the following:

A. As required by Government Code § 66006(a), to establish a separate capital facilities fund (herein "Fund") into which the fees received by the District shall be

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deposited and shall not be commingled with other revenues and funds of the District. The fees, and any interest earned thereon, shall be expended only for the purpose of funding the construction or reconstruction of school facilities or such other purposes as are permitted by law and authorized by this Board.

B. If applicable, negotiate agreements with other school district(s) with common territorial boundaries ensuring that the total fees collected by each school district does not exceed the maximum fees allowed by law for residential and commercial and industrial development and providing for an equitable division of the fees with such other school district(s). As required by Education Code section § 17623(a), copies of such agreement(s) shall be transmitted to the State Allocation Board, and shall also be sent to any county or city planning agency which is calculating or collecting fees on behalf of the District.

C. Take such further action as is necessary or appropriate to carry out the purpose and intent of this Resolution.

I, _____, Secretary to the Board of Trustees of the Pacific Grove Unified School District, do hereby certify that the foregoing Resolution was proposed by Board member _____, seconded by Board member _____, and was duly passed and adopted, by vote of said Board, at an official and public meeting thereof held on October 24, 2019, as follows:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated: _____

Secretary, Board of Trustees

SEPTEMBER 2019

2018 DEVELOPER FEE JUSTIFICATION STUDY PACIFIC GROVE UNIFIED SCHOOL DISTRICT

RALPH PORRAS,
SUPERINTENDENT

SCHOOLWORKS, INC.
8331 Sierra College Blvd., #221
Roseville, CA 95661

PHONE: 916-733-0402
WWW.SCHOOLWORKSGIS.COM

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- **Census Data**
- **Uses of Developer Fees**
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- **Index Adjustment on the Assessment for Development – State Allocation Board Meeting of January 24, 2018**
- **Annual Adjustment to School Facility Program Grants**
- **PGUSD Capital Projects List**

Executive Summary

This Developer Fee Justification Study demonstrates that the Pacific Grove Unified School District requires the full statutory impact fee to accommodate impacts from development activity.

Pacific Grove Unified School District has never collected Level 1 Developer Fees. The fee amounts approved at the January 24, 2018 State Allocation Board meeting are **\$3.79** per square foot for residential construction and **\$0.61*** per square foot for commercial/industrial construction.

The following table shows the fee amounts:

Table 1
Pacific Grove Unified School District
Developer Fee Collection Rates

Totals	<u>Previous</u>	<u>New</u>	<u>Change</u>
Residential	\$0.00	\$3.79	\$3.79
Commercial/Ind.	\$0.00	\$0.61	\$0.61

*except for Rental Self Storage facilities in which a fee of \$0.04 per square foot is justified.

Background

Education Code Section 17620 allows school districts to assess fees on new residential and commercial construction within their respective boundaries. These fees can be collected without special city or county approval, to fund the construction of new school facilities necessitated by the impact of residential and commercial development activity. In addition, these fees can also be used to fund the reconstruction of school facilities to accommodate students generated from new development projects. Fees are collected immediately prior to the time of the issuance of a building permit by the City or the County.

As enrollment increases, additional school facilities will be needed to house the growth in the student population. Because of the high cost associated with constructing school facilities and the District's limited budget, outside funding sources are required for future school construction. State and local funding sources for the construction and/or reconstruction of school facilities are limited.

The authority cited in Education Code Section 17620 states in part "... the governing board of any school district is authorized to levy a fee, charge, dedication or other form of requirement against any development project for the construction or reconstruction of school facilities." The legislation originally established the maximum fee rates at \$1.50 per square foot for residential construction and \$0.25 per square foot for commercial/industrial construction. Government Code Section 65995 provides for an inflationary increase in the fees every two years based on the changes in the Class B construction index. As a result of these adjustments, the fees authorized by Education Code 17620 are currently **\$3.79** per square foot of residential construction and **\$0.61** per square foot of commercial or industrial construction.

Purpose and Intent

Prior to levying developer fees, a district must demonstrate and document that a reasonable relationship exists between the need for new or reconstructed school facilities and residential, commercial and industrial development. The justification for levying fees is required to address three basic links between the need for facilities and new development. These links or nexus are:

Burden Nexus: A district must identify the number of students anticipated to be generated by residential, commercial and industrial development. In addition, the district shall identify the school facility and cost impact of these students.

Cost Nexus: A district must demonstrate that the fees to be collected from residential, commercial and industrial development will not exceed the cost of providing school facilities for the students to be generated from the development.

Benefit Nexus: A district must show that the construction or reconstruction of school facilities to be funded by the collection of developer fees will benefit the students generated by residential, commercial and industrial development.

The purpose of this Study is to document if a reasonable relationship exists between residential, commercial and industrial development and the need for new and/or modernized facilities in the Pacific Grove Unified School District.

Following in this Study will be figures indicating the current enrollment and the projected development occurring within the attendance boundaries of the Pacific Grove Unified School District. The projected students will then be loaded into existing facilities to the extent of available space. Thereafter, the needed facilities will be determined and an estimated cost will be assigned. The cost of the facilities will then be compared to the area of residential, commercial and industrial development to determine the amount of developer fees justified.

Enrollment Projections

In 2018/2019 the District's total enrollment (CBEDS) was 2,035 students. The enrollment by grade level is shown here in Table 2.

Table 2

**Pacific Grove Unified School District
CURRENT ENROLLMENT**

Grade	2018/2019
TK/K	173
1	131
2	177
3	139
4	152
5	134
6	175
<hr/>	
TK-6 Total	1,081
7	144
8	168
<hr/>	
7-8 Total	312
9	185
10	151
11	155
12	151
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9-12 Total	642
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TK-12 Total	2,035

This data will be the basis for the enrollment projections which will be presented later after a review of the development projections and the student generation factors.

Student Generation Factor

In determining the impact of new development, the District is required to show how many students will be generated from the new developments. In order to ensure that new development is paying only for the impact of those students that are being generated by new homes and businesses, the student generation factor is applied to the number of new housing units to determine development-related impacts.

The student generation factor identifies the number of students per housing unit and provides a link between residential construction projects and projections of enrollment. The State-wide factor used by the Office of Public School Construction is 0.70 for grades TK-12. For the purposes of this Study we will use the local factors to determine the students generated from new housing developments. This was done by comparing the number of housing units in the school district to the number of students living in the school district as of the 2010 Census. Table 3 shows the student generation factors for the various grade groupings.

Table 3

Pacific Grove Unified School District STUDENT GENERATION FACTORS

<u>Grades</u>	<u>Students per Household</u>
TK-6	0.1307
7-8	0.0389
9-12	0.0873
Total	0.2569

When using the Census data to determine the average district student yield rate, it is not possible to determine which students were living in multi-family units versus single family units. Therefore, only the total average yield rate is shown. The overall student generation rate will be used to determine student yields from the projected developments.

New Residential Development Projections

The Pacific Grove Unified School District has experienced an average new residential construction rate of approximately 5 units per year over the past four years. This was determined by reviewing the residential permits pulled at the City of Pacific Grove building department. After contacting the City of Pacific Grove planning and building departments within the school district boundaries, it was determined that the residential construction rate over the next five years will average 5 units per year. Projecting the average rate forward, we would expect that 25 units of residential housing will be built within the District boundaries over the next five years.

To determine the impact of residential development, a student projection is done. Applying the student generation factor of 0.2569 to the projected 25 units of residential housing, we expect that 6 students will be generated from the new residential construction over the next five years. This includes 3 elementary school students, 1 middle school student, and 2 high school students.

The following table shows the projected impact of new development. The students generated by development will be utilized to determine the facility cost impacts to the school district.

Table 4

Pacific Grove Unified School District DEVELOPMENT IMPACT ANALYSIS

<u>Grades</u>	<u>Current Enrollment</u>	<u>Development Projection</u>	<u>Projected Enrollment</u>
TK to 6	1,081	3	1,084
7 to 8	312	1	313
9 to 12	642	2	644
Totals	2,035	6	2,041

Existing Facility Capacity

To determine the need for additional school facilities, the capacity of the existing facilities must be identified and compared to current and anticipated enrollments. The District's existing building capacity will be calculated using the State classroom loading standards shown in Table 6. The following types of "support-spaces" necessary for the conduct of the District's comprehensive educational program, are not included as "teaching stations," commonly known as "classrooms" to the public:

Table 5

List of Core and Support Facilities

Library	Resource Specialist
Multipurpose Room	Gymnasium
Office Area	Lunch Room
Staff Workroom	P.E. Facilities

Because the District requires these types of support facilities as part of its existing facility and curriculum standards at its schools, new development's impact must not materially or adversely affect the continuance of these standards. Therefore, new development cannot require that the District house students in these integral support spaces.

Classroom Loading Standards

The following maximum classroom loading-factors are used to determine teaching-station "capacity," in accordance with the State legislation and the State School Building Program. These capacity calculations are also used in preparing and filing the baseline school capacity statement with the Office of Public School Construction.

Table 6

State Classroom Loading Standards

TK/Kindergarten	25 Students/Classroom
1 st -3 rd Grades	25 Students/Classroom
4 th -6 th Grades	25 Students/Classroom
7 th -8 th Grades	27 Students/Classroom
9 th -12 th Grades	27 Students/Classroom

Existing Facility Capacity

The State determines the baseline capacity by either loading all permanent teaching stations plus a maximum number of portables equal to 25% of the number of permanent classrooms or by loading all permanent classrooms and only portables that are owned or have been leased for over 5 years. As allowed by law and required by the State, facility capacities are calculated by identifying the number of teaching stations at each campus. All qualified teaching stations are included in the calculation of the capacities. Using these guidelines the District's current State calculated capacity is shown in Table 7.

Table 7

Pacific Grove Unified School District Summary of Existing Facility Capacity							
<u>School Facility</u>	<u>Permanent Classrooms</u>	<u>Portable Classrooms</u>	<u>Chargeable Portables</u>	<u>Total Chargeable Classrooms</u>	<u>State Loading Factor</u>	<u>State Funded Projects</u>	<u>Total State Capacity</u>
Grades TK-6	64	15	15	79	25	0	1,975
Grades 7-8	24	4	4	28	27	0	756
Grades 9-12	35	2	2	37	27	0	999
Totals	123	21	21	144		0	3,730

This table shows a basic summary of the form and procedures used by OPSC (Office of Public School Construction) to determine the capacity of a school district. There are a total of 123 permanent classrooms in the District. In addition there are 21 portable classrooms. OPSC regulations state that if the number of portables exceeds 25% of the permanent classrooms, then the maximum number of portables to be counted in the baseline capacity is 25% of the permanent classrooms. Since the District has fewer portable classrooms than 25% of the permanent classrooms, all 21 portable classrooms are included in the baseline. This results in a total classroom count of 144 and is referred to as the chargeable classrooms. As Table 7 shows, the total State capacity of the District facilities is 3,730 students.

Unhoused Students by State Housing Standards

This next table compares the facility capacity with the space needed to determine if there is available space for new students from the projected developments. The space needed was determined by reviewing the historic enrollments over the past four years along with the projected enrollment in five years to determine the number of seats needed to house the students within the existing homes. The seats needed were determined individually for each

grade grouping. The projected enrollment in this analysis did not include the impact of any new housing units.

Table 8

**Pacific Grove Unified School District
Summary of Available District Capacity**

<u>School Facility</u>	<u>State Capacity</u>	<u>Space Needed</u>	<u>Available Capacity</u>
Grades TK-6	1,975	1,130	845
Grades 7-8	756	345	411
Grades 9-12	999	642	357
Totals	3,730	2,117	1,613

The District capacity of 3,730 is more than the space needed of 2,117, assuming the existing facilities remain in sufficient condition to maintain existing levels of service. The difference is 1,613 students.

Calculation of Development's Fiscal Impact on Schools

This section of the Study will demonstrate that a reasonable relationship exists between residential, commercial/industrial development and the need for school facilities in the Pacific Grove Unified School District. To the extent this relationship exists, the District is justified in levying developer fees as authorized by Education Code Section 17620.

Reconstruction/Modernization Costs

There is a need to reconstruct or modernize existing facilities in order to maintain the existing levels of service as students from new development continue to arrive in the District's facilities. In order to generate capacity, it may also be necessary to reopen closed school facilities. Such reopening often requires reconstruction in order to provide the District's existing level of service. For purposes of this report, the analysis of modernization/reconstruction includes the possible reopening and refurbishing of closed or unused school facilities.

California has made a significant investment in school facilities through grants provided to help extend the useful life of public schools. The State's largest funding source for public school modernization projects, the School Facilities Program (SFP), requires a minimum local funding contribution of 40% of SFP-eligible costs. The State may provide up to 60% of the eligible costs at those times that State funding is available. However, SFP modernization grants frequently, if not usually, fall short of providing 60% of the actual costs for major modernizations. In the best cases, developer fees can help meet the District's required 40% local share. In many cases, developer fees may be necessary to supplement both the State's and the school district's contribution to a project.

Buildings generate eligibility for State reconstruction/modernization funding once they reach an age of 25 years old for permanent buildings and 20 years old for portables.

The usable life of school facilities is an important consideration in determining district facility needs into the future. The specific time when the projected residential developments will be built cannot be precisely predicted. Some new homes may be immediately occupied by families with school aged children, while others may be immediately occupied who will have school-aged children in five to ten years. As a result of these variables, for each new home, the District must be prepared to house the students residing there for an extended period of time. Students generated by the next five years of development will need to be

accommodated in District schools for a significant amount of time that could exceed twenty years. Thus, the District will need to ensure that it has facilities in place for future decades.

As evidenced by the State Building program's use of the criteria that buildings older than twenty-five years (and portables older than twenty years) are eligible for modernization funds, school buildings require reconstruction/modernization to remain in use for students beyond the initial twenty to twenty-five years of life of those buildings. To the extent that the District has buildings older than twenty to twenty-five years old, the point will be reached without reconstruction/modernization that those buildings will no longer be able to provide the existing level of service to students, and may, in some circumstances, need to be closed entirely for health and safety reasons. However, because of the new development, reconstruction/modernization must occur in order to have available school housing for the new students from development.

The following table shows the District's eligibility for modernization/reconstruction funding in the State Building Program.

Table 9

Modernization Project Needs

<u>School</u>	<u>Eligible Modernization Grants</u>				<u>State Funding</u>	<u>District Share</u>	<u>Project Total</u>
	<u>Elem</u>	<u>Middle</u>	<u>High</u>	<u>Spec Ed</u>			
Forest Grove Elem	69	0	0	0	\$359,324	\$239,550	\$598,874
Robert Down Elem	491	0	0	0	\$2,297,448	\$1,531,632	\$3,829,080
Pacific Grove Middle	0	499	0	0	\$2,465,429	\$1,643,620	\$4,109,049
Pacific Grove High	0	0	50	0	\$357,843	\$238,562	\$596,404
TOTALS	560	499	50	0	\$5,480,044	\$3,653,363	\$9,133,407

Table 10

New Development Share of Modernization Costs

<u>Grade</u>	<u>Eligible Modernization Grants</u>	<u>New Development</u>		
	<u>Grants</u>	<u>Students</u>	<u>\$/Student</u>	<u>Amount</u>
TK-6	560	3	\$29,893	\$89,679
7-8	499	1	\$36,884	\$36,884
9-12	50	2	\$41,072	\$82,144
Totals	1,109	6		\$208,707

Includes students from new developments not housed in new facilities.
Amounts based on State OPSC budgets for new construction projects.

This data is used to show that there are significant needs within the school District to invest in its existing facilities. Without modernizing its schools, the District could be forced to begin closing some of its buildings and schools.

To accurately account for the amount of the modernization projects attributed to the impact of new developments, only the students from new developments that were not already housed in new facilities are included in the net needs for modernization projects. As can be seen in the charts, the net modernization needs due to new development impacts are much less than the total District modernization needs.

Impact of New Residential Development

This next table compares the development-related enrollment to the available district capacity for each grade level and then multiplies the unhoused students by the new school construction costs to determine the total school facility costs related to the impact of new residential housing developments.

The modernization needs are included for the students not housed in new facilities but who would be housed in existing facilities that are eligible for and need to be modernized to provide adequate housing and to maintain the existing level of service for the students generated by development.

Table 11

**Pacific Grove Unified School District
Summary of Residential Impact**

<u>School Facility</u>	<u>Development Projection</u>	<u>Available Space</u>	<u>Net Unhoused</u>	<u>Construction Cost Per Student</u>	<u>Total Facility Costs</u>
Elementary	3	845	0	\$23,550	\$0
Middle	1	411	0	\$24,966	\$0
High & Cont.	2	357	0	\$31,676	\$0
Site Purchase: 0.0 acres					\$0
Site Development:					\$0
New Construction Needs:					\$0
Modernization Needs:					\$208,707
TOTAL NEEDS:					\$208,707
Average cost per student:					\$34,785

The total need for school facilities based solely on the impact of the 25 new housing units projected over the next five years totals \$208,707. To determine the impact per square foot of residential development, this amount is divided by the total square feet of the projected developments. As calculated from the historic Developer Fee Permits, the average size home built has averaged 2,161 square feet. The total area for 25 new homes would therefore be 54,025 square feet. The total residential fee needed to be able to collect \$208,707 would be **\$3.86** per square foot.

Impact of Other Residential Development

In addition to new residential development projects that typically include new single family homes and new multi-family units, the District can also be impacted by additional types of new development projects. These include but are not limited to redevelopment projects, additions to existing housing units, and replacement of existing housing units with new housing units.

These development projects are still residential projects and therefore it is reasonable to assume they would have the same monetary impacts per square foot as the new residential

development projects. However, the net impact is reduced due to the fact that there was a previous residential building in its place. Therefore, the development impact fees should only be charged for other residential developments if the new building(s) exceed the square footage area of the previous building(s). If the new building is larger than the existing building, then it is reasonable to assume that additional students could be generated by the project. The project would only pay for the development impact fees for the net increase in assessable space generated by the development project. Education Code allows for an exemption from development impacts fees for any additions to existing residential structures that are 500 square feet or less.

Impact of Commercial/Industrial Development

There is a correlation between the growth of commercial/industrial firms/facilities within a community and the generation of school students within most business service areas. Fees for commercial/industrial can only be imposed if the residential fees will not fully mitigate the cost of providing school facilities to students from new development.

The approach utilized in this section is to apply statutory standards, U.S. Census employment statistics, and local statistics to determine the impact of future commercial/industrial development projects on the District. Many of the factors used in this analysis were taken from the U.S. Census, which remains the most complete and authoritative source of information on the community in addition to the "1990 SanDAG Traffic Generators Report".

Employees per Square Foot of Commercial Development

Results from a survey published by the San Diego Association of Governments "1990 San DAG Traffic Generators" are used to establish numbers of employees per square foot of building area to be anticipated in new commercial or industrial development projects. The average number of workers per 1,000 square feet of area ranges from 0.06 for Rental Self Storage to 4.79 for Standard Commercial Offices. The generation factors from that report are shown in the following table.

Table 12

Commercial/Industrial Category	Average Square Foot Per Employee	Employees Per Average Square Foot
Banks	354	0.00283
Community Shopping Centers	652	0.00153
Neighborhood Shopping Centers	369	0.00271
Industrial Business Parks	284	0.00352
Industrial Parks	742	0.00135
Rental Self Storage	15541	0.00006
Scientific Research & Development	329	0.00304
Lodging	882	0.00113
Standard Commercial Office	209	0.00479
Large High Rise Commercial Office	232	0.00431
Corporate Offices	372	0.00269
Medical Offices	234	0.00427

Source: 1990 SanDAG Traffic Generators report

Students per Employee

The number of students per employee is determined by using the 2008-2012 American Community Survey 5-Year Estimates for the District. There were 8,308 employees and 8,283 homes in the District. This represents a ratio of 1.003 employees per home.

There were 1,855 school age children living in the District in 2010. This is a ratio of 0.2233 students per employee. This ratio, however, must be reduced by including only the percentage of employees that worked in their community of residence (41.4%), because only those employees living in the District will impact the District's school facilities with their children. The net ratio of students per employee in the District is 0.0924.

School Facilities Cost per Student

Facility costs for housing commercially generated students are the same as those used for residential construction. The cost factors used to assess the impact from commercial development projects are contained in Table 11.

Residential Offset

When additional employees are generated in the District as a result of new commercial/ industrial development, fees will also be charged on the residential units necessary to provide housing for the employees living in the District. To prevent a commercial or industrial development from paying for the portion of the impact that will be covered by the residential fee, this amount has been calculated and deducted from each category. The residential offset

amount is calculated by multiplying the following factors together and dividing by 1,000 (to convert from cost per 1,000 square feet to cost per square foot).

- Employees per 1,000 square feet (varies from a low of 0.06 for rental self storage to a high of 4.79 for office building).
- Percentage of employees that worked in their community of residence (41.4 percent).
- Housing units per employee (0.997). This was derived from the 2008-2012 ACS 5 Year Estimates data for the District, which indicates there were 8,283 housing units and 8,308 employees.
- Percentage of employees that will occupy new housing units (75 percent).
- Average square feet per dwelling unit (2,161).
- Residential fee charged by the District (\$3.79 per square foot).
- Average cost per student was determined in Table 11.

The following table shows the calculation of the school facility costs generated by a square foot of new commercial/industrial development for each category of development.

Table 13

**Pacific Grove Unified School District
Summary of Commercial and Industrial Uses**

Type	Employees per 1,000 Sq. Ft.	Students per Employee	Students per 1,000 Sq. Ft.	Average Cost per Student	Cost per Sq. Ft.	Residential offset per Sq. Ft.	Net Cost per Sq. Ft.
Banks	2.83	0.0924	0.262	\$34,785	\$9.10	\$7.18	\$1.92
Community Shopping Centers	1.53	0.0924	0.141	\$34,785	\$4.92	\$3.88	\$1.04
Neighborhood Shopping Centers	2.71	0.0924	0.251	\$34,785	\$8.71	\$6.87	\$1.84
Industrial Business Parks	3.52	0.0924	0.325	\$34,785	\$11.32	\$8.92	\$2.39
Industrial Parks	1.35	0.0924	0.125	\$34,785	\$4.34	\$3.42	\$0.92
Rental Self Storage	0.06	0.0924	0.006	\$34,785	\$0.19	\$0.15	\$0.04
Scientific Research & Development	3.04	0.0924	0.281	\$34,785	\$9.77	\$7.71	\$2.07
Lodging	1.13	0.0924	0.104	\$34,785	\$3.63	\$2.87	\$0.77
Standard Commercial Office	4.79	0.0924	0.443	\$34,785	\$15.40	\$12.14	\$3.26
Large High Rise Commercial Office	4.31	0.0924	0.398	\$34,785	\$13.86	\$10.93	\$2.93
Corporate Offices	2.69	0.0924	0.249	\$34,785	\$8.65	\$6.82	\$1.83
Medical Offices	4.27	0.0924	0.395	\$34,785	\$13.73	\$10.83	\$2.90

*Based on 1990 SanDAG Traffic Generator Report

Net Cost per Square Foot

Since the State Maximum Fee is now \$0.61 for commercial/industrial construction, the District is justified in collecting the maximum fee for all categories with the exception of Rental Self Storage. The District can only justify collection of \$0.04 per square foot of Rental Self Storage construction.

Verifying the Sufficiency of the Development Impact

Education Code Section 17620 requires districts to find that fee revenues will not exceed the cost of providing school facilities to the students generated by the development paying the fees. This section shows that the fee revenues do not exceed the impact of the new development.

The total need for school facilities resulting from new development totals \$208,707. The amount the District would collect over the five year period at the maximum rate of \$3.79 for residential and \$0.61 for commercial/industrial development would be as follows:

$\$3.79 \times 25 \text{ homes} \times 2,161 \text{ sq ft per home} = \$204,755$ for Residential

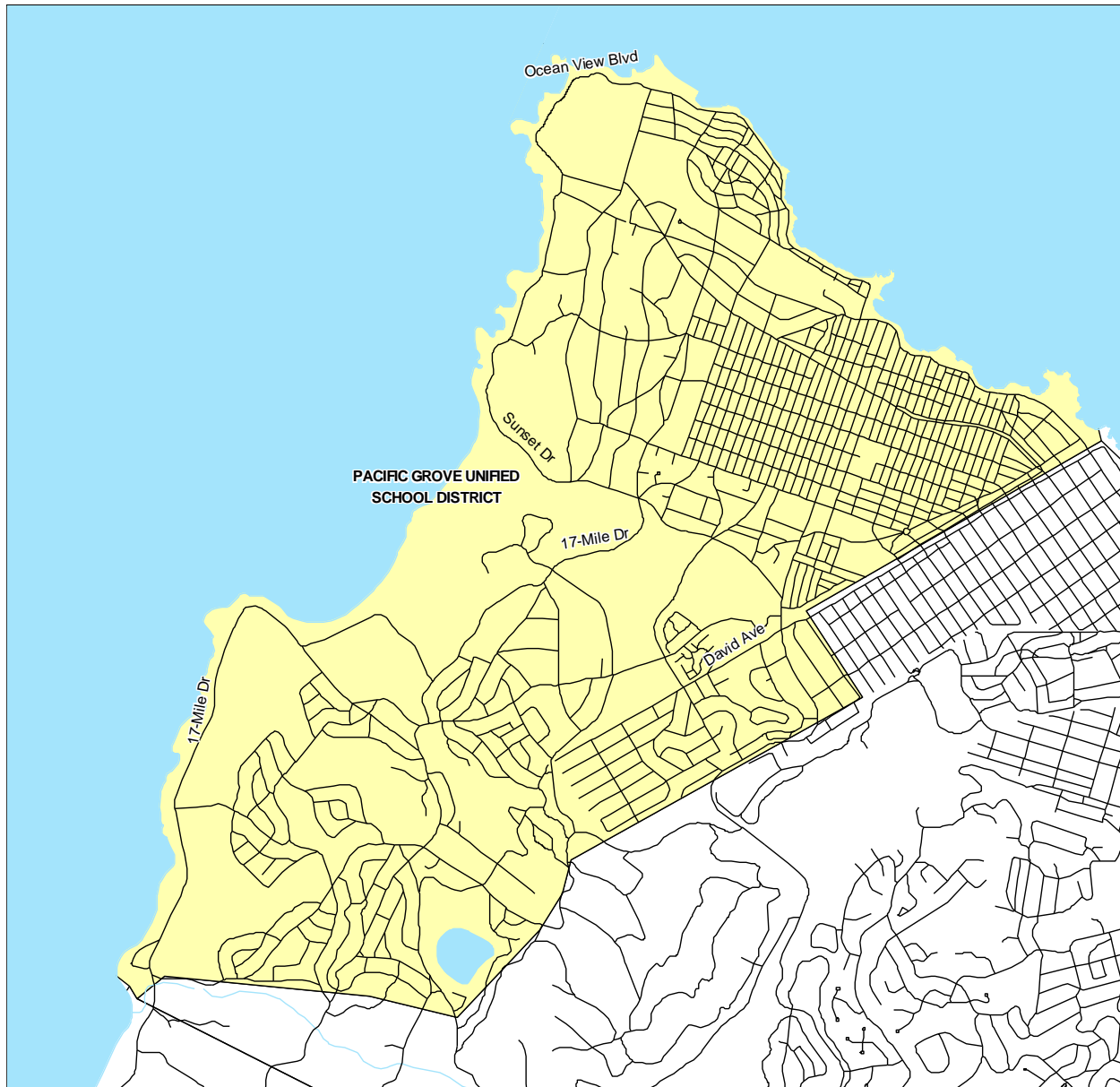
$\$0.61 \times 1,000 \text{ sq ft per year} \times 5 \text{ years} = \$3,050$ for Commercial/Industrial

Total projected 5 year income: \$207,805

The estimated income is less than the projected facility needs due to the impact of new development projects.

District Map

The following map shows the extent of the areas for which development fees are applicable to the Pacific Grove Unified School District.



Conclusion

Based on the data contained in this Study, it is found that a reasonable relationship exists between residential, commercial/industrial development and the need for school facilities in the Pacific Grove Unified School District. The following three nexus tests required to show justification for levying fees have been met:

Burden Nexus: New residential development will generate an average of 0.2569 TK-12 grade students per unit. Because the District does not have adequate facilities for all the students generated by new developments, the District will need to build additional facilities and/or modernize/reconstruct the existing facilities in order to maintain existing level of services in which the new students will be housed.

Cost Nexus: The cost to provide new and reconstructed facilities is an average of \$3.86 per square foot of residential development. Each square foot of residential development will generate \$3.79 in developer fees resulting in a shortfall of \$0.07 per square foot.

Benefit Nexus: The developer fees to be collected by the Pacific Grove Unified School District will be used for the provision of additional and reconstructed or modernized school facilities. This will benefit the students to be generated by new development by providing them with adequate educational school facilities.

The District's planned use of the fees received from development impacts will include the following types of projects, each of which will benefit students from new developments.

- 1) New Schools: When there is enough development activity occurring in a single area, the District will build a new school to house the students from new developments.
- 2) Additions to Existing Schools: When infill development occurs, the District will accommodate students at existing schools by building needed classrooms and/or support facilities such as cafeterias, restrooms, gyms and libraries as needed to increase the school capacity. Schools may also need upgrades of the technology and tele-communication systems to be able to increase their capacity.

- 3) Portable Replacement Projects: Some of the District's capacity is in temporary portables and therefore may not be included in the State's capacity calculations. These portables can be replaced with new permanent or modular classrooms to provide adequate space for students from new developments. These projects result in an increase to the facility capacity according to State standards. In addition, old portables that have reached the end of their life expectancy, will need to be replaced to maintain the existing level of service. These types of projects are considered modernization projects in the State Building Program. If development impacts did not exist, the old portables could be removed.
- 4) Modernization/Upgrade Projects: In many cases, students from new developments are not located in areas where new schools are planned to be built. The District plans to modernize or upgrade older schools to be equivalent to new schools so students will be housed in equitable facilities to those students housed in new schools. These projects may include updates to the building structures to meet current building standards, along with upgrades to the current fire and safety standards and any access compliance standards.

The District plans to use the developer fees to assist with high priority projects with estimated costs of \$2,370,000 in addition to medium priority projects estimated at \$1,769,200. All of these projects represent typical modernization scope of work located at all of the District schools.

The reasonable relationship identified by these findings provides the required justification for the Pacific Grove Unified School District to levy the maximum fees of **\$3.79** per square foot for residential construction and **\$0.61** per square foot for commercial/industrial construction, except for Rental Self Storage facilities in which a fee of **\$0.04** per square foot is justified as authorized by Education Code Section 17620.

Appendices

2018 Developer Fee Justification Study

Pacific Grove Unified School District

ENROLLMENT CERTIFICATION/PROJECTION

SAB 50-01 (REV 05/09)

OFFICE OF PUBLIC SCHOOL CONSTRUCTION

Page 6 of 6

SCHOOL DISTRICT	FIVE DIGIT DISTRICT CODE NUMBER (see California Public School Directory)
COUNTY	HIGH SCHOOL ATTENDANCE AREA (HSAA) OR SUPER HSAA (if applicable)

Check one: ☐ Fifth-Year Enrollment Projection ☐ Tenth-Year Enrollment ProjectionHSAA Districts Only - Check one: ☐ Attendance ☐ Residency☐ Residency - COS Districts Only - (Fifth Year Projection Only)☐ Modified Weighting (Fifth-Year Projection Only)☐ Alternate Weighting - (Fill in boxes to the right):

3rd Prev. to 2nd Prev.	2nd Prev. to Prev.	Previous to Current

Part G. Number of New Dwelling Units

(Fifth-Year Projection Only)

Part H. District Student Yield Factor

(Fifth-Year Projection Only)

Part I. Projected Enrollment**1. Fifth-Year Projection****Enrollment/Residency** - (except Special Day Class pupils)

K-6	7-8	9-12	TOTAL

Special Day Class pupils only - Enrollment/Residency

	Elementary	Secondary	TOTAL
Non-Severe			
Severe			
TOTAL			

2. Tenth-Year Projection**Enrollment/Residency** - (except Special Day Class pupils)

K-6	7-8	9-12	TOTAL

Special Day Class pupils only - Enrollment/Residency

	Elementary	Secondary	TOTAL
Non-Severe			
Severe			
TOTAL			

I certify, as the District Representative, that the information reported on this form and, when applicable, the High School Attendance Area Residency Reporting Worksheet attached, is true and correct and that:

- I am designated as an authorized district representative by the governing board of the district.
- If the district is requesting an augmentation in the enrollment projection pursuant to Regulation Section 1859.42.1 (a), the local planning commission or approval authority has approved the tentative subdivision map used for augmentation of the enrollment and the district has identified dwelling units in that map to be contracted. All subdivision maps used for augmentation of enrollment are available at the district for review by the Office of Public School Construction (OPSC).
- This form is an exact duplicate (verbatim) of the form provided by the Office of Public School Construction. In the event a conflict should exist, then the language in the OPSC form will prevail.

NAME OF DISTRICT REPRESENTATIVE (PRINT OR TYPE)

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE

TELEPHONE NUMBER

E-MAIL ADDRESS

Part A. K-12 Pupil Data

Grade	7th Prev.	6th Prev.	5th Prev.	4th Prev.	3rd Prev.	2nd Prev.	Previous	Current
K	/	/	/	/	/	/	/	/
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
TOTAL								

Part B. Pupils Attending Schools Chartered By Another District

7th Prev.	6th Prev.	5th Prev.	4th Prev.	3rd Prev.	2nd Prev.	Previous	Current

Part C. Continuation High School Pupils - (Districts Only)

Grade	7th Prev.	6th Prev.	5th Prev.	4th Prev.	3rd Prev.	2nd Prev.	Previous	Current
9								
10								
11								
12								
TOTAL								

Part D. Special Day Class Pupils - (Districts or County Superintendent of Schools)

	Elementary	Secondary	TOTAL
Non-Severe			
Severe			
TOTAL			

Part E. Special Day Class Pupils - (County Superintendent of Schools Only)

7th Prev.	6th Prev.	5th Prev.	4th Prev.	3rd Prev.	2nd Prev.	Previous	Current
/	/	/	/	/	/	/	/

Part F. Birth Data - (Fifth-Year Projection Only)☐ County Birth Data ☐ Birth Data by District ZIP Codes☐ Estimate ☐ Estimate ☐ Estimate

8th Prev.	7th Prev.	6th Prev.	5th Prev.	4th Prev.	3rd Prev.	2nd Prev.	Previous	Current



DP04

SELECTED HOUSING CHARACTERISTICS

2008-2012 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

Subject	Pacific Grove Unified School District, California			
	Estimate	Margin of Error	Percent	Percent Margin of Error
HOUSING OCCUPANCY				
Total housing units	9,976	+/-402	9,976	(X)
Occupied housing units	8,283	+/-342	83.0%	+/-2.2
Vacant housing units	1,693	+/-250	17.0%	+/-2.2
Homeowner vacancy rate	2.0	+/-1.6	(X)	(X)
Rental vacancy rate	4.5	+/-2.6	(X)	(X)
UNITS IN STRUCTURE				
Total housing units	9,976	+/-402	9,976	(X)
1-unit, detached	6,587	+/-416	66.0%	+/-2.7
1-unit, attached	621	+/-163	6.2%	+/-1.6
2 units	393	+/-124	3.9%	+/-1.3
3 or 4 units	730	+/-201	7.3%	+/-2.0
5 to 9 units	560	+/-160	5.6%	+/-1.6
10 to 19 units	368	+/-130	3.7%	+/-1.3
20 or more units	591	+/-122	5.9%	+/-1.3
Mobile home	126	+/-45	1.3%	+/-0.5
Boat, RV, van, etc.	0	+/-20	0.0%	+/-0.4
YEAR STRUCTURE BUILT				
Total housing units	9,976	+/-402	9,976	(X)
Built 2010 or later	0	+/-20	0.0%	+/-0.4
Built 2000 to 2009	348	+/-140	3.5%	+/-1.4
Built 1990 to 1999	400	+/-131	4.0%	+/-1.3
Built 1980 to 1989	701	+/-153	7.0%	+/-1.5
Built 1970 to 1979	1,500	+/-250	15.0%	+/-2.5
Built 1960 to 1969	1,635	+/-230	16.4%	+/-2.2
Built 1950 to 1959	1,942	+/-236	19.5%	+/-2.3
Built 1940 to 1949	1,018	+/-175	10.2%	+/-1.8
Built 1939 or earlier	2,432	+/-282	24.4%	+/-2.5
ROOMS				
Total housing units	9,976	+/-402	9,976	(X)

Subject	Pacific Grove Unified School District, California				Public Hearing
	Estimate	Margin of Error	Percent	Percent Margin of Error	
1 room	204	+/-110	2.0%	+/-1.1	
2 rooms	438	+/-126	4.4%	+/-1.3	
3 rooms	1,068	+/-200	10.7%	+/-1.9	
4 rooms	2,213	+/-243	22.2%	+/-2.4	
5 rooms	2,072	+/-304	20.8%	+/-2.7	
6 rooms	1,654	+/-255	16.6%	+/-2.4	
7 rooms	1,130	+/-200	11.3%	+/-2.0	
8 rooms	652	+/-147	6.5%	+/-1.4	
9 rooms or more	545	+/-137	5.5%	+/-1.4	
Median rooms	5.0	+/-0.1	(X)	(X)	
BEDROOMS					
Total housing units	9,976	+/-402	9,976	(X)	
No bedroom	254	+/-117	2.5%	+/-1.2	
1 bedroom	1,589	+/-255	15.9%	+/-2.5	
2 bedrooms	3,673	+/-333	36.8%	+/-2.9	
3 bedrooms	3,157	+/-336	31.6%	+/-2.8	
4 bedrooms	1,132	+/-217	11.3%	+/-2.3	
5 or more bedrooms	171	+/-61	1.7%	+/-0.6	
HOUSING TENURE					
Occupied housing units	8,283	+/-342	8,283	(X)	
Owner-occupied	4,378	+/-344	52.9%	+/-3.0	
Renter-occupied	3,905	+/-256	47.1%	+/-3.0	
Average household size of owner-occupied unit					
Average household size of renter-occupied unit					
YEAR HOUSEHOLDER MOVED INTO UNIT					
Occupied housing units	8,283	+/-342	8,283	(X)	
Moved in 2010 or later	987	+/-186	11.9%	+/-2.3	
Moved in 2000 to 2009	3,875	+/-322	46.8%	+/-3.4	
Moved in 1990 to 1999	1,588	+/-262	19.2%	+/-3.0	
Moved in 1980 to 1989	645	+/-145	7.8%	+/-1.6	
Moved in 1970 to 1979	682	+/-134	8.2%	+/-1.5	
Moved in 1969 or earlier	506	+/-103	6.1%	+/-1.2	
VEHICLES AVAILABLE					
Occupied housing units	8,283	+/-342	8,283	(X)	
No vehicles available	376	+/-103	4.5%	+/-1.3	
1 vehicle available	3,539	+/-318	42.7%	+/-3.1	
2 vehicles available	3,202	+/-293	38.7%	+/-3.1	
3 or more vehicles available	1,166	+/-173	14.1%	+/-2.1	
HOUSE HEATING FUEL					
Occupied housing units	8,283	+/-342	8,283	(X)	
Utility gas	6,648	+/-357	80.3%	+/-2.7	
Bottled, tank, or LP gas	98	+/-50	1.2%	+/-0.6	
Electricity	1,380	+/-221	16.7%	+/-2.6	
Fuel oil, kerosene, etc.	0	+/-20	0.0%	+/-0.5	
Coal or coke	0	+/-20	0.0%	+/-0.5	
Wood	76	+/-53	0.9%	+/-0.6	
Solar energy	0	+/-20	0.0%	+/-0.5	
Other fuel	33	+/-34	0.4%	+/-0.4	
No fuel used	48	+/-41	0.6%	+/-0.5	
SELECTED CHARACTERISTICS					
Occupied housing units	8,283	+/-342	8,283	(X)	
Lacking complete plumbing facilities	0	+/-20	0.0%	+/-0.5	

Subject	Pacific Grove Unified School District, California				Public Hearing
	Estimate	Margin of Error	Percent	Percent Margin of Error	
Lacking complete kitchen facilities	38	+/-26	0.5%	+/-0.3	
No telephone service available	371	+/-145	4.5%	+/-1.8	
OCCUPANTS PER ROOM					
Occupied housing units	8,283	+/-342	8,283	(X)	
1.00 or less	8,164	+/-356	98.6%	+/-0.7	
1.01 to 1.50	108	+/-54	1.3%	+/-0.7	
1.51 or more	11	+/-17	0.1%	+/-0.2	
VALUE					
Owner-occupied units	4,378	+/-344	4,378	(X)	
Less than \$50,000	45	+/-32	1.0%	+/-0.7	
\$50,000 to \$99,999	48	+/-41	1.1%	+/-0.9	
\$100,000 to \$149,999	10	+/-15	0.2%	+/-0.3	
\$150,000 to \$199,999	36	+/-30	0.8%	+/-0.7	
\$200,000 to \$299,999	186	+/-83	4.2%	+/-1.8	
\$300,000 to \$499,999	546	+/-121	12.5%	+/-2.5	
\$500,000 to \$999,999	2,457	+/-225	56.1%	+/-3.4	
\$1,000,000 or more	1,050	+/-178	24.0%	+/-3.5	
Median (dollars)	756,200	+/-31,623	(X)	(X)	
MORTGAGE STATUS					
Owner-occupied units	4,378	+/-344	4,378	(X)	
Housing units with a mortgage	2,761	+/-253	63.1%	+/-3.4	
Housing units without a mortgage	1,617	+/-201	36.9%	+/-3.4	
SELECTED MONTHLY OWNER COSTS (SMOC)					
Housing units with a mortgage	2,761	+/-253	2,761	(X)	
Less than \$300	0	+/-20	0.0%	+/-1.3	
\$300 to \$499	16	+/-21	0.6%	+/-0.7	
\$500 to \$699	58	+/-40	2.1%	+/-1.4	
\$700 to \$999	153	+/-61	5.5%	+/-2.1	
\$1,000 to \$1,499	242	+/-84	8.8%	+/-2.9	
\$1,500 to \$1,999	360	+/-101	13.0%	+/-3.3	
\$2,000 or more	1,932	+/-210	70.0%	+/-4.4	
Median (dollars)	2,654	+/-188	(X)	(X)	
Housing units without a mortgage	1,617	+/-201	1,617	(X)	
Less than \$100	15	+/-22	0.9%	+/-1.4	
\$100 to \$199	71	+/-47	4.4%	+/-2.8	
\$200 to \$299	188	+/-71	11.6%	+/-4.3	
\$300 to \$399	271	+/-82	16.8%	+/-5.1	
\$400 or more	1,072	+/-183	66.3%	+/-6.7	
Median (dollars)	537	+/-67	(X)	(X)	
SELECTED MONTHLY OWNER COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME (SMOCAPI)					
Housing units with a mortgage (excluding units where SMOCAPI cannot be computed)	2,733	+/-257	2,733	(X)	
Less than 20.0 percent	773	+/-150	28.3%	+/-4.7	
20.0 to 24.9 percent	284	+/-91	10.4%	+/-2.9	
25.0 to 29.9 percent	434	+/-128	15.9%	+/-4.6	
30.0 to 34.9 percent	232	+/-87	8.5%	+/-3.2	
35.0 percent or more	1,010	+/-178	37.0%	+/-5.5	
Not computed	28	+/-30	(X)	(X)	
Housing unit without a mortgage (excluding units where SMOCAPI cannot be computed)	1,602	+/-200	1,602	(X)	
Less than 10.0 percent	791	+/-138	49.4%	+/-7.0	

Subject	Pacific Grove Unified School District, California				Public Hearing
	Estimate	Margin of Error	Percent	Percent Margin of Error	
10.0 to 14.9 percent	286	+/-77	17.9%	+/-4.6	
15.0 to 19.9 percent	74	+/-43	4.6%	+/-2.7	
20.0 to 24.9 percent	97	+/-49	6.1%	+/-3.0	
25.0 to 29.9 percent	79	+/-49	4.9%	+/-2.9	
30.0 to 34.9 percent	0	+/-20	0.0%	+/-2.3	
35.0 percent or more	275	+/-119	17.2%	+/-6.6	
Not computed	15	+/-24	(X)	(X)	
GROSS RENT					
Occupied units paying rent	3,745	+/-265	3,745	(X)	
Less than \$200	25	+/-27	0.7%	+/-0.7	
\$200 to \$299	19	+/-22	0.5%	+/-0.6	
\$300 to \$499	22	+/-26	0.6%	+/-0.7	
\$500 to \$749	109	+/-83	2.9%	+/-2.2	
\$750 to \$999	291	+/-94	7.8%	+/-2.4	
\$1,000 to \$1,499	1,565	+/-212	41.8%	+/-5.0	
\$1,500 or more	1,714	+/-244	45.8%	+/-5.6	
Median (dollars)	1,434	+/-80	(X)	(X)	
No rent paid	160	+/-72	(X)	(X)	
GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME (GRAPI)					
Occupied units paying rent (excluding units where GRAPI cannot be computed)	3,681	+/-268	3,681	(X)	
Less than 15.0 percent	464	+/-139	12.6%	+/-3.7	
15.0 to 19.9 percent	355	+/-112	9.6%	+/-2.9	
20.0 to 24.9 percent	511	+/-154	13.9%	+/-3.9	
25.0 to 29.9 percent	481	+/-136	13.1%	+/-3.6	
30.0 to 34.9 percent	577	+/-149	15.7%	+/-4.0	
35.0 percent or more	1,293	+/-199	35.1%	+/-5.2	
Not computed	224	+/-108	(X)	(X)	

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

The median gross rent excludes no cash renters.

In prior years, the universe included all owner-occupied units with a mortgage. It is now restricted to include only those units where SMOCAPI is computed, that is, SMOC and household income are valid values.

In prior years, the universe included all owner-occupied units without a mortgage. It is now restricted to include only those units where SMOCAPI is computed, that is, SMOC and household income are valid values.

In prior years, the universe included all renter-occupied units. It is now restricted to include only those units where GRAPI is computed, that is, gross rent and household income are valid values.

The 2007, 2008, 2009, 2010, 2011, and 2012 plumbing data for Puerto Rico will not be shown. Research indicates that the questions on plumbing facilities that were introduced in 2008 in the stateside American Community Survey and the 2008 Puerto Rico Community Survey may not have been appropriate for Puerto Rico.

Median calculations for base table sourcing VAL, MHC, SMOC, and TAX should exclude zero values.

While the 2008-2012 American Community Survey (ACS) data generally reflect the December 2009 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2000 data. Boundaries for urban areas have not been updated since Census 2000. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2008-2012 American Community Survey

Explanation of Symbols:

1. An '***' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An '****' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An '*****' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
8. An '(X)' means that the estimate is not applicable or not available.



S0802

MEANS OF TRANSPORTATION TO WORK BY SELECTED CHARACTERISTICS

2013-2017 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Technical Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

Subject	Pacific Grove Unified School District, California				
	Total		Car, truck, or van -- drove alone		Car, truck, or van -- carpooled
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate
Workers 16 years and over	8,308	+/-412	6,378	+/-394	596
AGE					
16 to 19 years	1.8%	+/-1.1	1.6%	+/-1.1	0.0%
20 to 24 years	4.8%	+/-1.7	4.5%	+/-1.8	7.0%
25 to 44 years	38.0%	+/-3.3	38.1%	+/-3.9	49.5%
45 to 54 years	20.4%	+/-2.5	21.1%	+/-3.0	22.5%
55 to 59 years	12.5%	+/-2.0	13.3%	+/-2.4	8.4%
60 years and over	22.5%	+/-2.5	21.5%	+/-2.5	12.6%
Median age (years)	47.0	+/-1.4	47.0	+/-1.7	40.7
SEX					
Male	47.3%	+/-2.2	48.3%	+/-2.8	41.9%
Female	52.7%	+/-2.2	51.7%	+/-2.8	58.1%
RACE AND HISPANIC OR LATINO ORIGIN					
One race	97.0%	+/-1.3	96.8%	+/-1.6	99.0%
White	87.3%	+/-2.4	87.4%	+/-2.5	83.9%
Black or African American	1.0%	+/-0.6	1.0%	+/-0.7	2.0%
American Indian and Alaska Native	0.4%	+/-0.5	0.6%	+/-0.6	0.0%
Asian	6.5%	+/-2.0	6.1%	+/-1.7	10.2%
Native Hawaiian and Other Pacific Islander	0.0%	+/-0.4	0.0%	+/-0.5	0.0%
Some other race	1.7%	+/-0.8	1.7%	+/-1.0	2.9%
Two or more races	3.0%	+/-1.3	3.2%	+/-1.6	1.0%
Hispanic or Latino origin (of any race)	12.1%	+/-2.6	13.4%	+/-3.1	10.4%
White alone, not Hispanic or Latino	77.5%	+/-2.9	76.2%	+/-3.5	76.3%
NATIVITY AND CITIZENSHIP STATUS					
Native	86.9%	+/-2.7	87.9%	+/-2.4	79.0%
Foreign born	13.1%	+/-2.7	12.1%	+/-2.4	21.0%
Naturalized U.S. citizen	8.5%	+/-2.0	9.4%	+/-2.3	9.6%

Subject	Pacific Grove Unified School District, California				
	Total		Car, truck, or van -- drove alone		Car, truck, or van -- public hearing
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate
Not a U.S. citizen	4.6%	+/-1.6	2.7%	+/-1.3	11.4%
LANGUAGE SPOKEN AT HOME AND ABILITY TO SPEAK ENGLISH					
Speak language other than English	17.4%	+/-3.2	16.5%	+/-3.4	26.3%
Speak English "very well"	12.6%	+/-2.6	12.2%	+/-2.9	19.0%
Speak English less than "very well"	4.8%	+/-1.4	4.2%	+/-1.4	7.4%
EARNINGS IN THE PAST 12 MONTHS (IN 2017 INFLATION-ADJUSTED DOLLARS) FOR WORKERS					
Workers 16 years and over with earnings	8,308	+/-412	6,378	+/-394	596
\$1 to \$9,999 or less	11.5%	+/-2.1	8.2%	+/-2.2	19.6%
\$10,000 to \$14,999	5.7%	+/-1.8	6.0%	+/-2.0	0.8%
\$15,000 to \$24,999	10.8%	+/-1.7	9.3%	+/-1.9	17.4%
\$25,000 to \$34,999	8.4%	+/-2.0	8.2%	+/-2.3	8.1%
\$35,000 to \$49,999	14.3%	+/-2.6	15.9%	+/-3.0	16.3%
\$50,000 to \$64,999	10.6%	+/-2.0	10.2%	+/-2.3	10.7%
\$65,000 to \$74,999	6.3%	+/-1.9	7.4%	+/-2.2	3.9%
\$75,000 or more	32.3%	+/-3.2	34.8%	+/-3.7	23.2%
Median earnings (dollars)	48,555	+/-5,925	52,712	+/-6,692	36,875
POVERTY STATUS IN THE PAST 12 MONTHS					
Workers 16 years and over for whom poverty status is determined	8,308	+/-412	6,378	+/-394	596
Below 100 percent of the poverty level	3.6%	+/-1.4	2.4%	+/-1.0	3.2%
100 to 149 percent of the poverty level	4.3%	+/-1.7	4.3%	+/-1.7	2.9%
At or above 150 percent of the poverty level	92.1%	+/-2.3	93.3%	+/-2.0	94.0%
Workers 16 years and over	8,308	+/-412	6,378	+/-394	596
OCCUPATION					
Management, business, science, and arts occupations	51.5%	+/-3.4	50.1%	+/-4.0	49.2%
Service occupations	14.5%	+/-2.4	14.4%	+/-2.5	21.1%
Sales and office occupations	21.4%	+/-2.7	21.4%	+/-3.2	21.0%
Natural resources, construction, and maintenance occupations	5.9%	+/-1.8	6.9%	+/-2.2	5.4%
Production, transportation, and material moving occupations	4.4%	+/-1.2	4.4%	+/-1.5	2.5%
Military specific occupations	2.4%	+/-1.1	2.9%	+/-1.4	0.8%
INDUSTRY					
Agriculture, forestry, fishing and hunting, and mining	1.2%	+/-0.6	1.1%	+/-0.6	1.5%
Construction	5.9%	+/-1.8	6.3%	+/-2.1	5.4%
Manufacturing	3.6%	+/-1.0	3.3%	+/-0.9	3.5%
Wholesale trade	1.6%	+/-0.9	2.1%	+/-1.2	0.0%
Retail trade	8.4%	+/-1.5	8.5%	+/-1.9	0.0%
Transportation and warehousing, and utilities	2.0%	+/-0.8	1.7%	+/-0.8	5.5%
Information and finance and insurance, and real estate and rental and leasing	9.2%	+/-1.8	8.3%	+/-1.9	9.4%
Professional, scientific, management, and administrative and waste management services	12.2%	+/-1.8	9.6%	+/-1.6	15.9%
Educational services, and health care and social assistance	27.9%	+/-3.0	30.0%	+/-3.2	31.7%
Arts, entertainment, and recreation, and accommodation and food services	15.4%	+/-2.8	15.6%	+/-3.3	13.8%
Other services (except public administration)	2.6%	+/-0.9	2.7%	+/-1.1	3.7%
Public administration	6.5%	+/-1.5	6.7%	+/-1.6	7.9%
Armed forces	3.6%	+/-1.3	4.2%	+/-1.6	1.7%
CLASS OF WORKER					
Private wage and salary workers	60.3%	+/-3.5	63.2%	+/-3.7	53.9%

Subject	Pacific Grove Unified School District, California				
	Total		Car, truck, or van -- drove alone		Car, truck, or van -- carpooling
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate
Government workers	25.0%	+/-2.9	27.6%	+/-3.3	24.0%
Self-employed workers in own not incorporated business	14.7%	+/-2.7	9.2%	+/-2.1	22.1%
Unpaid family workers	0.0%	+/-0.4	0.0%	+/-0.5	0.0%
PLACE OF WORK					
Worked in state of residence	99.5%	+/-0.4	99.4%	+/-0.5	100.0%
Worked in county of residence	91.1%	+/-1.9	89.7%	+/-2.2	88.8%
Worked outside county of residence	8.4%	+/-1.9	9.7%	+/-2.1	11.2%
Worked outside state of residence	0.5%	+/-0.4	0.6%	+/-0.5	0.0%
Workers 16 years and over who did not work at home	7,461	+/-407	6,378	+/-394	596
TIME LEAVING HOME TO GO TO WORK					
12:00 a.m. to 4:59 a.m.	1.8%	+/-0.9	2.0%	+/-1.0	0.0%
5:00 a.m. to 5:29 a.m.	2.5%	+/-1.1	2.7%	+/-1.2	2.0%
5:30 a.m. to 5:59 a.m.	1.6%	+/-0.7	1.4%	+/-0.7	0.0%
6:00 a.m. to 6:29 a.m.	6.6%	+/-1.6	7.1%	+/-1.8	4.7%
6:30 a.m. to 6:59 a.m.	5.9%	+/-1.4	6.6%	+/-1.5	0.8%
7:00 a.m. to 7:29 a.m.	14.9%	+/-2.2	14.7%	+/-2.3	19.3%
7:30 a.m. to 7:59 a.m.	16.9%	+/-3.0	17.7%	+/-3.4	14.3%
8:00 a.m. to 8:29 a.m.	14.6%	+/-2.7	15.0%	+/-2.9	15.8%
8:30 a.m. to 8:59 a.m.	6.1%	+/-1.6	6.5%	+/-1.8	3.7%
9:00 a.m. to 11:59 p.m.	29.0%	+/-3.0	26.2%	+/-3.2	39.4%
TRAVEL TIME TO WORK					
Less than 10 minutes	21.9%	+/-3.1	20.8%	+/-3.3	30.0%
10 to 14 minutes	19.5%	+/-2.8	19.0%	+/-3.2	27.0%
15 to 19 minutes	21.7%	+/-2.6	23.3%	+/-2.9	7.0%
20 to 24 minutes	14.3%	+/-2.5	14.7%	+/-2.7	11.4%
25 to 29 minutes	1.8%	+/-0.7	2.0%	+/-0.9	0.0%
30 to 34 minutes	5.1%	+/-1.2	4.5%	+/-1.2	9.7%
35 to 44 minutes	6.4%	+/-1.6	5.9%	+/-1.6	13.4%
45 to 59 minutes	3.7%	+/-1.2	4.1%	+/-1.4	1.3%
60 or more minutes	5.6%	+/-1.7	5.6%	+/-1.7	0.0%
Mean travel time to work (minutes)	20.3	+/-1.4	20.6	+/-1.6	16.2
Workers 16 years and over in households	8,271	+/-406	6,369	+/-393	596
HOUSING TENURE					
Owner-occupied housing units	46.2%	+/-4.3	44.8%	+/-4.5	50.3%
Renter-occupied housing units	53.8%	+/-4.3	55.2%	+/-4.5	49.7%
VEHICLES AVAILABLE					
No vehicle available	2.6%	+/-1.4	1.8%	+/-1.1	0.0%
1 vehicle available	24.2%	+/-3.0	25.1%	+/-3.8	12.6%
2 vehicles available	41.3%	+/-4.3	42.1%	+/-4.7	49.0%
3 or more vehicles available	31.9%	+/-4.7	31.1%	+/-4.5	38.4%
PERCENT ALLOCATED					
Means of transportation to work	8.2%	(X)	(X)	(X)	(X)
Time leaving home to go to work	16.0%	(X)	(X)	(X)	(X)
Travel time to work	10.7%	(X)	(X)	(X)	(X)
Vehicles available	0.5%	(X)	(X)	(X)	(X)

Subject	Pacific Grove Unified School District, California		
	Car, truck, or van -- carpooled	Public transportation (excluding taxicab)	
	Margin of Error	Estimate	Margin of Error
Workers 16 years and over	+/-159	35	+/-26
AGE			
16 to 19 years	+/-5.7	0.0%	+/-52.0
20 to 24 years	+/-5.0	0.0%	+/-52.0
25 to 44 years	+/-14.6	65.7%	+/-36.3
45 to 54 years	+/-11.6	0.0%	+/-52.0
55 to 59 years	+/-9.1	14.3%	+/-25.0
60 years and over	+/-7.3	20.0%	+/-28.3
Median age (years)	+/-7.2	40.5	+/-20.1
SEX			
Male	+/-10.0	31.4%	+/-40.6
Female	+/-10.0	68.6%	+/-40.6
RACE AND HISPANIC OR LATINO ORIGIN			
One race	+/-1.6	100.0%	+/-52.0
White	+/-8.0	100.0%	+/-52.0
Black or African American	+/-3.6	0.0%	+/-52.0
American Indian and Alaska Native	+/-5.7	0.0%	+/-52.0
Asian	+/-8.4	0.0%	+/-52.0
Native Hawaiian and Other Pacific Islander	+/-5.7	0.0%	+/-52.0
Some other race	+/-3.6	0.0%	+/-52.0
Two or more races	+/-1.6	0.0%	+/-52.0
Hispanic or Latino origin (of any race)	+/-8.1	0.0%	+/-52.0
White alone, not Hispanic or Latino	+/-9.4	100.0%	+/-52.0
NATIVITY AND CITIZENSHIP STATUS			
Native	+/-10.6	100.0%	+/-52.0
Foreign born	+/-10.6	0.0%	+/-52.0
Naturalized U.S. citizen	+/-5.9	0.0%	+/-52.0
Not a U.S. citizen	+/-8.0	0.0%	+/-52.0
LANGUAGE SPOKEN AT HOME AND ABILITY TO SPEAK ENGLISH			
Speak language other than English	+/-9.9	0.0%	+/-52.0
Speak English "very well"	+/-9.2	0.0%	+/-52.0
Speak English less than "very well"	+/-5.0	0.0%	+/-52.0
EARNINGS IN THE PAST 12 MONTHS (IN 2017 INFLATION-ADJUSTED DOLLARS) FOR WORKERS			
Workers 16 years and over with earnings	+/-159	35	+/-26
\$1 to \$9,999 or less	+/-8.2	34.3%	+/-41.0
\$10,000 to \$14,999	+/-1.6	0.0%	+/-52.0
\$15,000 to \$24,999	+/-10.9	0.0%	+/-52.0
\$25,000 to \$34,999	+/-5.1	34.3%	+/-36.3
\$35,000 to \$49,999	+/-9.8	0.0%	+/-52.0
\$50,000 to \$64,999	+/-8.8	0.0%	+/-52.0
\$65,000 to \$74,999	+/-4.8	0.0%	+/-52.0
\$75,000 or more	+/-9.9	31.4%	+/-40.6
Median earnings (dollars)	+/-18,196	-	**
POVERTY STATUS IN THE PAST 12 MONTHS			
Workers 16 years and over for whom poverty status is determined	+/-159	35	+/-26
Below 100 percent of the poverty level	+/-3.6	0.0%	+/-52.0
100 to 149 percent of the poverty level	+/-3.8	0.0%	+/-52.0

Subject	Pacific Grove Unified School District, California		
	Car, truck, or van -- carpoled	Public transportation (excluding taxicab)	
	Margin of Error	Estimate	Margin of Error
At or above 150 percent of the poverty level	+/-5.2	100.0%	+/-52.0
Workers 16 years and over	+/-159	35	+/-26
OCCUPATION			
Management, business, science, and arts occupations	+/-13.6	31.4%	+/-40.6
Service occupations	+/-12.6	20.0%	+/-28.3
Sales and office occupations	+/-11.6	34.3%	+/-41.0
Natural resources, construction, and maintenance occupations	+/-8.9	0.0%	+/-52.0
Production, transportation, and material moving occupations	+/-2.6	14.3%	+/-25.0
Military specific occupations	+/-1.2	0.0%	+/-52.0
INDUSTRY			
Agriculture, forestry, fishing and hunting, and mining	+/-2.3	0.0%	+/-52.0
Construction	+/-8.9	0.0%	+/-52.0
Manufacturing	+/-4.2	14.3%	+/-25.0
Wholesale trade	+/-5.7	0.0%	+/-52.0
Retail trade	+/-5.7	65.7%	+/-36.3
Transportation and warehousing, and utilities	+/-6.1	0.0%	+/-52.0
Information and finance and insurance, and real estate and rental and leasing	+/-8.1	0.0%	+/-52.0
Professional, scientific, management, and administrative and waste management services	+/-9.9	0.0%	+/-52.0
Educational services, and health care and social assistance	+/-11.7	0.0%	+/-52.0
Arts, entertainment, and recreation, and accommodation and food services	+/-8.0	20.0%	+/-28.3
Other services (except public administration)	+/-4.5	0.0%	+/-52.0
Public administration	+/-6.6	0.0%	+/-52.0
Armed forces	+/-1.8	0.0%	+/-52.0
CLASS OF WORKER			
Private wage and salary workers	+/-13.7	85.7%	+/-25.0
Government workers	+/-9.6	0.0%	+/-52.0
Self-employed workers in own not incorporated business	+/-13.0	14.3%	+/-25.0
Unpaid family workers	+/-5.7	0.0%	+/-52.0
PLACE OF WORK			
Worked in state of residence	+/-5.7	100.0%	+/-52.0
Worked in county of residence	+/-8.2	100.0%	+/-52.0
Worked outside county of residence	+/-8.2	0.0%	+/-52.0
Worked outside state of residence	+/-5.7	0.0%	+/-52.0
Workers 16 years and over who did not work at home	+/-159	35	+/-26
TIME LEAVING HOME TO GO TO WORK			
12:00 a.m. to 4:59 a.m.	+/-5.7	0.0%	+/-52.0
5:00 a.m. to 5:29 a.m.	+/-3.2	0.0%	+/-52.0
5:30 a.m. to 5:59 a.m.	+/-5.7	0.0%	+/-52.0
6:00 a.m. to 6:29 a.m.	+/-4.7	20.0%	+/-28.3
6:30 a.m. to 6:59 a.m.	+/-1.2	0.0%	+/-52.0
7:00 a.m. to 7:29 a.m.	+/-9.9	80.0%	+/-28.3
7:30 a.m. to 7:59 a.m.	+/-9.3	0.0%	+/-52.0
8:00 a.m. to 8:29 a.m.	+/-8.5	0.0%	+/-52.0
8:30 a.m. to 8:59 a.m.	+/-4.0	0.0%	+/-52.0
9:00 a.m. to 11:59 p.m.	+/-13.5	0.0%	+/-52.0
TRAVEL TIME TO WORK			

Subject	Pacific Grove Unified School District, California		
	Car, truck, or van -- carpooled	Public transportation (excluding taxicab)	
	Margin of Error	Estimate	Margin of Error
Less than 10 minutes	+/-12.8	0.0%	+/-52.0
10 to 14 minutes	+/-13.3	0.0%	+/-52.0
15 to 19 minutes	+/-5.6	0.0%	+/-52.0
20 to 24 minutes	+/-8.9	0.0%	+/-52.0
25 to 29 minutes	+/-5.7	0.0%	+/-52.0
30 to 34 minutes	+/-7.6	20.0%	+/-28.3
35 to 44 minutes	+/-10.5	45.7%	+/-41.8
45 to 59 minutes	+/-1.9	0.0%	+/-52.0
60 or more minutes	+/-5.7	34.3%	+/-41.0
Mean travel time to work (minutes)	+/-3.4	57.9	+/-26.0
Workers 16 years and over in households	+/-159	35	+/-26
HOUSING TENURE			
Owner-occupied housing units	+/-14.5	34.3%	+/-41.0
Renter-occupied housing units	+/-14.5	65.7%	+/-41.0
VEHICLES AVAILABLE			
No vehicle available	+/-5.7	20.0%	+/-28.3
1 vehicle available	+/-8.4	14.3%	+/-25.0
2 vehicles available	+/-16.1	31.4%	+/-40.6
3 or more vehicles available	+/-15.7	34.3%	+/-41.0
PERCENT ALLOCATED			
Means of transportation to work	(X)	(X)	(X)
Time leaving home to go to work	(X)	(X)	(X)
Travel time to work	(X)	(X)	(X)
Vehicles available	(X)	(X)	(X)

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

Foreign born excludes people born outside the United States to a parent who is a U.S. citizen.

Methodological changes to data collection in 2013 may have affected language data for 2013. Users should be aware of these changes when using 2013 data or multi-year data containing data from 2013. For more information, see: Language User Note.

Workers include members of the Armed Forces and civilians who were at work last week.

Industry codes are 4-digit codes and are based on the North American Industry Classification System 2012. The Industry categories adhere to the guidelines issued in Clarification Memorandum No. 2, "NAICS Alternate Aggregation Structure for Use By U.S. Statistical Agencies," issued by the Office of Management and Budget.

Occupation codes are 4-digit codes and are based on Standard Occupational Classification 2010.

When information is missing or inconsistent, the Census Bureau logically assigns an acceptable value using the response to a related question or questions. If a logical assignment is not possible, data are filled using a statistical process called allocation, which uses a similar individual or household to provide a donor value. The "Allocated" section is the number of respondents who received an allocated value for a particular subject.

While the 2013-2017 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural populations, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

Explanation of Symbols:

1. An '***' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An '****' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An '*****' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
8. An '(X)' means that the estimate is not applicable or not available.

Use of Developer Fees:

A School District can use the revenue collected on residential and commercial/industrial construction for the purposes listed below:

- Purchase or lease of interim school facilities to house students generated by new development pending the construction of permanent facilities.
- Purchase or lease of land for school facilities for such students.
- Acquisition of school facilities for such students, including:
 - Construction
 - Modernization/reconstruction
 - Architectural and engineering costs
 - Permits and plan checking
 - Testing and inspection
 - Furniture, Equipment and Technology for use in school facilities
- Legal and other administrative costs related to the provision of such new facilities
- Administration of the collection of, and justification for, such fees, and
- Any other purpose arising from the process of providing facilities for students generated by new development.

Following is an excerpt from the Education Code that states the valid uses of the Level 1 developer fees. It refers to construction and reconstruction. The term reconstruction was originally used in the Leroy Greene program. The term modernization is currently used in the 1998 State Building Program and represents the same scope of work used in the original reconstruction projects.

Ed Code Section 17620. (a) (1) The governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district, for the purpose of funding the construction or reconstruction of school facilities, subject to any limitations set forth in Chapter 4.9 (commencing with Section 65995) of Division 1 of Title 7 of the Government Code. This fee, charge, dedication, or other requirement may be applied to construction only as follows: ...

The limitations referred to in this text describe the maximum amounts that can be charged for residential and commercial/industrial projects and any projects that qualify for exemptions. They do not limit the use of the funds received.

REPORT OF THE EXECUTIVE OFFICER
State Allocation Board Meeting, January 24, 2018

INDEX ADJUSTMENT ON THE ASSESSMENT FOR DEVELOPMENT

PURPOSE OF REPORT

To report the index adjustment on the assessment for development, which may be levied pursuant to Education Code Section 17620.

DESCRIPTION

The law requires the maximum assessment for development be adjusted every two years by the change in the Class B construction cost index, as determined by the State Allocation Board (Board) at its January meeting. This item requests that the Board make the adjustment based on the change reflected using the RS Means index.

AUTHORITY

Education Code Section 17620(a)(1) states the following: "The governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district, for the purpose of funding the construction or reconstruction of school facilities, subject to any limitations set forth in Chapter 4.9 (commencing with Section 65995) of Division 1 of Title 7 of the Government Code."

Government Code Section 65995(b)(3) states the following: "The amount of the limits set forth in paragraphs (1) and (2) shall be increased in 2000, and every two years thereafter, according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting, which increase shall be effective as of the date of that meeting."

BACKGROUND

There are three levels that may be levied for developer's fees. The fees are levied on a per-square foot basis. The lowest fee, Level I, is assessed if the district conducts a Justification Study that establishes the connection between the development coming into the district and the assessment of fees to pay for the cost of the facilities needed to house future students. The Level II fee is assessed if a district makes a timely application to the Board for new construction funding, conducts a School Facility Needs Analysis pursuant to Government Code Section 65995.6, and satisfies at least two of the requirements listed in Government Code Section 65995.5(b)(3). The Level III fee is assessed when State bond funds are exhausted; the district may impose a developer's fee up to 100 percent of the School Facility Program new construction project cost.

A historical comparison of the assessment rates for development fees for 2014 and 2016 are shown below for information. According to the RS Means, the cost index for Class B construction increased by 8.78, during the two year period from January 2016 to January 2018, requiring the assessment for development fees to be adjusted as follows beginning January 2018:

RS Means Index Maximum Level I Assessment Per Square Foot

	<u>2014</u>	<u>2016</u>	<u>2018</u>
Residential	\$3.36	\$3.48	\$3.79
Commercial/Industrial	\$0.54	\$0.56	\$0.61

RECOMMENDATION

Increase the 2018 maximum Level I assessment for development in the amount of 8.78 percent using the RS Means Index to be effective immediately.

REPORT OF THE EXECUTIVE OFFICER
State Allocation Board Meeting, January 24, 2018

ANNUAL ADJUSTMENT TO SCHOOL FACILITY PROGRAM GRANTS

PURPOSE OF REPORT

To adopt the annual adjustment in the School Facility Program (SFP) grants based on the change in construction costs pursuant to the Education Code (EC) and SFP Regulations.

DESCRIPTION

This item presents the State Allocation Board (Board) with the annual adjustment to the SFP grants based on the statewide cost index for Class B construction. Each year the Board adjusts the SFP grants to reflect construction cost changes. In January 2016, the Board adopted the RS Means index for 2016 and future years. This item presents the 2018 annual adjustment to SFP grants based on the RS Means index.

AUTHORITY

See Attachment A.

STAFF ANALYSIS/STATEMENTS

At the January 2016 meeting, the Board adopted an increase to the SFP grants using the RS Means Construction Cost Index (CCI) as the statewide cost index for Class B construction.

The current rate of change between 2017 and 2018 for the RS Means Class B CCI is 4.17 percent. The chart below reflects the amounts previously adopted for 2017 compared to the potential amount for the new construction base grants.

			RS Means 4.17%
Grade Level	Regulation Section	Current Adjusted Grant Per Pupil Effective 1-1-17	Potential Grant Per Pupil Effective 1-1-18
Elementary	1859.71	\$11,104	\$11,567
Middle	1859.71	\$11,744	\$12,234
High	1859.71	\$14,944	\$15,567
Special Day Class – Severe	1859.71.1	\$31,202	\$32,503
Special Day Class – Non-Severe	1859.71.1	\$20,867	\$21,737

STAFF ANALYSIS/STATEMENTS (cont.)

The following chart shows the amounts previously adopted compared to the potential amount for the modernization base grants.

			RS Means 4.17%
Grade Level	Regulation Section	Current Adjusted Grant Per Pupil Effective 1-1-17	<i>Potential Grant Per Pupil Effective 1-1-18</i>
Elementary	1859.78	\$4,228	\$4,404
Middle	1859.78	\$4,472	\$4,658
High	1859.78	\$5,855	\$6,099
Special Day Class – Severe	1859.78.3	\$13,475	\$14,037
Special Day Class – Non-Severe	1859.78.3	\$9,015	\$9,391

In addition, the CCI adjustment would increase the threshold amount for Government Code Section 66452.6(a)(2) for the period of one year commencing March 1, 2018. The following chart shows the amount previously adopted for 2017 compared to the resulting threshold amount, upon approval of the proposed 2018 CCI adjustment:

	RS Means Effective 3-1-2017	RS Means Potential 3-1-2018
Resulting Amount	\$279,571	\$291,229

RECOMMENDATION

Adopt the increase of 4.17 percent for the 2018 SFP grants based on the RS Means Construction Cost Index as shown in Attachment B.

ATTACHMENT B

ANNUAL ADJUSTMENT TO SCHOOL FACILITY PROGRAM GRANTS
State Allocation Board Meeting, January 24, 2018

Grant Amount Adjustments

		Regulation Section	Current Adjusted Grant Per Pupil Effective 1-1-17	Current Adjusted Grant Per Pupil Effective 1-1-18
New Construction	Elementary	1859.71	\$11,104	\$11,567
	Middle	1859.71	\$11,744	\$12,234
	High	1859.71	\$14,944	\$15,567
	Special Day Class – Severe	1859.71.1	\$31,202	\$32,503
	Special Day Class – Non-Severe	1859.71.1	\$20,867	\$21,737
	Automatic Fire Detection/Alarm System – Elementary	1859.71.2	\$13	\$14
	Automatic Fire Detection/Alarm System – Middle	1859.71.2	\$18	\$19
	Automatic Fire Detection/Alarm System – High	1859.71.2	\$30	\$31
	Automatic Fire Detection/Alarm System – Special Day Class – Severe	1859.71.2	\$56	\$58
	Automatic Fire Detection/Alarm System – Special Day Class – Non-Severe	1859.71.2	\$39	\$41
	Automatic Sprinkler System – Elementary	1859.71.2	\$186	\$194
	Automatic Sprinkler System – Middle	1859.71.2	\$221	\$230
	Automatic Sprinkler System – High	1859.71.2	\$230	\$240
	Automatic Sprinkler System – Special Day Class – Severe	1859.71.2	\$588	\$613
	Automatic Sprinkler System – Special Day Class – Non-Severe	1859.71.2	\$395	\$411
Modernization	Elementary	1859.78	\$4,228	\$4,404
	Middle	1859.78	\$4,472	\$4,658
	High	1859.78	\$5,855	\$6,099
	Special Day Class - Severe	1859.78.3	\$13,475	\$14,037
	Special Day Class – Non-Severe	1859.78.3	\$9,015	\$9,391
	State Special School – Severe	1859.78	\$22,460	\$23,397
	Automatic Fire Detection/Alarm System – Elementary	1859.78.4	\$137	\$143
	Automatic Fire Detection/Alarm System – Middle	1859.78.4	\$137	\$143
	Automatic Fire Detection/Alarm System – High	1859.78.4	\$137	\$143
	Automatic Fire Detection/Alarm System – Special Day Class – Severe	1859.78.4	\$378	\$394
	Automatic Fire Detection/Alarm System – Special Day Class – Non-Severe	1859.78.4	\$253	\$264
	Over 50 Years Old – Elementary	1859.78.6	\$5,874	\$6,119
	Over 50 Years Old – Middle	1859.78.6	\$6,212	\$6,471
	Over 50 Years Old – High	1859.78.6	\$8,132	\$8,471
	Over 50 Years Old – Special Day Class – Severe	1859.78.6	\$18,721	\$19,502
	Over 50 Years Old – Special Day Class – Non-Severe	1859.78.6	\$12,519	\$13,041
	Over 50 Years Old – State Special School – Severe	1859.78.6	\$31,201	\$32,502

ATTACHMENT B

ANNUAL ADJUSTMENT TO SCHOOL FACILITY PROGRAM GRANTS
January 2018

Grant Amount Adjustments

New Construction / Modernization / Joint-Use	Regulation Section	Current Adjusted Grant Per Pupil Effective 1-1-17	Current Adjusted Grant Per Pupil Effective 1-1-18
Therapy/Multipurpose Room/Other (per square foot)	1859.72 1859.73.2 1859.77.3 1859.82 1859.125 1859.125.1	\$182	\$190
Toilet Facilities (per square foot)	1859.72 1859.73.2 1859.82 1859.125 1859.125.1	\$326	\$340
New Construction Only			
Parking Spaces	1859.76	\$14,120	\$14,709
General Site Grant (per acre for additional acreage being acquired)	1859.76	\$18,073	\$18,827
Project Assistance (for school district with less than 2,500 pupils)	1859.73.1	\$6,791	\$7,074
Modernization Only			
Two-stop Elevator	1859.83	\$112,957	\$117,667
Additional Stop	1859.83	\$20,333	\$21,181
Project Assistance (for school district with less than 2,500 pupils)	1859.78.2	\$3,621	\$3,772
Facility Hardship / Rehabilitation			
Current Replacement Cost - Other (per square foot)	1859.2	\$362	\$377
Current Replacement Cost - Toilets (per square foot)	1859.2	\$653	\$680
Interim Housing – Financial Hardship (per classroom)	1859.81	\$37,231	\$38,784
Charter School Facilities Program - Preliminary Apportionment Amounts			
Charter School Elementary	1859.163.1	\$11,161	\$11,626
Charter School Middle	1859.163.1	\$11,816	\$12,309
Charter School High	1859.163.1	\$14,997	\$15,622
Charter School Special Day Class - Severe	1859.163.1	\$31,351	\$32,658
Charter School Special Day Class - Non-Severe	1859.163.1	\$20,966	\$21,840
Charter School Two-stop Elevator	1859.163.5	\$94,131	\$98,056
Charter School Additional Stop	1859.163.5	\$16,943	\$17,650

Determination of Average State allowed amounts for Site Development Costs

Elementary Schools

<u>District</u>	<u>Project #</u>	<u>Acres</u>	Original	Inflation	2009 Adjusted	<u>Project Year</u>	<u>2009 Cost/Acre</u>	
			<u>OPSC Site Development</u>	<u>Factor</u>	<u>Site Development</u>			
Davis Jt Unified	3	9.05	\$532,282	38.4%	\$1,473,469	2004	\$162,814	
Dry Creek Jt Elem	2	8.5	\$516,347	46.2%	\$1,509,322	2002	\$177,567	
Dry Creek Jt Elem	5	11.06	\$993,868	20.1%	\$2,387,568	2006	\$215,874	
Elk Grove Unified	5	12.17	\$556,011	48.2%	\$1,648,316	2001	\$135,441	
Elk Grove Unified	10	11	\$690,120	48.2%	\$2,045,888	2001	\$185,990	
Elk Grove Unified	11	10	\$702,127	48.2%	\$2,081,483	2001	\$208,148	
Elk Grove Unified	14	10	\$732,837	46.2%	\$2,142,139	2002	\$214,214	
Elk Grove Unified	16	9.86	\$570,198	46.2%	\$1,666,733	2002	\$169,040	
Elk Grove Unified	17	10	\$542,662	46.2%	\$1,586,243	2002	\$158,624	
Elk Grove Unified	20	10	\$710,730	43.2%	\$2,034,830	2003	\$203,483	
Elk Grove Unified	25	10	\$645,923	38.4%	\$1,788,052	2004	\$178,805	
Elk Grove Unified	28	10.03	\$856,468	24.4%	\$2,130,974	2005	\$212,460	
Elk Grove Unified	39	9.91	\$1,007,695	20.1%	\$2,420,785	2006	\$244,277	
Folsom-Cordova Unified	1	9.79	\$816,196	20.1%	\$1,960,747	2006	\$200,281	
Folsom-Cordova Unified	4	7.5	\$455,908	46.2%	\$1,332,654	2002	\$177,687	
Folsom-Cordova Unified	5	8	\$544,213	46.2%	\$1,590,776	2002	\$198,847	
Folsom-Cordova Unified	8	8.97	\$928,197	11.2%	\$2,063,757	2007	\$230,073	
Galt Jt Union Elem	2	10.1	\$1,033,044	38.4%	\$2,859,685	2004	\$283,137	
Lincoln Unified	1	9.39	\$433,498	46.2%	\$1,267,148	2002	\$134,947	
Lodi Unified	3	11.2	\$555,999	46.2%	\$1,625,228	2002	\$145,110	
Lodi Unified	10	11.42	\$1,245,492	46.2%	\$3,640,669	2002	\$318,798	
Lodi Unified	19	9.93	\$999,164	11.2%	\$2,221,545	2007	\$223,721	
Lodi Unified	22	10	\$1,416,212	7.7%	\$3,051,426	2008	\$305,143	
Natomas Unified	6	8.53	\$685,284	46.2%	\$2,003,138	2002	\$234,834	
Natomas Unified	10	9.83	\$618,251	43.2%	\$1,770,061	2003	\$180,067	
Natomas Unified	12	9.61	\$735,211	24.4%	\$1,829,275	2005	\$190,351	
Rocklin Unified	8	10.91	\$593,056	46.2%	\$1,733,548	2002	\$158,895	
Stockton Unified	1	12.66	\$1,462,232	7.7%	\$3,150,582	2008	\$248,861	
Stockton Unified	2	10.5	\$781,675	43.2%	\$2,237,946	2003	\$213,138	
Stockton Unified	6	12.48	\$1,136,704	20.1%	\$2,730,703	2006	\$218,806	
Tracy Jt Unified	4	10	\$618,254	46.2%	\$1,807,204	2002	\$180,720	
Tracy Jt Unified	10	10	\$573,006	38.4%	\$1,586,202	2004	\$158,620	
Washington Unified	1	8	\$446,161	46.2%	\$1,304,163	2002	\$163,020	
Washington Unified	4	10.76	\$979,085	7.7%	\$2,109,575	2008	\$196,057	
Totals		341.16			\$68,791,833	Average	\$201,641	2018 Adjustment \$248,896

Middle and High Schools

<u>District</u>	<u>Project #</u>	<u>Acres</u>	Original	Inflation	2009 Adjusted	<u>Project Year</u>	<u>2009 Cost/Acre</u>	
			<u>OPSC Site Development</u>	<u>Factor</u>	<u>Site Development</u>			
Western Placer Unified	4	19.3	\$5,973,312	24.4%	\$7,431,085	2005	\$385,030	
Roseville City Elem	2	21.6	\$1,780,588	48.2%	\$2,639,311	2000	\$122,190	
Elk Grove Unified	4	66.2	\$8,659,494	48.2%	\$12,835,704	2000	\$193,893	
Elk Grove Unified	13	76.4	\$9,791,732	48.2%	\$14,513,986	2001	\$189,974	
Elk Grove Unified	18	84.3	\$13,274,562	43.2%	\$19,002,626	2003	\$225,417	
Grant Jt Union High	2	24	\$2,183,840	48.2%	\$3,237,039	2000	\$134,877	
Center Unified	1	21.2	\$1,944,310	46.2%	\$2,841,684	2002	\$134,042	
Lodi Unified	2	13.4	\$1,076,844	46.2%	\$1,573,849	2002	\$117,451	
Lodi Unified	6	13.4	\$2,002,164	46.2%	\$2,926,240	2002	\$218,376	
Galt Jt Union Elem	1	24.9	\$2,711,360	46.2%	\$3,962,757	2002	\$159,147	
Tahoe Truckee Unified	2	24	\$2,752,632	43.2%	\$3,940,412	2003	\$164,184	
Davis Unified	5	23.3	\$3,814,302	43.2%	\$5,460,199	2003	\$234,343	
Woodland Unified	3	50.2	\$8,664,700	46.2%	\$12,663,792	2002	\$252,267	
Sacramento City Unified	1	35.2	\$4,813,386	46.2%	\$7,034,949	2002	\$199,856	
Lodi Unified	4	47	\$7,652,176	46.2%	\$11,183,950	2002	\$237,956	
Stockton Unified	3	49.1	\$8,959,088	43.2%	\$12,824,996	2003	\$261,202	
Natomas Unified	11	38.7	\$3,017,002	38.4%	\$4,175,850	2004	\$107,903	
Rocklin Unified	11	47.1	\$11,101,088	24.4%	\$13,810,282	2005	\$293,212	
Totals		679.3			\$142,058,711	Average	\$209,125	2018 Adjustment \$234,162
Middle Schools:		260.7			\$49,447,897	Middle	\$189,704	\$234,162
High Schools:		418.6			\$92,610,814	High	\$221,217	\$273,060

PGUSD Capital Projects List (Updated August 22, 2019)

<u>Ranking</u>	<u>School</u>	<u>Project</u>	<u>Estimated Costs</u>	<u>Timing</u>	<u>Notes</u>
<u>High Priority Projects</u>					
1	High School	Pool Heater Replacement	\$100,000.00	Immediate	
2	High School	K&L Dry Rot & Termite Damage	\$500,000.00	Immediate	Termite and dry rot damage to beams and eaves
3	High School	Track Replacement	\$275,000.00	Immediate	
4	High School	Intercom & Bell System	\$50,000.00	Immediate	
Sub Total Immediate Projects			\$925,000.00		
5	High School	Stadium Field Replacement	\$500,000.00	1-2 Years	
6	Middle School	Woodshop Roofing	\$55,000.00	1-2 Years	
7	David Ave	Driveway Improvements	\$60,000.00	1-2 Years	Driveway and parking areas at charter school and community high
8	David Ave	Roofing	\$250,000.00	1-2 Years	Roof replacment to one building and repairs to other buildings
9	David Ave	Sewer Line Replacement	\$200,000.00	1-2 Years	sewer main backs up a few times a year becasse of roots and flat sloping.
10	Forest Grove	Rain Gutters K-Wing	\$10,000.00	1-2 Years	
11	High School	Rain Gutters	\$170,000.00	1-2 Years	
12	District Office	John Deere Mower	\$100,000.00	1-2 Years	Current mower is a 2001. Most parts are obsolete.
13	Adult School	Exterior Painting	\$50,000.00	1-2 Years	Main building needs lead abatement and re-paint
14	All Sites	Carpeting Replacement	\$50,000.00	1-2 Years	
Sub Total 1-2 Year Projects			\$1,445,000.00		
Total High Priority Projects			\$2,370,000.00		

PGUSD Capital Projects List (Updated August 22, 2019)

<u>Ranking</u>	<u>School</u>	<u>Project</u>	<u>Estimated Costs</u>	<u>Timing</u>	<u>Notes</u>
<u>Medium Priority Projects</u>					
1	High School	Sprinkler System Painting	\$10,000.00	2-5 Years	
2	Middle School	Exterior Painting	\$150,000.00	2-5 Years	
3	High School	Exterior Painting	\$253,000.00	2-5 Years	
4	Middle School	Front Parking AC Replacment	\$18,000.00	2-5 Years	
5	High School	Varsity BB Backstop, Bleachers, & Pressbox	\$90,000.00	2-5 Years	
6	High School	JV BB Backstop & Bleachers	\$40,000.00	2-5 Years	
7	All Sites	Re-Key Sites	\$118,200.00	2-5 Years	Safety Project - Recommended to do every 10 years.
8	Robert Down	VCT Flooring Replacement	\$75,000.00	2-5 Years	
9	Robert Down	Playground Structures	\$300,000.00	2-5 Years	
10	David Ave	Playground Structures	\$250,000.00	2-5 Years	
11	Adult School	Playground Structures	\$85,000.00	2-5 Years	
12	Forest Grove	Playground Structures	\$125,000.00	2-5 Years	
13	Middle School	VCT Flooring Replacement	\$75,000.00	2-5 Years	
14	District Office	Maintenance Vans/Trucks (6 EA)	\$180,000.00	2-5 Years	
Total Medium Priority Projects			\$1,769,200.00		

Level 1 Timelines and Procedures for Adoption

Procedure for Adopting Level One Developer Fee Justification Study (Government Code Section 6062(a).)

TIMELINE: Level One Developer Fee Study	
<u>Final Date</u>	<u>Event</u>
At least 15 days before meeting:	Notice of hearing: First publication in the local newspaper.
At least 14 days before meeting:	Send a copy of the Developer Fee Justification Study to parties that have requested Notice of any adjustment to the Developer Fees before the presentation of the Study to the Governing Board for adoption.
At least 10 days before meeting:	<p>Notice of hearing: Second publication in the local newspaper. (Publications should be five days apart.)</p> <p>Send a Notice of the Public Hearing to City and County Planning Departments and any parties requesting to be notified.</p> <p>Study made available for public inspection</p>
3 days before meeting:	Notice relating to public hearing included in Board agenda.
Meeting:	Board holds public hearing and adopts appropriate Resolution(s) to levy developer fees
2 days after meeting:	Notify City <u>and</u> County of adoption of Resolution with related documentation
60 days after meeting:	Effective date of fee increase

- ☐ Consent
- ☒ Action/Discussion
- ☐ Information/Discussion
- ☐ Public Hearing

SUBJECT: Resolution No. 1038 Establishing a Capital Facilities Fund (Fund 25) To Account for Developer Fees

DATE: October 24, 2019

PERSON(S) RESPONSIBLE: Song Chin-Bendib, Assistant Superintendent for Business Services

RECOMMENDATION:

The District Administration recommends that the Board review and adopt Resolution No. 1038 establishing a Capital Facilities Fund, Fund 25, to account for the levy of developer fees from construction and reconstruction of residential, commercial and industrial development.

BACKGROUND:

The Board approved a Developer Fee Justification Study on August 22, 2019, and the study has been completed.

INFORMATION:

A Public Hearing on the levy of developer fees is happening on the same Board meeting, October 24, and final review/approval by the Board is scheduled on November 14. Implementation of the levy is estimated to be around mid-January 2020.

The set-up of the fund will be ready when developer fees are collected.

FISCAL IMPACT:

Developer fees to be collected from construction and reconstruction of residential, commercial and industrial development and we do not have an estimate.

PACIFIC GROVE UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 1038

AUTHORIZING TO CREATE FUND 25 CAPITAL FACILITIES FUND

WHEREAS, California Education Code Sections 17620-17626 provide that the Governing Board of a school district may establish a Capital Facilities Fund (Fund 25)

WHEREAS, this Capital Facilities Fund is a separate fund in the District and a separate and distinct cash account with the County Treasury

WHEREAS, the Pacific Grove Unified School District governing board has adopted Resolution No. 1038 authorizing the district to establish this Capital Facilities Fund (Fund 25) be used for funds received from fees levied on residential, commercial and industrial development

NOW, THEREFORE, BE IT RESOLVED, that this Board hereby establishes a distinct fund – Capital Facilities Fund, separate from the District’s other funds, for the purpose of separate accounting for the levy of fees from the construction and reconstruction of residential, commercial and industrial development; and

BE IT FURTHER RESOLVED that the Administration is hereby authorized and directed to submit this resolution, requesting the establishment of this new fund, to the County Superintendent of Schools and Auditor and Treasurer of the County of Monterey.

PASSED AND ADOPTED by the Board of Education of the Pacific Grove Unified School District this 24th day of October, 2019, by the following called vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Paff , President
Board of Education

Ralph Gomez Porras, Superintendent
Secretary to the Board of Education

4.3-C

- ☐ Consent
☒ Action/Discussion
☐ Information/Discussion
☐ Public Hearing

SUBJECT: Board Goals 2019-20

DATE: October 24, 2019

PERSON(S) RESPONSIBLE: Ralph Gómez Porras, Superintendent

RECOMMENDATION:

The District Administration recommends that the Board discuss and approve the Board Goals, including any new additions presented at the meeting.

BACKGROUND and INFORMATION:

The Board had a special Board meeting on September 21, 2019 to discuss the Board's Goals and Self Evaluation. The Board recommended several revisions to the previous goals which are included in this item. As an overview, the four main goals recommended were:

1. Student Learning and Achievement: Every student is performing at a minimum at grade level, engaged in his or her learning, and contributing positively to the community.
2. Health and Safety of Students and School Community: District programs, staffing and facilities will support and strengthen school safety.
3. Credibility and Communication: Credibility through effective and transparent communication with the public and stakeholders.
4. Fiscal Solvency, Accountability and Integrity

Specific details for each goal are outline in this item.

The Board approves the Board Goals, with any revisions, annually and are developed for implementation on a long-term basis. The Board uses the Strategic Plan and Local Control Accountability Plan (LCAP) as needed to help inform discussion and provide progress metrics.

Next items to be revised, based on these goals, are the Strategic Plan, Superintendent Goals.

FISCAL IMPACT:

Program and budget decisions will be based on these plans and will appear as regular items on future Board agendas.



Pacific Grove Unified School Board Goals

"Challenging every student with exceptional learning opportunities"

Mission Statement

Pacific Grove Unified School District, in partnership with the community and with a focus on equity, will challenge every student by providing a quality instructional program in a positive, safe and stimulating environment.

The District will meet the diverse needs of all students by ensuring exceptional learning opportunities to acquire and apply the knowledge and skills that develop the insight and character necessary for a productive and rewarding life.

~~A. The State of the Pacific Grove Unified School District is sound and progressing. PGUSD Shall Endeavor to Continue Addressing Significant Current and Future Challenges:~~

- ~~• Student Learning, Achievement and Instructional Program Alignment~~
- ~~• Staff Recruitment, Retention and Professional Development~~
- ~~• School Culture and Connections~~
- ~~• Managing the Impacts of a Volatile State and Local Budget~~
- ~~• Maintenance of Facilities and Equipment~~
- ~~• Adequate Financial Support for Programs~~

AB. PGUSD District Goals

- ~~1. Improve and Enhance Student Learning and Achievement Through the Alignment of the District Budget with Established Priorities in LCAP and Strategic Plan **Student Learning and Achievement:** Every student is performing at a minimum at grade level, engaged in his or her learning, and contributing positively to the community.~~
- ~~1.~~
2. **Health and Safety of Students and School Community:** District programs, staffing and facilities will support and strengthen school safety.
3. **Maintain Credibility Through Effective and Transparent Communication:** with All Stakeholders Credibility through effective and transparent communication with the public and stakeholders.
4. **Fiscal Solvency, Accountability and Integrity**
- ~~5. Facilities~~

BE. Goals Defined

1. **Improve and Enhance Student Learning and Achievement**
 - Alignment of the District Budget with Established Priorities in LCAP and Strategic Plan so that Every Student is Performing Minimally at Grade Level, Engaged in His/Her Learning and Contributing Positively to the Community
 - Use Data Driven, Standards-Based Instruction and Curriculum with the Goal of All Students Achieving at Proficient or Above
 - Monitor and Utilize Multiple Measures of Assessment and Metrics to Monitor Academic Growth and Progress
 - Monitor and Respond to Target Student Populations as Identified by the LCAP
 - Maintain Annual LCAP Updates and Regular Surveys of Programmatic and Service Needs
 - Assess programs and strategies to challenge students performing above grade level
2. **Health and Safety of Students and School Community**
 - Prioritize Student and Staff Safety
 - Address the Student Social-Emotional and Overall Wellness Needs
 - Determine strategies to ensure that program, staffing and facilities support student safety
3. **Maintain Credibility Through Effective and Transparent Communication with All Stakeholders**
 - ~~Prioritize Student-Centered Initiatives~~ Determine strategies to inform the public on a timely basis on District plans and actions
 -



Pacific Grove Unified School Board Goals

- ~~Establish and Maintain Programs that are Responsive to the Strategic Plan~~ Keep public and board members apprised of community action and involvement by fellow board members
- ~~_____~~
- Acknowledge and Celebrate Stakeholder Support in All Programs
- 4. Fiscal Solvency, Accountability and Integrity**
 - Maintain Fiduciary Responsibilities
 - Align Budget with ~~Specific Program Priorities~~ LCAP and Strategic Plan
 - Maintain Regular State Updates and Interim Reporting
 - Maintain a Current Budget Handbook Available to All Stakeholders
- 5. ~~Facilities~~**
 - ~~Regular Facilities Inspections, Maintenance Upgrades and Capital Plan~~
 - ~~Use Facility Improvement Plan to Prioritize Projects at All Sites~~



Pacific Grove Unified School Board Goals

"Challenging every student with exceptional learning opportunities"

Mission Statement

Pacific Grove Unified School District, in partnership with the community and with a focus on equity, will challenge every student by providing a quality instructional program in a positive, safe and stimulating environment.

The District will meet the diverse needs of all students by ensuring exceptional learning opportunities to acquire and apply the knowledge and skills that develop the insight and character necessary for a productive and rewarding life.

A. PGUSD District Goals

1. **Student Learning and Achievement:** Every student is performing at a minimum at grade level, engaged in his or her learning, and contributing positively to the community.
2. **Health and Safety of Students and School Community:** District programs, staffing and facilities will support and strengthen school safety.
3. **Credibility and Communication:** Credibility through effective and transparent communication with the public and stakeholders.
4. **Fiscal Solvency, Accountability and Integrity**

B. Goals Defined

1. **Improve and Enhance Student Learning and Achievement**

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- Monitor and Respond to Target Student Populations as Identified by the LCAP
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- Assess programs and strategies to challenge students performing above grade level

2. **Health and Safety of Students and School Community**

- Prioritize Student and Staff Safety
- Address the Student Social-Emotional and Overall Wellness Needs
- Determine strategies to ensure that program, staffing and facilities support student safety

3. **Maintain Credibility Through Effective and Transparent Communication with All Stakeholders**

- Determine strategies to inform the public on a timely basis on District plans and actions
- Keep public and board members apprised of community action and involvement by fellow board members
- Acknowledge and Celebrate Stakeholder Support in All Programs

4. **Fiscal Solvency, Accountability and Integrity**

- Maintain Fiduciary Responsibilities
- Align Budget with LCAP and Strategic Plan
- Maintain Regular State Updates and Interim Reporting
- Maintain a Current Budget Handbook Available to All Stakeholders

- ☐ Consent
- ☐ Information/Discussion
- ☒ Action/Discussion
- ☐ Public Hearing

SUBJECT: Revisions to Board Policy and Regulation 3350 Travel Expenses

DATE: October 24, 2019

PERSON(S) RESPONSIBLE: Song Chin-Bendib, Assistant Superintendent for Business Services

RECOMMENDATION:

The Administration recommends that the Board review and approve the revisions to Board Policy and Regulation 3350 Travel Expenses.

INFORMATION:

The revisions to Board Policy and Regulation 3350 were recommended in order to bring the Policy and Regulation in line together. Current Board Policy 3350 states reimbursements would be for actual and necessary expenses but for the past several years we have been reimbursing employees at per diem rates.

Tips and gratuities were listed as non-reimbursable expenses so employees have been paying those out-of-pocket at their own expense even though those expenses were carried out on behalf of the District. We have added reasonable tips and gratuities as a reimbursable expense.

The list of non-reimbursable items has been updated as well. Meals will be reimbursed as actual and necessary and receipts will be required as proof of purchase and must be attached to the Request for Reimbursement form.

The section regarding mileage reimbursements has also been updated to reflect mileage to and from the venue is to be calculated from the school site, not from the employee's home.

FISCAL IMPACT:

There is no direct fiscal cost to this item; however, some savings may be realized by reimbursing meals from actual receipts instead of per diem.

Pacific Grove Unified School District

Business

Policy #3350

TRAVEL EXPENSES

The Governing Board shall authorize payment for ~~actual and necessary~~ per diem meal expenses, including travel, incurred by any employee performing authorized services for the District.

The Superintendent or designee may approve employee requests to attend meetings in accordance with the adopted budget.

Expenses shall be reimbursed within limits approved by the Board. The Superintendent or designee shall establish procedures for the submission and verification of expense claims. He/she may authorize an advance of funds to cover necessary expenses.

The Board may establish an allowance on either a mileage or monthly basis to reimburse authorized employees for the use of their own vehicles in the performance of assigned duties.

All out-of-state travel for which reimbursement will be claimed shall have Board approval. Travel expenses not previously budgeted also shall be approved on an individual basis by the Board.

Authorized employees may use District credit cards while attending to District business. Under no circumstances may personal expenses be charged on District credit cards.

Legal Reference:**EDUCATION CODE**

44016 Travel expense

44032 Travel expense payment

44033 Automobile allowance

44802 Student teacher's travel expense

Pacific Grove Unified School District

Business

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Pacific Grove Unified School Districts

Business

Regulations # 3350

TRAVEL EXPENSES

District Employees and Board members shall be reimbursed for expenses when performing authorized services for the School District. A Request to Attend form must be submitted at least fifteen days prior to the travel and a copy of the approved form must be attached to the Request for Reimbursement after the travel is completed.

All rates for travel and expense reimbursement will be reviewed ~~every year~~ when the new rates are published, using the U.S. General Services Administration ~~POV (Privately Owned Vehicle)~~ Mileage Reimbursement Rates (GSA) and the adjusted Continental U.S. Per Diem Rates.

~~The traveler has the option of being reimbursed for meals as Per Diem or Actual and Necessary Expenses. The district will reimburse for the actual cost of meals up to the per diem limit, including tip. This amount is reduced if meals are provided as part of the registration. Itemized receipts for meals are required. The back of the Request to Attend form lists the current GSA per diem rates for the most traveled counties in California. Out of state travel will be reimbursed at the per diem rate for Monterey County. Per Diem is a flat rate and does not require receipts. Reimbursement for Actual and Necessary meal expense does require itemized meal receipts be attached, no exceptions.~~

A. Travel Within the District

With prior written approval from the Site Administrator or Supervisor, or as noted in the job description, employees may claim mileage at the current GSA-approved rate. Reimbursement will occur when the employee submits an approved Request for Reimbursement form. All claims must be made in the fiscal year that they occurred.

B. Travel Outside the District

An employee attending a conference or meeting at District expense must have prior written approval by the Site Administrator/Supervisor on the appropriate authorization form.

Attendance will be subject to funds availability as verified by the Assistant Superintendent, Business.

C. Reimbursement for Travel

Travel by privately owned automobile

Employees who travel by automobile will be reimbursed according to the actual miles traveled in a private vehicle at the current GSA rate. Evidence of mileage shall be attached to the Request to Attend form and the Request for Reimbursement form (i.e. Mapquest or Google maps printout reflecting mileage from the employee's school site to the event venue, not from the employee's residence) The maximum amount allowed shall not exceed the cost of travel by ordinary coach air fare.

When two or more District employees or Board members are attending the same event on the same days, every effort should be made to rideshare. Only the driver may claim mileage reimbursement.

Pacific Grove Unified School Districts

Business

Regulations # 3350

TRAVEL EXPENSES

Travel by airplane

An employee or Board member may choose to travel by commercial airline as a reasonable option. Making the flight reservation as early as possible is encouraged. Airfare (coach class) reimbursement will be for whichever is less, the cost of the flight or point-to-point round trip mileage.

D. Reimbursement for Expenses

It is advisable to submit purchase orders in advance for registration and hotel accommodations. Arrangements can be made for prepayment of the purchase orders directly to the event sponsor or hotel if this is a requirement. All other reimbursement expenses are to be submitted on a Request for Reimbursement form after the event.

The following are allowable reimbursements:

- program materials (books, etc. ~~CD's, DVD's~~)
- roundtrip mileage
- work related phone calls
- parking (receipt required)
- bridge tolls (receipt required)
- taxi, airport bus, shuttle (receipts required)
- ~~meals, per diem (no receipts)~~
- meals, actual (receipts required; otherwise, reimbursement will be according to up to per diem rates)
- Internet connections (if conducting school district business)
- tips and gratuities (reasonable rate around 15%)

The following are **not** allowable reimbursements:

- ~~tips~~
- alcoholic beverages
- personal ~~phone calls~~ services
- Internet connections (for personal use)
- Movies entertainment
- gifts
- mileage cost in excess of coach air fare
- expenses for non-employees

Pacific Grove Unified School Districts

Business

Regulations # 3350

TRAVEL EXPENSES**E. Actual and Necessary or Unanticipated, Unusual or Exceptional Circumstances**

If while traveling or attending a conference, an unanticipated, unusual or exceptional expense occurs, the employee may, upon returning to the District, request reimbursement. The request must have the receipt attached to the written notification for payment. If approved by the Site Administrator/Supervisor, the reimbursement request will be forwarded to the Business Office for budget verification and payment.

In the event a dispute develops as to whether expenses are actual, and/or necessary, the employee may request a decision from the Superintendent. If the employee is not satisfied with the Superintendent's decision, the employee may request that the Board review the matter and issue a decision, which shall be final.

Pacific Grove Unified School Districts

Business

Regulations # 3350

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Pacific Grove Unified School Districts

Business

Regulations # 3350

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The following are **not** allowable reimbursements:

- alcoholic beverages
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Pacific Grove Unified School Districts

Business

Regulations # 3350

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- ☐ Consent
- ☐ Information/Discussion
- ☒ Action/Discussion
- ☐ Public Hearing

SUBJECT: Board Calendar/Future Meetings

DATE: October 24, 2019

PERSON(S) RESPONSIBLE: Ralph Gómez Porras, Superintendent

RECOMMENDATION:

The Administration recommends that the Board review and possibly modify the schedule of meeting dates on the attached calendar and determine, given information from the Administration, whether additional Board dates or modifications need to be established.

BACKGROUND:

The Board has approved Bylaw 9320, which states that regular Board meetings be held on the first and third Thursday of each month, from August through June. At the annual organizational meeting held in December, Trustees approves the meeting calendar as presented. The calendar is reviewed at each Board meeting.

INFORMATION:

Changes to the Board meeting dates must be approved by a majority vote of the Trustees.

Board Meeting Calendar, 2019-20 School Year

Aug. 22	Regular Board Meeting ✓ Student Enrollment Update ✓ Back to School Night Dates ✓ Property Tax Report ✓ Set Date for Annual Organizational meeting ✓ Quarterly Facilities Project Updates* ✓ Quarterly District Safety Update*	District Office
Sept. 5	Regular Board Meeting ✓ Unaudited Actual Report ✓ Budget Revision #1 ✓ Local Control Accountability Plan Review	Forest Grove (School Site Visit)
Sept. 19	Regular Board Meeting ✓ Williams Uniform Complaint Report	District Office
Sept. 21 *Saturday 9am-12pm	Special Board Meeting ✓ Board Goals – Review/Revise ✓ Strategic Plan – Review/Revised	District Office
Oct. 3	Regular Board Meeting ✓ Superintendent's Goals ✓ Bus Ridership ✓ Week of the School Administrator	Robert Down (School Site Visit)
Oct. 24	Regular Board Meeting ✓ Quarterly District Safety Update* ✓ Developer Fee Study Results	District Office
Nov. 14	Regular Board Meeting ✓ PGHS Course Bulletin Information/Discussion	Middle School (School Site Visit)
Nov. 21	Regular Board Meeting ✓ Intent Form Due (to serve as Board President or Vice President) ✓ Review of Special Education Contracts ✓ Quarterly Facilities Project Updates*	High School (School Site Visit)
Dec. 12	Organizational Meeting ✓ Election of 2019-20 Board President and Clerk ✓ First Interim Report ✓ Budget Revision #2 ✓ PGHS Course Bulletin Action/Discussion ✓ Williams Uniform Complaint Report ✓ Employee Recognition ✓ Review of Legal Services Costs ✓ Solicitation of Funds Report	District Office

Board Meeting Calendar, 2019-20 School Year

Jan. 16	Regular Board Meeting ✓ Report on Governor's Budget Proposal ✓ Preliminary Enrollment Projection for 2019-20 ✓ Property Tax Update ✓ Quarterly District Safety Update*	Adult School (School Site Visit)
Jan. 23	Regular Board Meeting ✓ Second Interim Report ✓ Budget Revision #3 ✓ Open House Schedules Reviewed	Community High School (School Site Visit)
Feb. 13	Regular Board Meeting ✓ Budget Development Calendar ✓ Possible Personnel Action Presented as Information ✓ Preliminary Review of Site Master Schedules ✓ Board Priorities for 2019-20 Instructional Program Design ✓ Possible Personnel Action (RIF) ✓ Quarterly Facilities Project Updates*	District Office
Mar. 5	Regular Board Meeting ✓ Second Interim Report ✓ Budget Revision #3 ✓ Open House Schedules Reviewed	District Office
Mar. 19	Regular Board Meeting ✓ Budget Projections and Assumptions ✓ TRAN Resolution ✓ Williams/Valenzuela Uniform Complaint Report ✓ Review of Legal Services Costs ✓ Solicitation of Funds Report ✓ Quarterly District Safety Update*	District Office
Apr. 2	Regular Board Meeting ✓ Review of Strategic Plan and LCAP ✓ Begin Superintendent Evaluation ✓ Approve 2019-20 Aug.- Dec. Board Meeting Calendar	District Office
April 23	Regular Board Meeting ✓ Review of Site Master Schedules ✓ Review of Strategic Plan and LCAP (as needed) ✓ Review of Facilities Depreciation Schedule ✓ California Day of the Teacher ✓ Week of the CSEA Employee	District Office
May 7	Regular Board Meeting ✓ Begin Superintendent Evaluation ✓ Final Review of Site Master Schedules ✓ Review of Strategic Plan and LCAP (as needed) ✓ Employee Recognition	District Office
May TBD <i>*Special Meeting</i>	Special Board Meeting ✓ Budget Update	District Office
May 21	Regular Board Meeting ✓ Week of the CSEA Employee ✓ Retiree Reception ✓ Review Bell Schedule for 2019-20 ✓ Continue Superintendent's Evaluation ✓ Identify Board Member Representatives for Graduations ✓ Review Facility Use Fee Schedule ✓ Review Governor's Revised Budget ✓ Suspensions/Expulsions Annual Report ✓ Quarterly Facilities Project Updates* ✓ Quarterly District Safety Update*	District Office

June 4	Regular Board Meeting ✓ LCAP Public Hearing ✓ 2019-20 Budget Public Hearing ✓ Complete Superintendent Evaluation	District Office
June 18	Regular Board Meeting ✓ Adopt budget for 2019-20 ✓ Approval of LCAP ✓ Approval of Contracts and Purchase Orders for 2019-20 ✓ Review of Legal Services Costs ✓ Solicitation of Funds Report ✓ Consolidated Application	District Office

**Quarterly District Safety Update and Quarterly Facilities Projects Update as needed*

- ☐ Consent
- ☐ Action/Discussion
- ☒ Information/Discussion
- ☐ Public Hearing

SUBJECT: Report from Superintendent on Special Board Meeting Study Session

DATE: October 24, 2019

PERSON(S) RESPONSIBLE: Ralph Gómez Porras, Superintendent

RECOMMENDATION:

The Administration recommends that the Board receive a report from the Superintendent on the Special Board Meeting Study Session.

INFORMATION:

The Board had a special Board meeting study session on September 21, 2019 to discuss the Board's Self Evaluation. Some of the areas for growth included: More efficient meetings, sharing information on community activities and advocacy, and communications. Per the Board's direction, the Superintendent will report back to the Board regarding what items are already addressed in the Governance Handbook and/or Bylaws and regarding which Bylaws may require changes.

The items highlighted in yellow address some of the concerns raised during the Special Board Meeting Study Session, primarily about the efficiency of board meetings. The items highlighted in pink are portions of Board Bylaws that the Board may want to consider changing.

FISCAL IMPACT:

There is no direct fiscal cost to this item.

Pacific Grove Unified School District

Board Bylaws

Bylaw #9320

MEETINGS AND NOTICES

Meetings of the Governing Board are conducted for the purpose of accomplishing District business.

A Board meeting exists whenever a majority of its members gather at the same time and place to hear, discuss or deliberate upon any item within the subject matter jurisdiction of the Board or District. (Government Code 54952.2)

In accordance with state open meeting laws, the Board shall hold its meetings in public and shall conduct closed sessions during these meetings only to discuss confidential matters specified by law. To encourage community involvement in the schools, meetings shall provide opportunities for questions and comments by members of the public and shall be conducted in accordance with law and Board-adopted bylaws.

Except as otherwise authorized by law direct communication, personal intermediaries, and technological devices shall not be used by a majority of Board members to develop a collective concurrence as to an action that members will take on any item of District business. (Government Code 54952.2)

In order to help ensure participation in the meeting by disabled individuals, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1)

Meeting notices and agendas shall specify that individuals who require special accommodation, including but not limited to an American sign language interpreter, accessible seating or documentation in accessible formats, should contact the Superintendent or designee at least two days before the meeting date. (Government Code 54954.2)

Regular Meetings

The Board shall schedule regular meeting(s) each month on the first and third Thursdays at 7:00 p.m. on the dates and in the locations as adopted by the Board at its annual organizational meeting.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. (Government Code 54954.2)

Each agenda shall also list the address designated by the Superintendent or designee for public inspection of agenda documents that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

Special Meetings (requiring 24 hour posting)

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. (Government Code 54956)

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the

Pacific Grove Unified School District

Board Bylaws

Bylaw #9320

MEETINGS AND NOTICES

meeting in a location freely accessible to the public. The notice shall specify the time and place of the meeting and the business to be transacted or discussed; no other business shall be considered at these meetings. (Education Code 35144; Government Code 54956)

Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or ~~after~~ during the item's consideration. (Government Code 54954.3)

Special Meetings (requiring 72 hour posting)

At least 72 hours' public notice shall be given for any retreats, study sessions or training sessions held by the Board. All such meetings shall be held within District boundaries and action items shall not be included.

Emergency Meetings

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

An emergency situation means either of the following: (Government Code 54956.5)

1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board.
2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board.

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification must be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time he/she notifies the other members of the Board about the meeting. (Government Code

Pacific Grove Unified School District

Board Bylaws

Bylaw #9320

MEETINGS AND NOTICES

54956.5)

The minutes of the meeting, a list of persons the president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

A majority vote by the Board may adjourn/continue any regular or special meeting to a later time and place that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Regular Board meetings shall be adjourned by 10:00 p.m. unless extended to a specific time determined by a majority of the Board. The meeting shall be extended no more than once and may be adjourned to a later date.

Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. (Government Code 54955)

Teleconferencing

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means, through either audio, video or both. (Government Code 54953)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within District boundaries. (Government Code 54953)

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)

All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)

All Board policies, administrative regulations and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent or designee shall facilitate public participation in the meeting at each teleconference location.

Pacific Grove Unified School District

Board Bylaws

Bylaw #9320

MEETINGS AND NOTICES

Study Sessions, Retreats, Public Forums, and Discussion Meetings

The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.

Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within district boundaries. Action items shall not be included on the agenda for these meetings.

Other Gatherings

Attendance by a majority of the Board members at any of the following events is not subject to state open meeting laws provided that a majority of the Board members do not discuss specific District business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering that involves a discussion of issues of general interest to the public or to school board members
2. An open, publicized meeting organized by a person or organization other than the District to address a topic of local community concern
3. An open and noticed meeting of another body of the district
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers

Individual contacts or conversations between a Board member and any other person are not subject to open meeting laws. (Government Code 54952.2)

Location of Meetings

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, including, but not limited to, religion, sex, or sexual orientation. In addition, meetings shall not be held in a facility which is inaccessible to disabled persons or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

Meetings shall be held within district boundaries, except to do any of the following: (Government Code 54954)

Pacific Grove Unified School District

Board Bylaws

Bylaw #9320

MEETINGS AND NOTICES

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party
2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction
5. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
6. Attend conferences on nonadversarial collective bargaining techniques
7. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district
8. Interview a potential employee from another district

Meetings exempted from the boundary requirements, as specified in items 1 – 8 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a place designated by the Board president or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication. (Government Code 54954)

Legal Reference:

EDUCATION CODE

35140 Time and place of meetings

35143 Annual organizational meeting, date, and notice

35144 Special meeting

35145 Public meetings

35145.5 Agenda; public participation; regulations

35146 Closed sessions

35147 Open meeting law exceptions and applications

GOVERNMENT CODE

11135 State programs and activities, discrimination

Pacific Grove Unified School District

Board Bylaws

Bylaw #9320

MEETINGS AND NOTICES

54950-54963 The Ralph M. Brown Act, especially:

54953 Meetings to be open and public; attendance

54954 Time and place of regular meetings

54954.1 Mailed notices

54954.2 Agenda posting requirements, board actions

54956 Special meetings; call; notice

54956.5 Emergency meetings

54961 Prohibition on use of certain facilities

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 Effective communications

36.303 Auxiliary aids and services

COURT DECISIONS

Wolfe v. City of Fremont, (2006) 144 Cal.App. 544

216 Sutter Bay Associates v. County of Sutter, (1997) 58 Cal.App. 4th 860

ATTORNEY GENERAL OPINIONS

88 Ops.Cal.Atty.Gen. 218 (2005)

84 Ops.Cal.Atty.Gen. 181 (2001)

84 Ops.Cal.Atty.Gen. 30 (2001)

79 Ops.Cal.Atty.Gen. 69 (1996)

78 Ops.Cal.Atty.Gen. 327 (1995)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2006

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2003

WEB SITES

CSBA, Agenda Online:

<http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>

California Attorney General's Office: <http://www.caag.state.ca.us>

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Pacific Grove Unified School District

Board Bylaws

By law #9323

MEETING CONDUCT

Meeting Procedures

All Governing Board meetings shall begin on time and shall be guided by an agenda prepared in accordance with Board bylaws and posted and distributed in accordance the Ralph M. Brown Act (open meeting requirements) and other applicable laws.

The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Regular Board meetings shall be adjourned by 10:00 p.m. unless extended to a specific time determined by a majority of the Board. The meeting shall be extended no more than once and may be adjourned to a later date.

Quorum

A majority of the number of filled positions on the Board constitutes a quorum. (Education Code 5095, 35165)

Unless otherwise provided by law, affirmative votes by a majority of all the membership of the Board are required to approve any action under consideration, regardless of the number of members present. (Education Code 35164)

If a vacancy exists on the Board, whenever any provisions of the Education Code require unanimous action of all or a specific number of the members, the vacant position(s) shall be not be counted for purposes of determining the total membership constituting the Board. (Education Code 35165)

Abstentions

The Board believes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them. When a member abstains, his/her abstention shall not be counted for purposes of determining whether a majority of the membership of the Board has taken action.

Public Participation

Members of the public are encouraged to attend Board meetings and to address the Board concerning any item on the agenda or within the Board's jurisdiction. So as not to inhibit public participation, persons attending Board meetings shall not be requested to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting. (GC 54953.3)

In order to conduct District business in an orderly and efficient manner, the Board requires that public presentations to the Board comply with the following procedures: (EC 35145.5)

1. The Board shall give members of the public an opportunity to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the Board, either before or during the Board's consideration of the item. (Education Code 35145.5, Government Code 54954.3)

Pacific Grove Unified School District

Board Bylaws

By law #9323

MEETING CONDUCT

2. At a time so designated on the agenda at a regular meeting, members of the public may bring before the Board matters that are not listed on the agenda. The Board shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law. (Education Code 35145.5, Government Code 54954.2)
3. Without taking action, Board members or District staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the public, a Board or staff member may ask a question for clarification, make a brief announcement, or make a brief report on his/her own activities. (Government Code 54954.2)

Furthermore, the Board or a Board member may provide a reference to staff or other resources for factual information, ask staff to report back to the Board at a subsequent meeting concerning any matter, or take action directing staff to place a matter of business on a future agenda. (Government Code 54954.2)

4. The Board need not allow the public to speak on any item that has already been considered by a committee composed exclusively of Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the Board determines that the item has been substantially changed since the committee heard it, the Board shall provide an opportunity for the public to speak. (Government Code 54954.3)
5. A person wishing to be heard by the Board shall first be recognized by the president and shall then proceed to comment as briefly as the subject permits.

Individual speakers shall be allowed three minutes to address the Board on each agenda or non-agenda item. The Board shall limit the total time for public input on each item to 20 minutes. With Board consent, the president may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. The president may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add. (GC 54954.3)

6. The Board president may rule on the appropriateness of a topic. If the topic would be more suitably addressed at a later time; the president may indicate the time and place when it should be presented.

The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts or omissions. (Government Code 54954.3) In addition, the Board may not prohibit public criticism of District employees.

Whenever a member of the public initiates specific complaints or charges against an employee, the Board president shall inform the complainant that in order to protect the employee's right to adequate notice before a hearing of such complaints and charges, and

Pacific Grove Unified School District

Board Bylaws

By law #9323

MEETING CONDUCT

also to preserve the ability of the Board to legally consider the complaints or charges in any subsequent evaluation of the employee, it is the policy of the Board to hear such complaints or charges in closed session unless otherwise requested by the employee pursuant to Government Code 54957. The Board president shall also encourage the complainant to file a complaint using the appropriate district complaint procedure.

7. The Board president shall not permit any disturbance or willful interruption of Board meetings. Persistent disruption by an individual or group shall be grounds for the chair to terminate the privilege of addressing the Board.

The Board may remove disruptive individuals and order the room cleared if necessary; in this case, members of the media not participating in the disturbance shall be allowed to remain, and individual(s) not participating in such disturbances may be allowed to remain at the discretion of the Board. When the room is ordered cleared due to a disturbance, further Board proceedings shall concern only matters appearing on the agenda. When such disruptive conduct occurs, the Superintendent or designee shall contact local law enforcement. (GC 54957.9) (EC 32210).

8. The goal of the Board is to have decisions made by consensus. If consensus is not possible, then decisions will be made by majority vote. Both majority and minority positions may be reported or recorded.

Recording by the Public

The Superintendent or designee shall designate locations from which members of the public may broadcast, photograph or tape record open meetings without causing a distraction. (GC 54953.5)

If the Board finds that noise, illumination or obstruction of view related to these activities would persistently disrupt the proceedings, these activities shall be discontinued or restricted as determined by the Board. (Government Code 54953.5, 54953.6)

Legal Reference:

EDUCATION CODE

5095 Powers of remaining board members and new appointees

32210 Willful disturbance of public school or meeting a misdemeanor

35010 Prescription and enforcement of rules

35145.5 Agenda; public participation; regulations

35163 Official actions, minutes and journal

35164 Vote requirements

35165 Effect of vacancies upon majority and unanimous votes by seven member board

GOVERNMENT CODE

54953.5 Audio or video tape recording of proceedings

54953.6 Broadcasting of proceedings

54954.2 Agenda; posting; action on other matters

54954.3 Opportunity for public to address legislative body; regulations

Pacific Grove Unified School District

Board Bylaws

Bylaw #9323

MEETING CONDUCT

54957 Closed sessions

54957.9 Disorderly conduct of general public during meeting; clearing of room

PENAL CODE

403 Disruption of assembly or meeting

COURT DECISIONS

McMahon v. Albany Unified School District, (2002) 104 Cal.App.4th 1275

Rubin v. City of Burbank, (2002) 101 Cal.App.4th 1194

Baca v. Moreno Valley Unified School District, (1996) 936 F.Supp. 719

ATTORNEY GENERAL OPINIONS

76 Ops.Cal.Atty.Gen. 281 (1993)

66 Ops.Cal.Atty.Gen. 336 (1983)

63 Ops.Cal.Atty.Gen. 215 (1980)

61 Ops.Cal.Atty.Gen. 243, 253 (1978)

55 Ops.Cal.Atty.Gen. 26 (1972)

59 Ops.Cal.Atty.Gen. 532 (1976)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2005

Board Presidents' Handbook, rev. 2002

Maximizing School Board Governance: Boardmanship

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2003

WEB SITES

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

California Attorney General's Office: <http://www.caag.state.ca.us>

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Pacific Grove Unified School District

Board Bylaws

Bylaw #9323.1

ORDER OF BUSINESS

Unless altered by the presiding officer, with the consent of the Board, the Order of Business at all Board business meetings shall be as follows:

- A. Call to Order
- B. Roll Call
- C. Adoption of Agenda
- D. Closed Session
- E. Reconvene in Open Session
- F. Pledge of Allegiance
- G. Written Communication
- H. Board Member Comments
- I. Superintendent's Report
- J. Public Comment
- K. Presentations/ Recognitions/ Honors
- L. Consent Agenda
- M. Action/Discussion
- N. Information/Discussion
- O. Adjournment

Board members shall receive from the Superintendent agenda materials at least 24 hours prior to the time of the meeting. Accompanying the agenda shall be supporting data intended to inform the Board so that members may examine and objectively evaluate before taking action.

Agenda

1. The President, on taking the chair, shall call the members to order on appearance of a quorum.
2. Agendas for regular meetings must contain a "brief, general description" of the item of business to be transacted or discussed. Details shall be provided by supporting data. The Superintendent shall recommend indicated Board action.
3. To facilitate action on certain agenda items, the consent agenda procedure will be used. Items listed under consent are considered to be routine and/or may have been discussed at a previous Board meeting. Examples of items are Board minutes, certificated and classified assignment orders, out of county activities, warrants, purchase order transactions and revolving cash information. In addition, items receiving Board agreement during the first review (Information Discussion) may be placed on consent agenda.

Pacific Grove Unified School District

Board Bylaws

Bylaw #9323.2

ACTIONS BY THE BOARD

The Governing Board shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law. (Education Code 35164)

An "action" by the Governing Board means: (Government Code 54952.6)

1. A collective decision by a majority of the Board members
2. A collective commitment or promise by a majority of the members to make a positive or negative decision
3. A vote by a majority of the members when sitting as the Board upon a motion, proposal, resolution, order or ordinance

When required by law, action shall instead require a two-thirds, four-fifths, or unanimous vote of either the Board or Board members present at the meeting.

The Board may take action in a regular meeting on a subject not listed on the published agenda only when it publicly identifies the item to be acted upon in conjunction with one of the following circumstances: (Government Code 54954.2)

1. The Board, by majority vote of its members, determines that the action responds to an emergency situation.
2. The Board determines, either by a two-thirds majority vote of the members present at the meeting or, if less than two-thirds of the members are present, by a unanimous vote of all members present, that the need to take immediate action came to the district's attention after the posting of the agenda.
3. The matter was properly posted for a previous meeting occurring not more than five days earlier and was continued to the meeting at which action is being taken.

The Board shall not take action by secret ballot, whether preliminary or final. (Government Code 54953)

Actions taken by the Board in open session shall be recorded in the Board minutes. (Education Code 35145)

Challenging Board Actions

Any demand by the district attorney's office or any interested person to correct a Board action shall be presented to the Board in writing within 90 days of the date when the action was taken. Such demand shall allege a violation of any of the following: (Government Code 54960.1)

1. Government Code 54953, regarding open meeting and teleconferencing
2. Government Code 54954.5, regarding closed session item descriptions

Pacific Grove Unified School District

Board Bylaws

Bylaw #9323.2

ACTIONS BY THE BOARD

3. Government Code 54954.6, regarding new or increased tax assessments
4. Government Code 54956, regarding special meetings
5. Government Code 54956.5, regarding emergency meetings

If the alleged violation concerns action taken in an open session but in violation of Government Code 54954.2 (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place.

Any demand to "cure and correct" an alleged violation shall clearly describe the challenged action and the nature of the alleged violation. (Government Code 54960.1)

Within 30 days of receiving the demand, the Board shall either cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct. If the Board decides to not cure or correct the challenged action, the demanding party shall be informed in writing of that decision. (Government Code 54960.1)

If the Board takes no action within the 30-day review period, its inaction shall be considered a decision not to cure or correct the action. (Government Code 54960.1)

Legal Reference:

EDUCATION CODE

- 15266 School construction bonds
- 17466 Declaration of intent to sell or lease real property
- 17481 Lease of property with residence for nondistrict purposes
- 17510-17511 Resolution requiring unanimous vote of all members constituting board
- 17546 Private sale of personal property
- 17556-17561 Dedication of real property
- 17582 District deferred maintenance fund
- 17583 Deferred maintenance fund; transfer of excess local funds
- 35144 Special meeting
- 35145 Public meetings
- 35164 Majority vote of all members constituting board for board action
- 35165 Vacancies, effect on majority and unanimous vote
- 48660 Establishment of community day schools
- 48661 School site restrictions for community day schools

CODE OF CIVIL PROCEDURE

- 1245.240 Eminent domain vote requirement
- 1245.245 Eminent domain, resolution adopting different use

GOVERNMENT CODE

- 53094 Authority to render zoning ordinance inapplicable
- 53097 Compliance with ordinances
- 53097.3 Charter school ordinances
- 53724 Parcel tax resolution requirements

Pacific Grove Unified School District

Board Bylaws

Bylaw #9323.2

ACTIONS BY THE BOARD

53790-53792 Exceeding the budget
53820-53833 Temporary borrowing
53850-53858 Temporary borrowing
54950 Meetings: declaration; intent; sovereignty
54952.6 Action taken, definition
54953 Meetings to be open and public; attendance; secret ballots
54953.5 Right to record proceedings; conditions
54954.2 Agenda posting requirements; board actions
54954.5 Closed session item descriptions
54954.6 New or increased taxes or assessments; hearings; notice
54956 Special meetings; call; notice
54956.5 Emergency meetings in emergency situations
54960 Action to prevent violations
54960.1 Challenge of governing board actions
54960.5 Costs and attorney fees
65352.2 Coordination with planning agency
PUBLIC CONTRACT CODE
3400 Bid specifications
20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder
20113 Emergencies, award of contracts without bids
COURT DECISIONS
Bell v. Vista Unified School District, (2002) 82 Cal.App.4th 672
Boyle v. City of Redondo Beach, (1999) 70 Cal.App.4th 1109

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 1999

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies,, California Attorney General's Office, 2002

CALIFORNIA CITY ATTORNEY PUBLICATIONS

Open and Public III: A User's Guide to the Ralph M. Brown Act, 2000

WEB SITES

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

California Attorney General's Office: <http://www.caag.state.ca.us>

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Pacific Grove Unified School District

Board Bylaws

Bylaw #9322

AGENDA/ MEETING MATERIALS

Agenda Content

Governing Board meeting agendas shall reflect the District's vision and the goals and the Board's focus on student learning.

Each agenda shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. However, the agenda need not provide an opportunity for public comment when the agenda item has previously been considered at an open meeting of a committee comprised exclusively of Board members, provided that members of the public were afforded an opportunity to comment on the item at that meeting and that the item has not been substantially changed since the committee considered it. (Government Code 54954.3)

The agenda for a regular Board meeting shall also provide members of the public an opportunity to provide comment on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. (Education Code 35145.5, Government Code 54954.3)

Each agenda for a regular meeting shall list the address designated by the Superintendent or designee for public inspection of documents related to an open session item that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

The agenda shall include information regarding how, when, and to whom a request should be made if an individual requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting.. (Government Code 54954.2)

Agenda Preparation

The Board president and the Superintendent, as Secretary to the Board, shall work together to develop the agenda for each regular and special meeting.

Any Board member or member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a future regular meeting. The request shall be submitted in writing to the Superintendent or designee with supporting documents and information, if any, at least one week before the meeting date at which the item has been scheduled to be considered. Items submitted less than a week before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

The Board president and Superintendent shall decide whether a request is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, before placing the item on the agenda, the Board president and Superintendent shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation..

Pacific Grove Unified School District

Board Bylaws

Bylaw #9322

AGENDA/ MEETING MATERIALS

If the Board president and Superintendent deny a request from a Board member, or a member of the public, to place an item on the agenda, the Board member may request the Board to take action to determine whether the item shall be placed on the agenda.

The Board president and Superintendent shall also decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item subject to Board vote or an information item that does not require immediate action.

Consent Items

In order to promote efficient meetings, the Board may bundle a number of items and act upon them together by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature or items for which no Board discussion is anticipated and for which the Superintendent recommends approval. When any Board member requests the removal of an item from the consent agenda, the item shall be removed and given individual consideration for action as a regular agenda item.

The agenda shall provide an opportunity for members of the public to comment on any consent agenda item that has not been previously considered. (Government Code 54954.3)

Any Board action that involves borrowing \$100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda. (Government Code 53635.7) (cf. 9323.2 - Actions by the Board)

All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

Agenda Dissemination to Board Members

At least 72 hours before each regular meeting, each Board member shall be provided a copy of the agenda and agenda packet, including the Superintendent or designee's report; minutes to be approved; copies of communications; reports from committees, staff, and others; and other available documents pertinent to the meeting.

When special meetings are called, Board members shall receive, at least 24 hours prior to the meeting, notice of the business to be transacted. (Government Code 54956)

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to ask questions and/or request additional information on agenda items. However, a majority of Board members shall not, outside of the noticed meeting, directly or through intermediaries or electronic means discuss, deliberate, or take action on any matter within the subject matter jurisdiction of the Board.

Pacific Grove Unified School District

Board Bylaws

Bylaw #9322

AGENDA/ MEETING MATERIALS

Agenda Dissemination to Members of the Public

Any agenda and related materials distributed to the Board shall be made available to the public upon request without delay. Only those documents which are disclosable public records under the Public Records Act and which relate to an agenda item scheduled for the open session portion of a regular meeting shall be made available to the public. (Government Code 54957.5)

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. (Government Code 54954.2)

In addition, the Superintendent or designee shall post the agenda on the homepage of the district web site. The posted agenda shall be accessible through a prominent direct link to the current agenda or to the district's agenda management platform in accordance with Government Code 54954.2. When the district utilizes an integrated agenda management platform, the link to that platform shall take the user directly to the web site with the district's agendas, and the current agenda shall be the first available. (Government Code 54954.2)

If a document which related to an open session agenda item of a regular Board meeting is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at a designated location at the same time the document is distributed to a majority of the Board. (Government Code 54957.5)

The Superintendent or designee shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the Superintendent or designee, not to exceed the cost of providing the service.

Any document prepared by the district or the Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any document prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the Public Records Act. (Government Code 54957.5)

Upon request, the Superintendent or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

Pacific Grove Unified School District

Board Bylaws

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AGENDA/ MEETING MATERIALS

Legal Reference:

EDUCATION CODE

35144 Special meetings

35145 Public meetings

35145.5 Right of public to place matters on agenda

GOVERNMENT CODE

6250-6270 Public Records Act

53635.7 Separate item of business

54954.1 Mailed agenda of meeting

54954.2 Agenda posting requirements; board actions

54954.3 Opportunity for public to address legislative body

54954.5 Closed session item descriptions

54956.5 Emergency meetings

54957.5 Public records

54960.2 Challenging Board actions; cease and desist

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 Effective communications

36.303 Auxiliary aids and services

COURT DECISIONS

Mooney v. Garcia (2012) 207 Cal.App.4th 229

Caldwell v. Roseville Joint Union HSD, 2007 U.S. Dist. LEXIS 66318

ATTORNEY GENERAL OPINIONS

99 Ops.Cal.Atty.Gen. 11 (2016)

78 Ops.Cal.Atty.Gen. 327 (1995)

MANAGEMENT RESOURCES:

CSBA PUBLICATIONS

Call to Order: A Blueprint for Great Board Meetings, 2015

The Brown Act: School Boards and Open Meeting Laws, rev. 2017

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, California Attorney General's Office, rev. 2003



Pacific Grove Unified School District Governance Handbook 2019

Board of Trustees

John Paff, President
Brian Swanson, Clerk
Debbie Crandell, Member
Cristy Dawson, Member
Jon Walton, Member

Superintendent

Dr. Ralph Gomez Porras

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PREAMBLE

Representative government requires that public officeholders be competent, independent, impartial, and accountable. Therefore, the Board of Trustees of the Pacific Grove Unified School District (PGUSD) adopts this Governance Handbook, which is a companion to its policy manual, to promote and maintain best practices and the highest standards of professional conduct. Its norms and protocols flow from board bylaws, embody the principles promulgated by the California School Boards Association (CSBA), and are based on the collective experiences of school boards across the state. This ready resource formalizes the conventions used by the governance team in the conduct of its day-to-day business.

For newly elected or appointed board members, especially those who have not yet completed CSBA's *Masters in Governance* program, this handbook is particularly valuable as it sets forth a series of do's and don'ts to ensure that all board members are ready to undertake confidently the work of the district.

This handbook is adapted in part from CSBA's guide and other training materials. It is the result of the collaborative effort of the Board of Trustees and the Superintendent.

OUR PUBLIC SERVICE

Responsible, Effective Governance

The Board of Trustees is a corporate body that implements state legislative policy concerning public schools in its geographical boundaries, administers California's system of public education, and provides leadership and lay oversight of the district. The board, a legal agency of the state, derives its power from the state's constitution, laws, and judicial decisions.

The PGUSD school board is entrusted with a solemn duty to uphold the constitutions of California and the United States, protect the public interest in schools, and provide high quality education to all students. To fulfill this mandate, the board and superintendent join together to become the district's governance team without forsaking their separate and distinct roles and responsibilities. The school board sets and monitors the direction of the school district. The superintendent plays a dual role—first, he is the chief executive officer, responsible for managing the district consistent with the board's direction; second, he is the subject matter expert for the board which is comprised, typically, of lay people who may not have specialized knowledge of public education. For the district's blueprint for educational excellence to succeed, members of the governance team must have a shared understanding of their purpose, be well-informed contributors to the team, and interact professionally.

OUR COMMITMENTS AND OBLIGATIONS

Unity of Purpose

Unity of purpose is a commitment to transcend individual differences to focus upon the greater good.

Our Governance Team's Unity of Purpose

Our unity of purpose is to accomplish our mission, fulfill our goals, and realize our vision as we operate under best practices as set forth in policy and exemplified in the California School Boards Association's *Masters in Governance* program.

Please see the appendix to review our mission, vision, goals, and professional governance standards.

Governance Role and Responsibilities

Pursuant to Board Bylaw 9000, the Board of Trustees is to ensure that the school district is responsive to the values, beliefs, and priorities of its communities by fulfilling five major responsibilities:

1. Setting the direction for the district through a process that involves the community, parents/guardians, students, and staff and is focused on student learning and achievement.
2. Establishing an effective and efficient organizational structure for the district.
3. Providing support to the superintendent and staff as they carry out the board's direction.
4. Ensuring accountability to the public for the performance of the district's schools.
5. Providing community leadership and advocacy on behalf of students, the district's educational program, and public education in order to build support within the local community and at the state and national levels.

The board carries out these responsibilities in each of the following domains:

- Student Learning and Achievement
- Finance
- Facilities
- Human Resources
- Policy
- Judicial Review
- Collective Bargaining
- Community Relations and Advocacy

Limits of Board Member Authority

Board members are state officers who act under the auspices of state law when conducting official business. The exercise of the board's authority is predicated upon the delegation of authority from the legislature and must be justified under standards of reasonableness to avoid a judicial presumption of arbitrary or capricious action.

According to Board Bylaw 9200, the Board of Trustees has broad but clearly limited powers with respect to its operations. Please see the appendix for the full text.

- The board is the unit of authority over the district.
- The exercise of the board's authority is restricted by law and may only take place in a legally constituted meeting.
- Board members have no individual authority.
- Individually, board members may not commit the district to any policy, act, or expenditure.
- Board members hold the education of students above any partisan principle, group interest, or personal interest.
- Board members who visit schools have no more authority than any other citizen.
- Unless agreed to by the board, individual members do not exercise any administrative responsibility with respect to the schools or command the services of any school employee.
- A board member whose child is attending a district school is aware of his/her role as a board member when interacting with district employees about his/her child. Because his/her position as a board member may inhibit the performance of school personnel, the board member informs the superintendent or designee before volunteering in his/her child's classroom.
- The superintendent or designee provides a copy of the state's open meeting laws (Ralph M. Brown Act) to each board member and to anyone who is elected or appointed to the board but has not yet assumed office.
- Board members and persons elected to the board who have not yet assumed office are responsible for complying with the requirements of the Brown Act.

Being a High-Caliber Governance Team

First-rate teamwork is essential to every quality organization, but it is not guaranteed. It is not enough to have good intentions; there must be a commitment to building and maintaining a dynamic partnership that produces positive results. This is why we are obligated to adamantly guard our esprit de corps and preserve our unity of purpose. Our success as a high-caliber team will be made evident by how well we attain our vision to be the Monterey County's premier learning establishment and by how well we work together.

To uphold our unity of purpose, to be well-informed contributors to our team, and to interact professionally, we hereby establish these norms and protocols.

OUR NORMS

In the Day-to-Day

1. Accountability

- a. We take collective responsibility for the success of our governance team.

2. Competence and Judiciousness

- a. We are honest stewards of students' education and focus on what is best for them.
- b. We set clear direction for the district.
- c. We recognize each member is integral to the governance team.
- d. We operate within our respective roles and responsibilities.
- e. We collaborate constructively for the success of the team.
- f. We do not micromanage the district.
- g. We demonstrate through our conduct the differences between good intentions and good government.
- h. We do not supervise individual board members; we are publicly elected or appointed officials, not employees.
- i. We participate in professional development and commit the time and energy necessary to be informed and effective leaders.
- j. We model dignified behavior for our students, staff, and community.
- k. We maintain poise and decorum in the face of controversy, difficulty, or complexity.
- l. We are conversant in district matters and with trends in education.
- m. We live out the principles of good boardsmanship as promulgated by the California School Boards Association in its *Masters in Governance* program.
- n. We are mindful that every word spoken and every action taken contribute to the district's reputation, either for good or for bad.
- o. We devote our time and energy to important business issues, not to politics, pettiness, or ungraciousness.
- p. Board members, either individually or corporately, never suggest or recommend any employee or member of the public for a position in the district.
- q. Absent board direction, we do not observe or participate in the interviews of prospective employees.

- r. We resolve not to let differences in personality, perspective, style, and background threaten our unity of purpose.
- s. We do not withhold or obstruct the flow of important information that belongs with the governance team.
- t. We wear official badges when at the district office, when visiting schools, and when attending school or district functions.

3. Ethics and Integrity

- a. We advance the effectiveness of our governance team through the individual and collective demonstration of integrity, consistency, responsibility, accountability, fairness, and transparency.
- b. Board members do not unilaterally assign work to employees except as provided for in the executive assistant to the superintendent's job description.
- c. We do not solicit or accept offers of help from district employees, except as allowed by law, for political campaigns, personal business interests, or other personal purposes.
- d. We do not use our position on the board to further our personal business ventures, nor do we publicize them at any district or school function or on any district properties. We do not distribute non-district business cards or other promotional materials to employees, nor do we exploit interactions with the public to promote personal business interests.
- e. We do not proffer or consider information from anonymous sources.
- f. We do nothing to blindside fellow governance team members.
- g. We do not disclose confidential information acquired during a closed session to a person not entitled to receive such information, unless a majority of the board has authorized its disclosure. Confidential information means a communication made in a closed session that is specifically related to the basis for the Board to meet lawfully in closed session (Government Code 54963).
- h. We are willing to admit mistakes readily and do not seek to evade responsibility.
- i. We reserve judgment on every matter until all known facts are communicated to the full board.
- j. We do not participate in gossip or rumor-mongering.
- k. We do not form alliances within the team to carry out divergent goals or secret agendas.
- l. We do not speak ill of current or former governance team members.
- m. The superintendent is required to report to the board president egregious violations by board members of board bylaws, policies, or the agreements made herein. If the board president is the offending party, the superintendent is required to make his report to the board clerk. The board president or clerk, as the case may be, then reviews with the offending party the established practices to be observed and offers guidance and support.
- n. We use our titles only when conducting official district business, for informational purposes, or as an indication of background and expertise. We are careful not to exceed or appear to exceed our authority or use our position to influence others unduly.

4. Solidarity

- a. When working together, we look beyond our own individual contributions to the governance team and appreciate our collective achievements.
- b. If necessary, we discuss with an individual team member, privately and respectfully, any personal concern or issue we have with him or her for the good of the team. We do not burden the team with such matters.
- c. We are neither arbitrary nor capricious in our conduct, decision-making, or deliberations.

- d. We do not engage in or permit any ad hominem attacks against fellow board members or the superintendent.

5. How the Board Communicates

- a. We develop and maintain open, honest communication with each other.
- b. We do not criticize the reasoning, motives, or philosophies of fellow team members, whether in public or private settings.
- c. When we disagree, we do so in a reasonable and respectful manner and do not take differences of opinion personally.
- d. We speak with one voice in order to maintain the trust of our community.
- e. We make no unilateral, extemporaneous remarks regarding the job performance of the superintendent or any other employee, recognizing that employee performance reviews are conducted solely in accordance with established policy.

6. Support, Respect, and Consideration

- a. We check our egos at the proverbial door and treat fellow board members as the co-equals they are.
- b. We support each other and operate from positions of goodwill, good faith, and good motivations.
- c. We consistently treat fellow team members with respect, courtesy, and consideration.
- d. We demonstrate sensitivity and caring for fellow team members.
- e. We shield the superintendency from the politicking that sometimes beleaguers public office.
- f. We give one another the benefit of the doubt and arrive at negative conclusions only when necessary and when incontrovertible evidence supports doing so.
- g. We look to the strengths of our colleagues and do not participate in frivolous fault-finding missions.
- h. We appreciate when the superintendent does his best to treat board members equally as is expected.
- i. We do not burden the superintendent with personal complaints or disparaging remarks about fellow team members or district employees.
- j. We are considerate of one another's schedules.

During Board Meetings

- a. Board meetings are held in public to conduct the business of the district in accordance with the Ralph M. Brown Act; they are not to be regarded as town hall meetings.
- b. Board meetings are for gathering information, making decisions, and taking action.
- c. We are on time and prepared for meetings.
- d. We behave and dress in a manner worthy of a professional business meeting.
- e. We endeavor to ensure that all members of the team have the same information.
- f. We do not bring hidden agendas to board meetings.
- g. We do not use the privacy afforded in closed-session meetings as a cloak for unprofessional conduct or wrongdoing.
- h. Board members remain behind the dais or the board table, except for personal or medical necessity, and are attentive throughout board meetings in order to govern effectively and participate fully.
- i. We work cooperatively with the board chair to promote common courtesy and decorum.

- j. We observe the philosophy in *Rosenberg's Rules of Order, Revised 2011*, "Debate on policy is healthy, debate on personalities is not" and uphold the practice, "The chair has the right to cut off discussion that is too personal, is too loud, or is too crude."¹
- k. We speak only after first having been recognized by the chair and do not interrupt others.
- l. Board discussion shall be addressed to fellow board members, the superintendent, members of the executive cabinet, or scheduled speakers, and not to the audience.
- m. Board members accept the contributions and full participation of fellow board members and do not monopolize discussions.
- n. We do not use coarse or profane language.
- o. We have no side conversations.
- p. Use of the Internet—except to view the Board of Trustees' online meeting agenda and agendized presentations—, e-mail, texting, and other electronic messaging on any device or computer is prohibited by board members during board meetings. This includes reading, sending, or receiving data and messages.
- q. We do not make or answer personal telephone calls. Personal cellular telephones are to be silenced before meetings are called to order.
- r. We use wisely the time set aside in board meetings for board members' reports and announcements. We do not grandstand, evaluate employees, advocate action be taken on behalf of employees, or reargue a failed motion or position.

OUR PROTOCOLS

Gatherings and Communications

- a. We comply with the Brown Act and do not form unlawful meetings, regardless of the circumstances.
- b. A board meeting exists whenever a majority of board members gather at the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the board or district (Government Code 54952.2).
- c. A majority of the board does not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the board. However, an employee or district official may engage in separate conversations with board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the board, as long as that employee or district official does not communicate the comments or position of any board members to other board members (Government Code 54952.2).
- d. Attendance by a majority of board members at events delineated below is not subject to the Brown Act provided that a majority of the board members do not discuss specific district business among themselves other than as part of the scheduled program (Government Code 54952.2).
 - 1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members

¹ Rosenberg's Rules of Order, Revised 2011, page 7, Courtesy and Decorum

2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern
3. An open and noticed meeting of another body of the district
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the board, provided that the board members who are not members of the standing committee attend only as observers

(cf. 9130 - Board Committees)

Agenda Preparation and Distribution

- a. Agendas are to be set only with the approval of the board president, or clerk in the president's absence, and the superintendent.
- b. Agendas and all supporting materials for regular board meetings are made available online to the board, and general public, at least five days prior to the board meeting. Board members may request hard copies of the online information.
- c. Time set aside for the board president and the superintendent to plan meeting agendas is restricted to relevant matters and is not used to circumvent the normal procedure for the board to give direction to the superintendent.

Board Meeting Preparation and Attendance

- a. Consistent, punctual attendance at board meetings is expected. If a board member is unable to attend or will be late, the board president is to be notified as soon as possible.
- b. Board members limit their studies to the content of the agenda packets and/or other materials provided by the superintendent. Should board members require additional information, a request may be submitted to the superintendent, who will endeavor to provide a timely response. As appropriate, the superintendent ensures all trustees are privy to the information requested and given. Should the superintendent determine that more than thirty minutes are required to research and prepare a response, he informs the trustee who made the request that he will confer with the board president to determine the next steps. It could be that the agenda item should be postponed to a future date in order to gather additional information for the full board.
- c. Board members direct all questions regarding agenda items to the superintendent.
- d. Board members may improve through independent learning their knowledge about general matters related to public education.
- e. Board members do not undertake independent inquiries or investigations that could create conflicts of interest or compromise the integrity of the board or district.
- f. Staff members who receive inquiries from board members may only redirect them to the superintendent.

Planning Special Board Meetings

- a. Special meetings of the board may be called at any time by the presiding officer or by a majority of the board members. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the superintendent, assistant superintendent, or other management employee as described in Government Code 3511.1.

- b. In the interest of full attendance at special board meetings, priority is given by the board president to the proposed date and time which accommodates attendance by all board members. If that is not possible within the required timeframe, then priority is given to the date and time which accommodates attendance by four board members. If only a quorum can attend in the required timeframe, then the meeting is set for the soonest date and time.

Voting and Board Actions

- a. Board members respect each other's right to vote "no" on an issue.
- b. Though not required, it is courteous for a board member to explain during deliberations the rationale for an intended "no" vote.
- c. Members of the governance team who vote in the minority on an issue do nothing to undermine the will of the board.
- d. Authority to give direction to the superintendent resides with the board in a legally constituted meeting. Direction may come from a vote on an agenda item or from a consensus of the full board in response to information presented during a board meeting.

The Role of the Board President

- a. The board president provides leadership on behalf of the Board of Trustees and the educational community it serves (Board Bylaw 9121).
- b. The board president leads the business of the board and carries out the duties prescribed in Board Bylaw 9121. Please see the appendix.
- c. The board president has added leadership and administrative responsibilities but does not have greater power than other board members.

Requests for Information

- a. Questions and requests by board members for information related to district matters or programs or to matters that may come before the board are directed to the superintendent only. Staff members who receive such inquiries from board members may only redirect them to the superintendent.
- b. Should the superintendent determine that more than thirty minutes are required to research and prepare a response, then he informs the trustee who made the request that he will confer with the board president to determine the next steps. It may be that the matter should be placed on a future board meeting agenda.
- c. Board members do not undertake independent inquiries or investigations that could create conflicts of interest or compromise the integrity of the board or district.

New Ideas

- a. Board members are free to bring up new ideas provided they fall within the purview of the Board of Trustees.
- b. It is recommended that a board member wishing to present a new idea to the Board of Trustees first consult with the superintendent, who is the subject matter expert.
- c. In accordance with Board Bylaw 9322, should the board member decide to pursue the idea, then he or she may prepare an agenda item or request that one be prepared for placement on a future agenda.

- d. A board member may bring up a new idea during the *Board Members' Reports and Announcements* section of a board meeting. The board member uses this brief opportunity to mention the idea and state a benefit or two about it. The board member may not argue at length the merits of the idea or grandstand. No action will be taken.

Visiting Schools

- a. As a professional courtesy, board members must notify the superintendent of scheduled school visits at least one full day prior.
- b. It is preferable for board members to visit schools with the superintendent, or in the company of a site administrator.
- c. Should board members wish to visit schools, and in the interest of avoiding an imposition on busy schedules, they should contact the school principal ahead of time to arrange a workable date and time for the visit.
- d. Board members are to be careful not to encroach on the learning environment. As such, the superintendent shall instruct principals and teachers not to interrupt lessons when a board member is visiting.
- e. Board members shall not make unannounced visits to schools because this may cause significant disruption to the principal's work schedule and the priorities of the day.
- f. Board members may attend celebratory events on campuses but do not sit in on staff meetings, IEP meetings, or parent-teacher conferences, except as related to their own children, even if invited.

Handling Concerns or Complaints from the Public and Staff

- a. We assess, based on board policy, whether it is appropriate to hear a concern or complaint in view of our role in judicial review.
- b. We assess, based on board policy, whether it is appropriate to hear a concern or complaint in view of our need to protect confidentiality and due process rights of students and staff members.
- c. We respond to concerns or complaints in accordance with uniform procedures and policy to ensure not only that matters are handled expeditiously but also that everyone is treated fairly and without bias.
- d. We protect the confidentiality and due process rights of students and staff members.
- e. When listening to a concern or complaint, we are neutral in our position and fully aware that we are hearing only one side of the story.
- f. We are consistent in our responses and function within our roles, conveying that individual board members have no authority to resolve matters.
- g. We use the California School Boards Association's 6 R's to ensure we listen actively to members of the public and staff and that we abide by uniform procedures.
 - 1. **Receive** - listen to what the person has to say without preparing a response.
 - 2. **Repeat** - paraphrase or ask a question to clarify for understanding. We ask the person to identify those to whom s/he has spoken about the matter prior to contacting a board member.
 - 3. **Request** - ask what the person would like the board member to do with the information and/or what is seen as a solution to the problem.
 - 4. **Review** - go over the real options available to the person to remedy the situation.
 - 5. **Redirect** - put the person back into the system at the appropriate place—respecting district lines of authority and chains of command.

6. **Report** - maintain open lines of communication between the board and superintendent and notify the superintendent of the conversation as soon as possible:
 - so the superintendent can verify or clarify the situation and follow-through as necessary and/or appropriate
 - so that the superintendent knows first-hand what the board member said to the community or staff member
- h. We invite the public or staff member to follow up with us about the issue.
- i. Board members exercise the same level of care when responding to emails from staff and members of the community as is described for personal interactions.

Media Relations

- a. To maintain message consistency and discipline, board members and the superintendent are obligated to speak with a common voice about district issues to the staff and community.
- b. Some situations have legal or other considerations that may place restrictions on what may be told to the media or public.
- c. The board president and the superintendent work together as spokespersons for the district^[RGP1] (Board Bylaw 9121).
- d. The superintendent or his designee prepares and distributes press releases.
- e. The superintendent or his designee, in collaboration with the board president, is responsible for contacting the media on behalf of the district.
- f. Media inquiries are directed to the superintendent or designee.
- g. With prior board approval, any board member may speak on behalf of the district or Board of Trustees.

Official Board Correspondence

- a. The superintendent conducts official correspondence for the board (Board Bylaw 9122).
- b. Official correspondence from the board is signed by the board president.

Vacancies on the Board of Trustees

- a. Vacancies on the Board of Trustees must be filled in accordance with state law.
- b. If a vacancy is to be filled by appointment, then barring official correspondence from the board president, all contact with prospective board members is restricted to the formal interview process in a public meeting.

Orientation for School Board Candidates

- a. The Board of Trustees desires to provide board candidates with information that will enable them to understand the responsibilities and expectations of board membership.
- b. Anyone whose name has been published on the Monterey County Registrar of Voters' official website as a qualified candidate may request to attend the candidate orientation meeting with the superintendent to receive general information about school programs, district operations, and board responsibilities. The superintendent or designee must provide the same information to all candidates who make the request (Board Bylaw 9230).
- c. Before Election Day, the superintendent is to advertise the date and time of the candidate orientation meeting on the PGUSD website with at least two weeks advance notice.

Welcoming New Members to the Board

- a. The board convenes an orientation meeting to provide information to incoming board members to assist them in understanding the board's functions, policies, procedures, protocols, and agreed-upon standards of conduct.
- b. Incoming board members receive the district's policy manual, governance handbook, and other materials related to the district and board member responsibilities.
- c. Upon their election, incoming board members are provided with a copy of the Brown Act and are informed that, pursuant to Government Code 54952.1, they must conform to the Act's requirements as if they had already assumed office.
- d. The superintendent provides incoming board members with additional background and information regarding the district's vision and goals, operations, and current challenges in areas that include, but are not limited to, student achievement, curriculum, finance, facilities, policy, human resources, and collective bargaining.
- e. Incoming members are encouraged to attend board meetings and review agenda materials available to the public in order to become familiar with current issues facing the district. Incoming members also may, at district expense and with approval of the board, attend workshops and conferences relevant to their individual needs or to the needs of the board as a whole or the district.
- f. Each new board member receives a new board member orientation packet that includes informational handouts about the district and governance team operations. Please see the appendix.

Avoiding Improprieties and Appearances Thereof

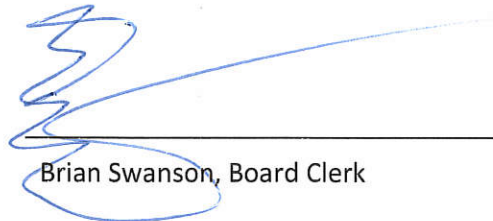
- a. Board members do not accept invitations from the superintendent, attorneys, or staff members to any non-district event unless all other members of the governance team are invited.
- b. Board members do not invite the superintendent, attorneys, or administrative staff members to any non-district event unless all other members of the governance team are invited.
- c. Board members do not sit in on collective bargaining meetings, even if invited.

OUR COMPACT

We have perused this Governance Handbook and approve it as an equally binding companion to the Pacific Grove Unified School District's Policy Manual. We agree to abide by the principles, norms, and protocols described herein to further responsible, effective governance and to promote a positive working relationship with staff, students, and the community. We shall review the Governance Handbook, revise it as necessary, and renew this agreement during the 2018 annual organizational meeting of the Board of Trustees and thereafter every two years at the annual organizational meeting. If needed, the title and signature pages shall be updated annually to reflect changes to the makeup of the Board of Trustees.

Affirmed on this 13th day of February, 2019


 John Paff, Board President


 Brian Swanson, Board Clerk


 Debbie Crandell, Board Member


 Cristy Dawson, Board Member


 Jon Walton, Board Member


 Dr. Ralph Porras, Superintendent

APPENDIX

I. Mission

Pacific Grove Unified School District, in partnership with the community and with a focus on equity, will challenge every student by providing a quality instructional program in a positive, safe and stimulating environment.

The District will meet the diverse needs of all students by ensuring exceptional learning opportunities to acquire and apply the knowledge and skills that develop the insight and character necessary for a productive and rewarding life.

II. Vision

Our vision is to be the Monterey County's premier learning establishment where dreams are awakened, academic achievement soars, and integrity leads the way to future success.

III. Goals

1. Faithfully implement the PGUSD's 2014-2017 Strategic Action Plan in order to accelerate learning for all students. Focus chiefly on the four foundational pillars of the District's "educational house."

Pillar 1: Equitable access to rigorous, effective instruction

Pillar 2: Effective teachers, leaders, and staff

Pillar 3: Safe climate and strong relationships with families and community

Pillar 4: Data-driven continuous improvement

2. Execute with fidelity the PGUSD's annual Local Control Accountability Plan.
3. Increase students' use of technology in the classroom in order to enrich their learning and better prepare them for 21st century demands.
4. Continue to develop administrative controls and written departmental procedures so that the work of the District may be accomplished more effectively and efficiently.
5. Exercise fiscal responsibility by aligning financial decisions with District priorities and by maintaining legally required reserves.

IV. Professional Governance Standards for the Board and Superintendent

A. Board Bylaw 9005 Governance Standards [for the Board of Trustees]

The Governing Board believes that its primary responsibility is to act in the best interests of every student in the District. The Board also has major commitments to parents/ guardians, all members of the community, employees, the state of California, laws pertaining to public education, and established policies of the District. To maximize Board effectiveness and public confidence in District governance, Board members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct.

The Board expects its members to work with each other and the Superintendent to ensure that a high-quality education is provided to each student. Each individual Board member shall:

1. Keep learning and achievement for all students as the primary focus

4. Act with dignity, and understand the implications of demeanor and behavior
5. Keep confidential matters confidential
6. Participate in professional development and commit the time and energy necessary to be an informed and effective leader
7. Understand the distinctions between Board and staff roles, and refrain from performing management functions that are the responsibility of the Superintendent and staff
8. Understand that authority rests with the Board as a whole and not with individuals

Board members also shall assume collective responsibility for building unity and creating a positive organizational culture. To operate effectively, the Board shall have a unity of purpose and:

1. Keep the District focused on learning and achievement for all students
2. Communicate a common vision
3. Operate openly, with trust and integrity
4. Govern in a dignified and professional manner, treating everyone with civility and respect
5. Govern within Board-adopted policies and procedures
6. Take collective responsibility for the Board's performance
7. Periodically evaluate its own effectiveness
8. Ensure opportunities for the diverse range of views in the community to inform Board deliberations.

Legal Reference:

EDUCATION CODE

35010 Power of governing board to adopt rules for its own governance

35160 Board authority to act in any manner not conflicting with law

35164 Actions by majority vote

GOVERNMENT CODE:

1090 Financial interest in contract

1098 Disclosure of confidential information

1125-1129 Incompatible activities

54950-54962 The Ralph M. Brown Act

87300-87313 Conflict of interest code

CSBA PUBLICATIONS

CSBA Professional Governance Standards .2000

Maximizing School Board Leadership: Boardsmanship, 1996

B. Superintendent Goals and [RGP2] Standards

The Board of Trustees recognizes that effective district governance requires strong collaboration and teamwork with the Superintendent. Because the Board and Superintendent each have their unique roles and responsibilities, both contribute to the responsible governance of the district and the quality of education provided to the community's students.

The Superintendent is expected to hold himself/herself to the highest standards of ethical conduct and professionalism.

To support the Board in the governance of the district, the Superintendent:

1. Promotes the success of all students and supports the efforts of the Board to keep the district focused on learning and achievement
2. Values, advocates and supports public education and all stakeholders
3. Recognizes and respects the differences of perspective and style on the Board and among staff, students, parents/guardians and the community and ensures that the diverse range of views inform Board decisions
4. Acts with dignity, treats everyone with civility and respect, and understands the implications of demeanor and behavior
5. Serves as a model for the value of lifelong learning and supports the Board's continuous professional development
6. Works with the Board as a "governance team" and assures collective responsibility for building a unity of purpose, communicating a common vision and creating a positive organizational culture
7. Recognizes that the Board/Superintendent governance relationship is supported by the management team in the district
8. Understands the distinctions between Board and staff roles, and respects the role of the Board as the representative of the community
9. Understands that authority rests with the Board as a whole; provides guidance to the Board to assist in decision-making; and provides leadership based on the direction of the Board as a whole
10. Communicates openly with trust and integrity, including providing all members of the Board with equal access to information and recognizing the importance of both responsive and anticipatory communications
11. Accepts leadership responsibility and accountability for implementing the vision, goals and policies of the district

V. The Role of the Board and Limits of Board Member Authority**A. Board Bylaw 9000 Role of the Board**

The Governing Board has been elected by the community to provide leadership and citizen oversight of the district. The Board shall ensure that the district is responsive to the values, beliefs, and priorities of the community.

The Board shall work with the Superintendent to fulfill its major responsibilities, which include:

1. Setting the direction for the district through a process that involves the community, parents/guardians, students, and staff and is focused on student learning and achievement
2. Establishing an effective and efficient organizational structure for the district by:

- a. Employing the Superintendent and setting policy for hiring of other personnel
 - b. Overseeing the development and adoption of policies
 - c. Establishing academic expectations and adopting the curriculum and instructional materials
 - d. Establishing budget priorities and adopting the budget
 - e. Providing safe, adequate facilities that support the district's instructional program
 - f. Setting parameters for negotiations with employee organizations and ratifying collective bargaining agreements
3. Providing support to the Superintendent and staff as they carry out the Board's direction by:
- a. Establishing and adhering to standards of responsible governance
 - b. Making decisions and providing resources that support district priorities and goals
 - c. Upholding Board policies
 - d. Being knowledgeable about district programs and efforts in order to serve as effective spokespersons
4. Ensuring accountability to the public for the performance of the district's schools by:
- a. Evaluating the Superintendent and setting policy for the evaluation of other personnel
 - b. Monitoring and evaluating the effectiveness of policies
 - c. Serving as a judicial (hearing) and appeals body in accordance with law, Board policies, and negotiated agreements
 - d. Monitoring student achievement and program effectiveness and requiring program changes as necessary
 - e. Monitoring and adjusting district finances
 - f. Monitoring the collective bargaining process
5. Providing community leadership and advocacy on behalf of students, the district's educational program, and public education in order to build support within the local community and at the state and national levels

The Board is authorized to establish and finance any program or activity that is not in conflict with, inconsistent with, or preempted by law. (Education Code 35160)

Vision

The Board shall set the direction for the district by adopting a vision statement which defines the district's goals and priorities. The Board shall carry out its vision setting role by identifying the strengths and needs of the district, developing and adopting a process for framing the vision, soliciting staff and community input as appropriate, ensuring that the adopted vision statement is implemented, and conducting a periodic review of the vision.

Superintendent Employment and Evaluation

The Board shall be solely responsible for employing the Superintendent and ensuring that he/she is the best match for the district based on needed abilities, traits and level of knowledge. When

selecting a new superintendent, the Board shall ensure a smooth transition period; evaluate the district's current and long-term needs; plan and conduct a process for recruitment, screening and selection; and approve the Superintendent's employment contract. The Board shall regularly evaluate the Superintendent based on an evaluation system and performance objectives established by the Board and Superintendent.

General Hiring and Personnel Accountability

The Board shall adopt wage and salary schedules, and elect or reject employees at the recommendation of the Superintendent or designee. In order to have the best qualified people working at their maximum effectiveness, the Board shall hold the Superintendent responsible for overseeing the district's personnel system, developing effective hiring practices, creating a climate supportive of personnel and providing an effective framework for staff accountability.

Policy Adoption and Monitoring

The Board shall govern the schools by adopting policies that reflect the district's vision and the mandates of law. The Board shall establish a clear policy development process through which it may deliberate on issues, identify priorities, assign responsibilities, identify goals and courses of action, and review policy decisions.

The Board shall also adopt bylaws that promote cooperation, trust and teamwork among its members, give parameters to the Board's operation as a governing body, and ensure that its meetings proceed efficiently and in compliance with law.

Curriculum Adoption and Program Accountability

While the design and implementation of curriculum is primarily a staff responsibility, the Board's role is to adopt overall educational goals and standards, define the curriculum development process, specify graduation requirements, adopt the developed curriculum and ensure compliance with state and federal laws.

To ensure accountability to the community, the Board shall establish measurable benchmarks to assess the effectiveness of the district's educational programs in producing desired student achievement results. Based on these assessments, the Board shall direct the Superintendent or designee to take corrective actions as needed.

Budget, Facilities and Fiscal Accountability

The Board shall adopt a sound, responsible budget that supports district goals and priorities. To guide the Superintendent or designee in development of the budget, the Board shall establish a budget calendar, budget process and spending priorities.

Recognizing that school facilities are a long-term obligation that impacts district budgets, the Board shall also ensure that a plan is in place to address the district's facility needs, including the funding, construction and maintenance of school facilities. The Board shall approve facility sites, funding sources and architectural and construction contracts.

The Board recognizes that it is accountable to the community for its budget and facilities decisions and for the district's fiscal integrity. The Board shall use accountability systems and processes in order to monitor the district's fiscal health.

Collective Bargaining

The Board is the legal representative of the district in negotiations with employee representatives. In carrying out the collective bargaining process, the Board shall set goals and guidelines for collective bargaining, select the bargaining team, maintain communications throughout the process and approve the negotiated contract.

Judicial and Appeals Body

In addition to establishing complaint procedures that ensure due process and facilitate the satisfactory resolution of issues, the Board may convene to serve as a judicial and appeals body in accordance with law, Board policies and negotiated agreements. The Board may delegate fact-finding or hearing responsibilities in appropriate cases but remains the final decision-maker in these proceedings.

Community Leadership

The Board shall build and maintain community awareness and support by actively involving parents/guardians, business and other community members in the schools and informing them about district programs, policies and issues.

Recognizing that the level of local, state and national support for education impacts the Board's ability to fulfill its responsibilities, the Board shall engage in advocacy on behalf of district schools. The Board shall ensure that the district has the capability to respond to emerging issues and a proactive communications plan for issues that are district priorities.

Legal Reference:

EDUCATION CODE

5304 Duties of governing board (re school district elections)
 12400-12405 Authority to participate in federal programs
 17565-17592 Board duties re property maintenance and control
 33319.5 Implementation of authority of local agencies
 35000 District name
 35010 Control of district; prescription and enforcement of rules
 35020-35046 Officers and agents
 35100-35351 Governing boards, especially:
 35160-35185 Powers and duties
 35291 Rules

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance

Professional Governance Standards, November 2000

School Board Leadership: The Role and Function of California's School Boards, 1996

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

The Key Work of School Boards, 2000

WEB SITES

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

CSBA Governance Institute: <http://www.csba.org/gi>

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

B. Board Bylaw 9200 Limits of Board Member Authority Limits of Board Members Authority

The Governing Board recognizes that the Board is the unit of authority over the district and that a Board member has no individual authority. Board members shall hold the education of students above any partisan principle, group interest, or personal interest. The Board member cannot do business with the District served, nor should the Board member have an interest in any contract with the school District.

Individual Board members do not have the authority to resolve complaints. Any Board member approached directly by a person with a complaint should refer the complainant to the Superintendent or designee so that the problem may receive proper consideration and be handled through the appropriate district process.

Unless agreed to by the Board as a whole, individual members of the Board shall not exercise any administrative responsibility with respect to the schools or command the services of any school employee. Individual Board members shall submit requests for information to the Superintendent. Board members shall refer Board-related correspondence to the Superintendent for forwarding to the Board or for placement on the Board's agenda, as appropriate.

Obligations of Board Members

Board members shall hold the education of all children and youth above any partisan principle, group interest, or personal interest.

Board members shall understand their role and the programs offered by the District. They shall study all agenda materials before the meeting, participate in the discussion of items that come before the Board, vote on motions and resolutions, and abstain only for compelling reasons.

Board members shall refer Board-related correspondence to the Superintendent or designee for forwarding to the Board or for placement on the Board's agenda.

Board members and persons elected to the Board are responsible for complying with the requirements of the state's open meeting laws. (GC 54952.1)

A Board member shall not use his/her position on the Board to influence school district personnel in matters concerning their child/ren.

The Superintendent or designee shall provide a copy of the state's open meeting laws (Brown Act) to each Board member and to anyone who is elected to the Board but has not yet assumed office.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

7054 Use of district property

35010 Control of district; prescription and enforcement of rules

35100-35351 Governing boards, especially:

35160-35184 Powers and duties

35291 Rules

35292 Visits to schools (Board members)

51101 Rights of parents/guardians

GOVERNMENT CODE

54950-54962 The Ralph M. Brown Act, especially:

54952.1 Member of a legislative body of a local agency

54952.7 Copies of chapter to members of legislative body

Management Resources:

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardmanship, 1996

WEB SITES

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

VI. The Role of the Board President

A. Board Bylaw 9121 President

The Governing Board shall elect a president from among its members to provide leadership on behalf of the Board and the educational community it serves.

The Board President shall preside at all Governing Board meetings. He/she shall:

1. Call the meeting to order at the appointed time
2. Announce the business to come before the Board in its proper order
3. Enforce the Board's policies relating to the conduct of meetings and help ensure compliance with applicable requirements of the Brown Act
4. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference
5. Explain what the effect of a motion would be if it is not clear to every member
6. Restrict discussion to the question when a motion is before the Board
7. Rule on parliamentary procedure, referring questions of procedure to the designated parliamentarian

8. Put motions to a vote, and state clearly the results of the vote
9. Be responsible for the orderly conduct of all Board meetings

The Board President shall have all the rights of any member of the Board, including the right to move, second, discuss, and vote on all questions before the Board.

The President shall perform other duties in accordance with law and Board policy including, but not limited to:

1. Sign all instruments, acts, and orders necessary to carry out state requirements and the will of the Board
2. Consult with the Superintendent (or designee) and the Vice-President/Clerk on the preparation of the Board's agendas
3. Work with the Superintendent to ensure that Board members have necessary materials and information
4. Appoint and disband all Board committees, subject to Board approval
5. Call such meetings of the Board as he/she may deem necessary, giving notice as prescribed by law
6. Confer with the Superintendent or designee on crucial matters which may occur between Board meetings
7. Share informational mail with other Board members
8. Establish a seating assignment of trustees and staff for regular trustee meetings
9. Assign trustees to graduation ceremonies with consideration given to individual trustee requests, and when relatives or close family friends are graduating
10. Act as a spokesperson for trustees at special ceremonies (such as students, employee resolutions, school dedications, etc.) and clarification of trustee direction
11. Represent the district as governance spokesperson, in conjunction with the Superintendent
12. Assign trustees to special visitations to other Districts as deemed appropriate by the trustees
13. Be an ex-officio member of all committees
14. Appoint Parliamentarian

If the Board President resigns, the Vice-President/Clerk shall perform the President's duties until a new president is elected at the first regular or special meeting following the vacancy. If the Board

President is absent or disabled, the Vice-President/Clerk shall perform the President's duties. When both the President and Vice-President/Clerk are absent or disabled, the Secretary shall convene the meeting and ask the Board to select a President-Pro Tem to perform the President's duties.

Legal Reference:

EDUCATION CODE

35022 President of the board

35143 Annual organizational meetings; dates and notice

GOVERNMENT CODE

54950-54963 Ralph M. Brown Act

Management Resources:

CSBA PUBLICATIONS

Board Presidents' Handbook, revised 2002

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardsmanship, 1996

VII. New Board Member Orientation Packet

A. About the District²

1. District office address and phone number
2. Names and contact information for the superintendent, his assistant, and district office departments
3. Names and contact information for board members
4. The communities the district serves
5. School site names, addresses, contact information and other general information that includes grade levels and student enrollment figures
6. Student demographics, e.g., ethnic groups by percentages, English Language Learners, percentage of special education students, primary languages spoken other than English, percentage of students on free and reduced lunch
7. Number of square miles the district covers
8. Information about school transportation
9. District documents: Current budget, collective bargaining agreements, facilities plan, organizational chart, superintendent's contract, superintendent's most recent evaluation (marked as confidential)
10. Status of current district issues
11. A list of the commonly used acronyms and abbreviations used in education with their meaning

B. About Governance Team Operations³

1. Board meeting dates and times
2. Board officers' names and roles
3. A sample of a board meeting agenda
4. Purpose of the Public Comment Period

² Adapted from California School Boards Association's Board Presidents Workshop training manual, page 19, What Every New Board Member Needs to Know

³ Adapted from California School Boards Association's Board Presidents Workshop training manual, page 19, What Every New Board Member Needs to Know

5. Purpose of the Governing Board Members' Reports and Announcements section of the agenda
6. When and how the superintendent is evaluated
7. When and how the board conducts a self-evaluation
8. Governance documents: board bylaws, the Brown Act, governance handbook, *Rosenberg's Rules of Order, Revised 2011*, annual governance calendar
9. Information about board member budgets, stipends, and health benefits
10. Process for attending conferences and workshops
11. Policy on travel expenses and other reimbursements

- ☐ Consent
☐ Action/Discussion
☒ Information/Discussion
☐ Public Hearing

SUBJECT: Review of Bus Ridership

DATE: October 24, 2019

PERSON(S) RESPONSIBLE: Song Chin-Bendib, Assistant Superintendent for Business Services

RECOMMENDATION:

The District Administration recommends that the Board review the bus ridership information compared with prior years.

BACKGROUND:

The District has provided bus transportation to and from school for several years. When ridership began falling in 2006-07 and 2007-08, the District reduced bus fees in order to attract more riders. While most families pay a fee per student, families that qualify for the Free-and-Reduced-Meal program also qualify for free transportation. The District is currently running bus routes that provide transportation for both Regular and Special Education students.

INFORMATION:

As of September, 2019, the District provides Regular Education transportation for 175 riders. The number of riders increased each year since 2007-08 when there were only 144 riders, and then decreased in 2016-17 but increased again in 2017-18. However, the number declined again last school year and it is now at 175, 40% drop as compared to last year.

Of the 175 riders in the current year, 66 riders (38%) are riding free due to meeting the household income rules allowed under the Free-and-Reduced-Meal program.

The cost of the Transportation program is budgeted to be \$452,815 in 2019-20. The revenue that pays for the program comes from three sources:

- 1) The state Home-to-School Transportation revenue provides \$105,091 (23%),
- 2) Transportation Fees collected from riders provides \$15,000 (3%)
- 3) The General Fund Contribution provides \$332,724 (74%).

For comparison purposes, below are the transportation fees charged at Pacific Grove Unified School District, Carmel Unified School District, and Monterey Peninsula Unified School District.

	1 st Rider	2 nd Rider	3 rd Rider (or more)
1) PGUSD	\$100	\$ 50 (\$150)	Free (\$150)
2) CUSD	\$200	\$200 (\$400)	\$100 (\$500)
3) MPUSD	\$200	\$160 (\$360)	\$120 (\$480)

FISCAL IMPACT:

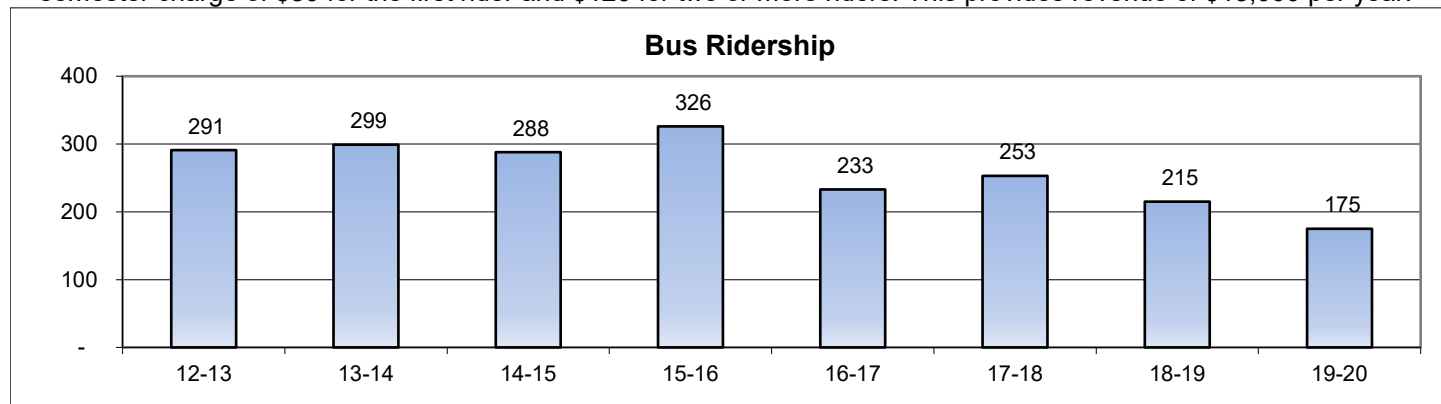
This report is informational only.

Bus Ridership

	12-13 actual	13-14 actual	14-15 actual	15-16 actual	16-17 actual	17-18 actual	18-19 actual	19-20 actual
Forest Grove								
Del Monte Park	40	37	27	44	26	52	49	48
Pebble Beach	27	67	60	60	44	37	22	16
Beach Track	14	13	20	19	15	4	5	9
Total Forest Grov	81	117	107	123	85	93	76	73
Robert Down								
Del Monte Park	10	4	1	3	1	2	-	-
Pebble Beach	13	9	9	5	3	1	2	3
Beach Track	58	40	48	55	38	51	41	26
Total Robert Dow	81	53	58	63	42	54	43	29
Middle School								
Del Monte Park	16	17	17	22	35	22	16	16
Pebble Beach	21	28	32	38	12	24	17	10
Beach Track	34	35	27	25	26	33	27	15
Total Middle Schc	71	80	76	85	73	79	60	41
High School								
Del Monte Park	7	2	3	6	9	2	1	6
Pebble Beach	17	12	12	12	5	8	7	7
Beach Track	34	35	32	37	19	17	9	10
Total High Schoo	58	49	47	55	33	27	17	23
Total Ridership								
Del Monte Park	73	60	48	75	71	78	66	70
Pebble Beach	78	116	113	115	64	70	48	36
Beach Track	140	123	127	136	98	105	82	60
Punch Pass riders							19	9
Total District	291	299	288	326	233	253	215	175
Change	(7)	8	(11)	38	(93)	20	(38)	(40)
Percent Change	-2.3%	2.7%	-3.7%	13.2%	-28.5%	8.6%	-15.0%	-18.6%
Free Riders	105	139	122	125	88	84	67	66
percent of total	36%	46%	42%	38%	38%	33%	31%	38%

1 The District offers free transportation to families that qualify for the Free or Reduced Meals program.

2 The District charges an annual fee of \$100 for the first rider and \$150 for two or more riders. We also offer a per semester charge of \$80 for the first rider and \$120 for two or more riders. This provides revenue of \$15,000 per year.



- ☐ Consent
- ☐ Action/Discussion
- ☒ Information/Discussion
- ☐ Public Hearing

SUBJECT: Pacific Grove High School Advance Placement Program Report

DATE: October 24, 2019

PERSON(S) RESPONSIBLE: Matt Bell, Pacific Grove High School Principal

RECOMMENDATION:

The District Administration recommends that the Board hear a presentation on statistics regarding the Advanced Placement program at Pacific Grove High School.

BACKGROUND:

In 2009, Pacific Grove High School (PGHS) offered 9 Advanced Placement (AP) courses with a total of 205 tests taken and an average passing rate of 84%. In 2019 there were 17 courses offered, 379 tests taken (62 more than 2017) and an average passing rate of 82% which is far above state and national levels. This year we are offering 18 AP courses. These are fantastic statistics for our AP program that tops the county results.

INFORMATION:

This past year (2018-19) results are similar to results from the 2017-18 school year. Numbers of students held steady, and the passing rates stayed similar with 78% of the students taking the exam getting a 3 or higher on the exam.

There were several new teachers teaching AP courses last year and some who had only taught the course for a year or two. Given the specificity of the curriculum and the time it takes to hone the pace of the class and what areas students struggle, it was an accomplishment that the performance was as high as it was.

There were several classes that went from two courses offered to one the past year due to either decreased demand or from scheduling constraints as explained last spring. I anticipate that we will see ebb and flow as to the number of classes over the long term with an increase of demand with our larger freshmen and sophomore classes.

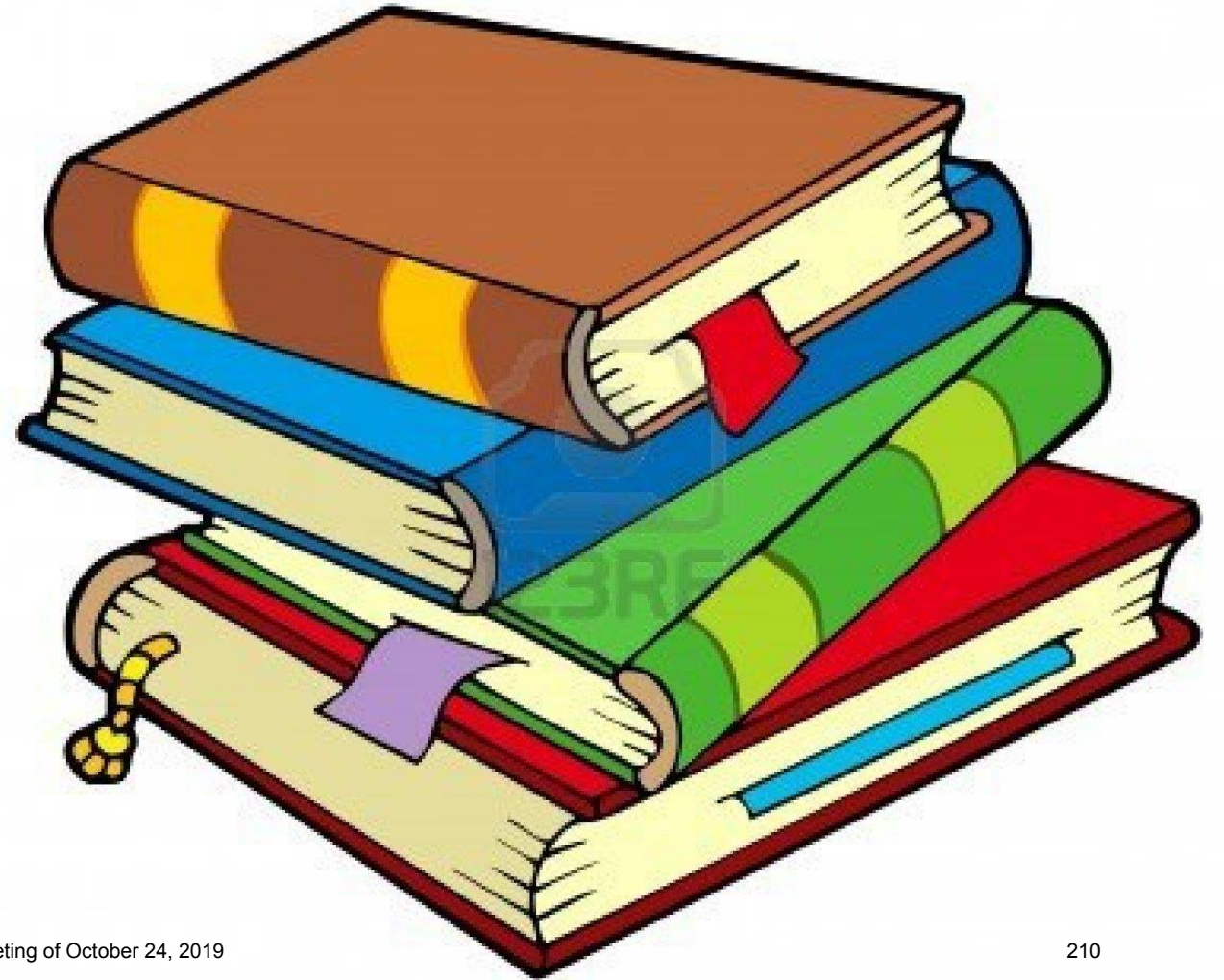
This year there are 243 students (out of 618 total students) taking at least 1 AP class with 116 boys and 127 girls which has been a consistent enrollment figure over the past two years. This is a slightly higher percentage of girls than our general population of 54% boys and 46% girls.

FISCAL IMPACT:

There is no cost associated with this report

PGHS AP ANALYSIS

AKA PGHS AP IQ PDQ



Participation rates 2019

- There are (as of October 9), a total of 243 AP students taking 441 AP courses.
- Some courses (e.g. Spanish, French, stats, art) are combined with advanced non-AP courses.
- There are 17 distinct AP courses and 26 total classes

COURSE	Current size(s)			
	Section 1	Section 2	Section 3	Enroll't
Env. Studies	30			30
Calculus A/B	18			18
Calculus B/C	9			9
Geography	27	28		55
Govt.	30	24	30	84
World History	24			24
Psychology	14	15		29
English Language	31			31
Spanish (combined)	12			12
Art (combined)	12			12
Photo (combined)	5			5
French (combined)	9			9
US History	23			23
Physics	17			17
Comp. Sci A	26			26
Stats (combined)	18	8		26
English Lit	32			32
Total student count	337	75	30	442

Percentages taking AP test and passing rate

- The average passing rate is 82%.
- Some students do not take the exam because colleges will not accept them. E.g. Harvard, Yale, NYC do not accept Govt. Either lang or lit is accepted, not both, so students don't take both tests.

COURSE	# took test	Passing	pass %
Calculus A/B	14	13	93%
Calc B/C: AB Sub scr	22	20	91%
Calculus B/C	22	20	91%
Comp Sci A	11	10	91%
Comp Sci Principles	11	9	82%
Eng Lang & Comp	41	33	80%
Eng Lit & Comp	17	15	88%
Env't. Sci	19	17	89%
French Lang & Cul	4	4	100%
Human Geo	63	27	43%
Physics	13	13	100%
Psychology	28	26	93%
Span Lang&Cul	9	8	89%
Statistics	10	7	70%
Studio Art:2-D	9	9	100%
U.S. Gov & Politics	35	29	83%
U.S. History	29	29	100%
World History	29	27	93%
Total Count	386	316	82%

AP Scores from all subject areas

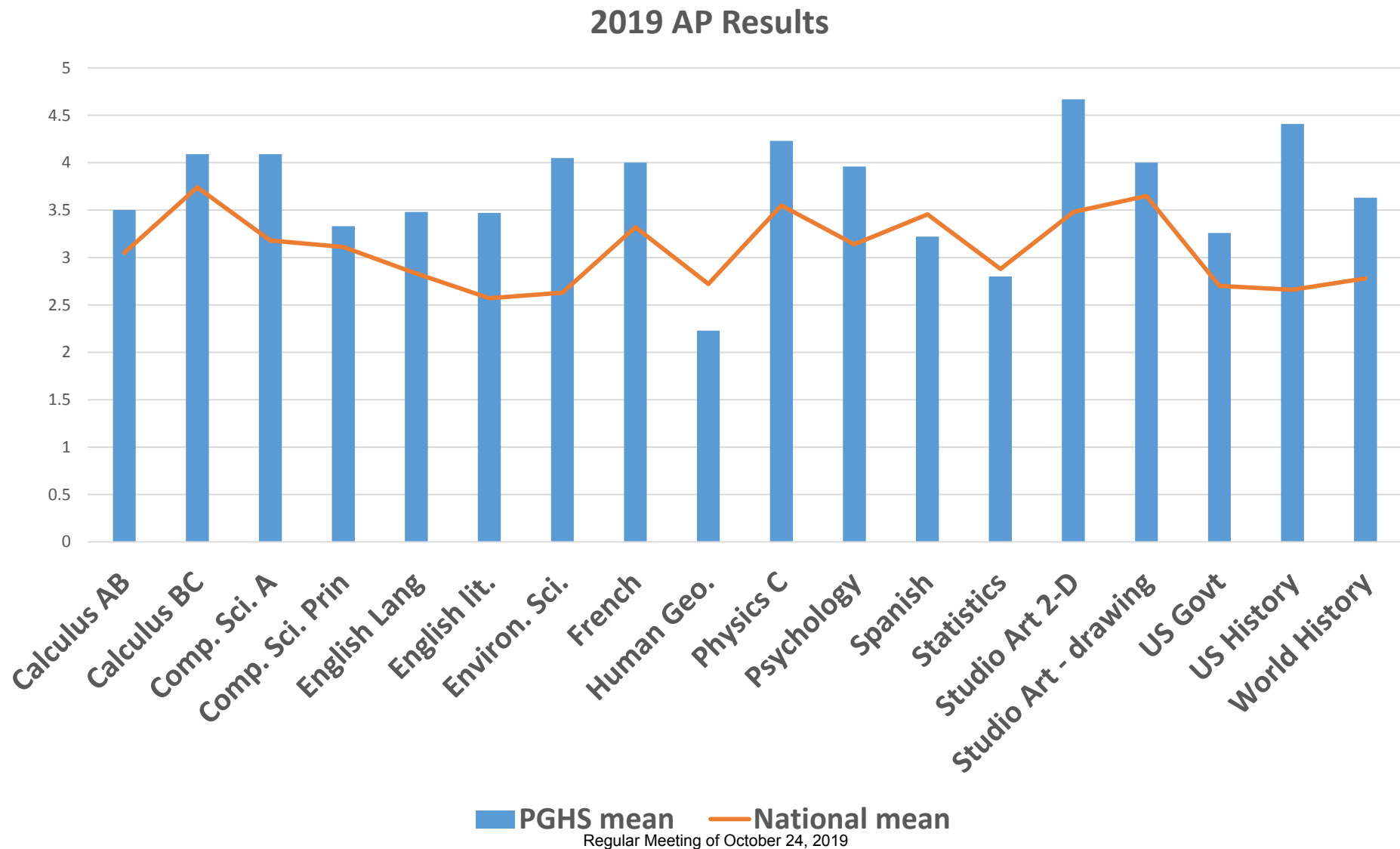
Total from 2019						
score	5	4	3	2	1	Total Exams
# of Exams	86	103	106	41	31	367
Percentage	23	28	29	11	8	100
Students	53	83	87	39	31	

2017 scores from each subject

Information/Discussion Item C

Totals	5	4	3	2	1	Total Exams
Art	6	3				9
E Lang	9	10	15	8		42
E. Lit	3	4	8	2		17
Psych	9	11	6	2		28
Govt	3	10	16	5	1	35
Human Geog.	4	9	13	11	28	65
US Hist	17	7	5			29
World H.	4	11	10	2		27
Calc A/B	1	7	5		1	14
Calc B/C	9	8	3	2		22
Comp Sci A	6	1	3	1		11
Comp Sci Prin	1	4	5	2		12
Stats		1	6	3		10
Env. Sci.	7	9	1	1	1	19
Physics	6	4	3			13
French		3	1			4
Spanish	1	1	6	1		9

AP Test Scores (2019): PGHS vs. National Scores



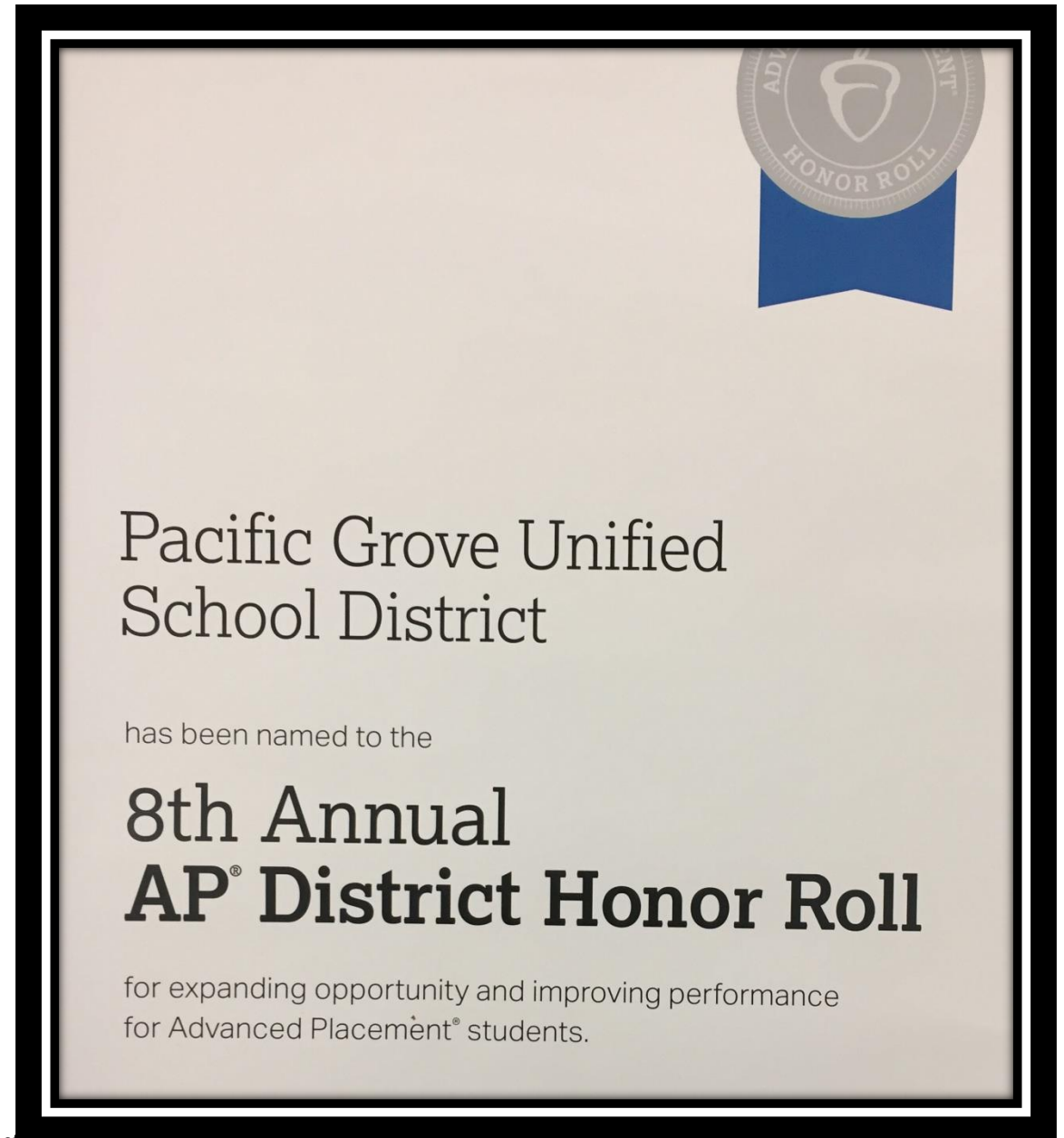
AP course demographics

- Overall AP student enrollment closely resembles general student demographic at PGHS within 1-3%.
- SED was an outlier in 2017 and the growth is shown here.

Demographic	population	AP Pop	Delta
SED (2017)	21% (127)	14% (35)	-7%
SED (2019)	21% (128)	27% (66)	+6%

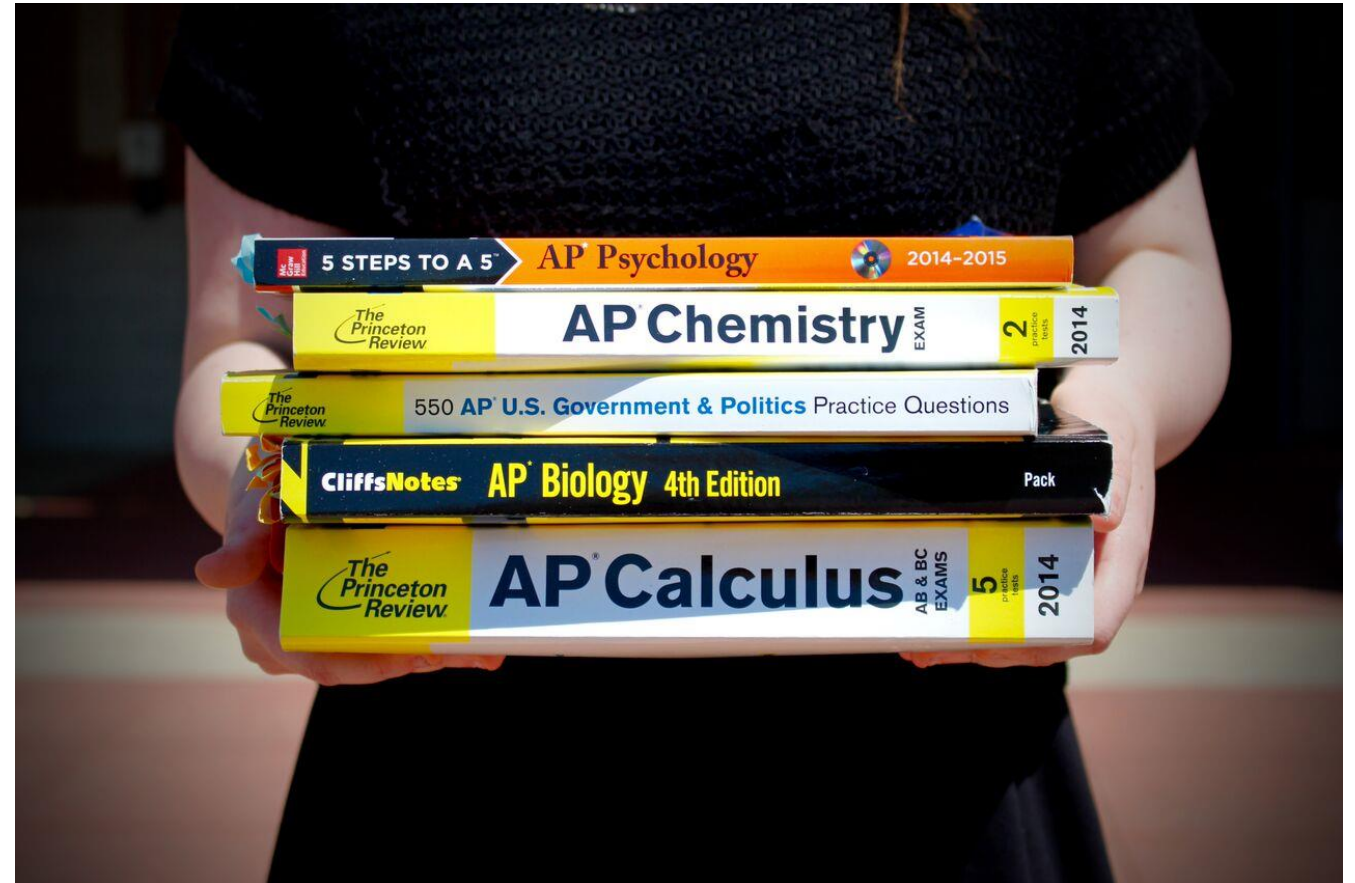
Recently, PGHS was (again) honored by the College Board

*...FOR EXPANDING
OPPORTUNITY AND
IMPROVING PERFORMANCE
FOR ADVANCED PLACEMENT
STUDENTS*



Overall, PGHS has an amazing AP program that has been growing and continuing to perform far above state and national standards.

We have much to be proud of.



- ☐ Consent
- ☐ Action/Discussion
- ☒ Information/Discussion
- ☐ Public Hearing

SUBJECT: Parent Engagement State Priority 3

DATE: October 24, 2019

PERSON(S) RESPONSIBLE: Ani Silva, Director of Curriculum & Special Projects

RECOMMENDATION:

The District Administration recommends the Board review the presentation of the findings for the Parent Engagement Survey.

BACKGROUND:

The California State Accountability System: California Schools Dashboard requires Local educational agencies to annually measure its progress in priority 3: Parent Engagement: (1) Building relationships between school staff and families (2) Building partnerships for student outcomes (3) Seeking input for decision-making and report the results to its local governing board at a regularly scheduled meeting. The District will measure its progress using a new self-reflection tool required by the state. This requirement, priority 3: Parent Engagement, is one of five indicators the district must report on the California Schools Dashboard. The other four local indicators are: Priority 1: Basic Services, Priority 2: Implementation of State Standards, Priority 6: School Climate and Priority 7: Broad Course of Study.

INFORMATION:

On October 9, 2019 the District held a meeting and each site administrator invited families from each site to ensure equitable representation reflecting the diversity in our District. The intention of the meeting was to share current practices the District implements to engage parents as equal partners in the education of their children and to capture feedback on the District's strengths and areas for improvement in areas identified by the survey. The survey was distributed to the parents in English and Spanish. As a result of this meeting, parents were asked to participate in a Parent Engagement Planning Committee and develop a plan to ensure the District has practices and policies in place that promote the following:

1. All families feel welcome and respected at their child's school.
2. Families and educators engage in two-way communication about what students are learning at school.
3. When seeking input for decision making there is diverse parent representation in School Site Council, School Parent Committee's, English Learner Advisory Groups.

Our next steps are to assemble the committee and begin the planning process to write a Parent Engagement Plan comprised of parents, teachers, and administrators based on the feedback received from the survey.

A copy of the Self Reflection Tool is attached to this board cover.

FISCAL IMPACT:

None

Self-Reflection Tool for Priority 3: Parent Engagement

Standard: The local educational agency (LEA) annually measures its progress in: (1) seeking input from parents in decision making; and (2) promoting parental participation in programs, and reports the results to its local governing board at a regularly scheduled meeting and to stakeholders and the public through the California School Dashboard (Dashboard).

Criteria: The LEA will assess its performance on a (Met, Not Met, or Not Met for Two or More Years) scale.

Evidence: The LEA measures its progress using the self-reflection tool included in the Dashboard, and reports these results to its local governing board at a regularly scheduled meeting and through the local data selection option in the Dashboard.

Introduction

Family engagement is an essential strategy for building pathways to college and career readiness for all students and is an essential component of a systems approach to improving outcomes for all students. More than thirty years of research has shown that family engagement can lead to improved student outcomes (e.g. attendance, engagement, academic outcomes, social emotional learning, etc.). Consistent with the California Department of Education's (CDE's) Family Engagement Toolkit:¹

- Effective and authentic family engagement has been described as an intentional partnership of educators, families and community members who share responsibility for a child from the time they are born to becoming an adult.
- To build an effective partnership, educators, families, and community members need to develop the knowledge and skills to work together, and schools must purposefully integrate family and community engagement with goals for students' learning and thriving.

The Local Control Funding Formula (LCFF) legislation recognized the importance of family engagement by requiring LEAs to address Priority 3 within their local control and accountability plan (LCAP). The self-reflection tool described below enables LEAs to reflect upon their implementation of family engagement as part of their continuous improvement process and prior to updating their LCAP.

For LEAs to engage all families equitably, it is necessary to understand the cultures, languages, needs and interests of families in the local area. Furthermore, developing family engagement policies, programs, and practices needs to be done in partnership with local families, using the tools of continuous improvement.

¹ California Department of Education. (2017). Family Engagement Toolkit: Continuous Improvement through an Equity Lens. Sacramento, CA: Author.

Instructions

This self-reflection tool is organized into three sections. Each section includes promising practices in family engagement:

1. Building Relationships between School Staff and Families
2. Building Partnerships for Student Outcomes
3. Seeking Input for Decision-making

LEAs use this self-reflection tool to reflect on its progress, successes, needs and areas of growth in family engagement policies, programs, and practices. This tool will enable an LEA to engage in continuous improvement and determine next steps to make improvements in the areas identified.

The results of the process should be used to inform the LCAP and the development process, to assess prior year goals, actions and services as well as to plan or modify future goals, actions, and services in the LCAP.

For each statement in the table below:

1. Identify the diverse stakeholders that need to participate in the self-reflection process in order to ensure input from all groups of families, staff and students in the LEA, including families of unduplicated students and families of individuals with exceptional needs as well as families of underrepresented students.
2. Engage stakeholders in determining what data and information will be considered to complete the self-reflection tool. LEAs should consider how the practices apply to families of all student groups, including families of unduplicated students and families of individuals with exceptional needs as well as families of underrepresented students.
3. Based on the analysis of data, identify the number which best indicates the LEA's current stage of implementation for each practice using the following rating scale (lowest to highest):
 - 1 – Exploration and Research Phase
 - 2 – Beginning Development
 - 3 – Initial Implementation
 - 4 – Full Implementation
 - 5 – Full Implementation and Sustainability
4. Write a brief response to the prompts following each of the three sections.

5. Use the information from the self-reflection process to inform the LCAP and the LCAP development process, as well as the development of other school and district plans.

Building Relationships

1. **Rate the LEA's progress in developing the capacity of staff (i.e. administrators, teachers, and classified staff) to build trusting and respectful relationships with families.**

Rating Scale (lowest to highest): 1 – Exploration and Research Phase; 2 – Beginning Development; 3 – Initial Implementation; 4 – Full Implementation; 5 – Full Implementation and Sustainability

[Insert rating]

2. **Rate the LEA's progress in creating welcoming environments for all families in the community.**

Rating Scale (lowest to highest): 1 – Exploration and Research Phase; 2 – Beginning Development; 3 – Initial Implementation; 4 – Full Implementation; 5 – Full Implementation and Sustainability

[Insert rating]

3. **Rate the LEA's progress in supporting staff to learn about each family's strengths, cultures, languages, and goals for their children.**

Rating Scale (lowest to highest): 1 – Exploration and Research Phase; 2 – Beginning Development; 3 – Initial Implementation; 4 – Full Implementation; 5 – Full Implementation and Sustainability

[Insert rating]

4. **Rate the LEA's progress in developing multiple opportunities for the LEA and school sites to engage in 2-way communication between families and educators using language that is understandable and accessible to families.**

Rating Scale (lowest to highest): 1 – Exploration and Research Phase; 2 – Beginning Development; 3 – Initial Implementation; 4 – Full Implementation; 5 – Full Implementation and Sustainability

[Insert rating]

Dashboard Narrative Box

Briefly describe the LEA's current strengths and progress in this area, and identify a focus area for improvement, including how the LEA will improve the engagement of underrepresented families.

Building Partnerships for Student Outcomes

- 5. Rate the LEA's progress in providing professional learning and support to teachers and principals to improve a school's capacity to partner with families.**

Rating Scale (lowest to highest): 1 – Exploration and Research Phase; 2 – Beginning Development; 3 – Initial Implementation; 4 – Full Implementation; 5 – Full Implementation and Sustainability

[Insert rating]

- 6. Rate the LEA's progress in providing families with information and resources to support student learning and development in the home.**

Rating Scale (lowest to highest): 1 – Exploration and Research Phase; 2 – Beginning Development; 3 – Initial Implementation; 4 – Full Implementation; 5 – Full Implementation and Sustainability

[Insert rating]

- 7. Rate the LEA's progress in implementing policies or programs for teachers to meet with families and students to discuss student progress and ways to work together to support improved student outcomes.**

Rating Scale (lowest to highest): 1 – Exploration and Research Phase; 2 – Beginning Development; 3 – Initial Implementation; 4 – Full Implementation; 5 – Full Implementation and Sustainability

[Insert rating]

- 8. Rate the LEA's progress in supporting families to understand and exercise their legal rights and advocate for their own students and all students.**

Rating Scale (lowest to highest): 1 – Exploration and Research Phase; 2 – Beginning Development; 3 – Initial Implementation; 4 – Full Implementation; 5 – Full Implementation and Sustainability

[Insert rating]

Dashboard Narrative Box

Briefly describe the LEA's current strengths and progress in this area and identify a focus area for improvement, including how the LEA will improve the engagement of underrepresented families.

Seeking Input for Decision Making

- 9. Rate the LEA's progress in building the capacity of and supporting principals and staff to effectively engage families in advisory groups and with decision-making.**

Rating Scale (lowest to highest): 1 – Exploration and Research Phase; 2 – Beginning Development; 3 – Initial Implementation; 4 – Full Implementation; 5 – Full Implementation and Sustainability

[Insert rating]

- 10. Rate the LEA's progress in building the capacity of and supporting family members to effectively engage in advisory groups and decision-making.**

Rating Scale (lowest to highest): 1 – Exploration and Research Phase; 2 – Beginning Development; 3 – Initial Implementation; 4 – Full Implementation; 5 – Full Implementation and Sustainability

[Insert rating]

- 11. Rate the LEA's progress in providing all families with opportunities to provide input on policies and programs, and implementing strategies to reach and seek input from any underrepresented groups in the school community.**

Rating Scale (lowest to highest): 1 – Exploration and Research Phase; 2 – Beginning Development; 3 – Initial Implementation; 4 – Full Implementation; 5 – Full Implementation and Sustainability

[Insert rating]

- 12. Rate the LEA's progress in providing opportunities to have families, teachers, principals, and district administrators work together to plan, design, implement and evaluate family engagement activities at school and district levels.**

Rating Scale (lowest to highest): 1 – Exploration and Research Phase; 2 – Beginning Development; 3 – Initial Implementation; 4 – Full Implementation; 5 – Full Implementation and Sustainability

[Insert rating]

Dashboard Narrative Box

Briefly describe the LEA's current strengths and progress in this area and identify a focus area for improvement, including how the LEA will improve the engagement of underrepresented families.

Appendix A: Resources

1. Southwest Educational Development Laboratory in Collaboration with the United States Department of Education. (2013) Partners in Education: A Dual Capacity Building Framework for Family School Partnerships. Retrieved from <https://www2.ed.gov/documents/family-community/partners-education.pdf>
2. California Department of Education. (2017). Family Engagement Toolkit: Continuous Improvement Through an Equity Lens. Sacramento, CA. Author. Retrieved from <https://www.cde.ca.gov/fq/aa/lc/documents/family-engagement.pdf>
3. California Department of Education. (2017). Editable Templates for Family Engagement Toolkit. Sacramento, CA. Author. Retrieved from <https://www.cde.ca.gov/fq/aa/lc/documents/toolkittemplates.doc>
4. United States Department of Health and Human Services, Administration for Children and Families, Office of Head Start, National Center on Parent, Family, and Community Engagement. (2018). Head Start Parent, Family, and Community

Engagement Framework. Retrieved from
<https://eclkc.ohs.acf.hhs.gov/sites/default/files/pdf/pfce-framework.pdf>

5. (2018). Head Start Parent, Family, and Community Engagement Framework. Retrieved from <https://eclkc.ohs.acf.hhs.gov/sites/default/files/pdf/pfce-framework.pdf>

- ☐ Consent
- ☐ Action/Discussion
- ☒ Information/Discussion
- ☐ Public Hearing

SUBJECT: Pacific Grove Unified School District Quarterly Safety Report

DATE: October 24, 2019

PERSON(S) RESPONSIBLE: Barbara Martinez, Director of Student Safety

RECOMMENDATION:

The District Administration recommends that the Board review and be informed of Pacific Grove Unified School District activities and protocols related to school safety.

BACKGROUND:

The District Safety Directory provides a safety report to the PGUSD School Board four times per year.

INFORMATION:

- Site Safety Nights Complete
- Site Safety Plans Due March 1, 2020
- Great American Shake Out October 24, 2019

FISCAL IMPACT:

No fiscal impact

- ☐ Consent
☐ Action/Discussion
☒ Information/Discussion
☐ Public Hearing

SUBJECT: Future Agenda Items

DATE: October 24, 2019

PERSON(S) RESPONSIBLE: Ralph Gómez Porras, Superintendent

RECOMMENDATION:

The Administration recommends that the Board review the list of future agenda items and direct Administration to add items to the list and/or schedule items for a particular agenda.

BACKGROUND:

Board Bylaw 9322 states in part that “Any member of the public or any Board member may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request [from a member of the public] must be submitted to the Superintendent or designee with supporting documents and information ...”

INFORMATION:

Board members have the opportunity at the end of Open Session in a Regular Board meeting to request that items be added to the list for a future meeting. Depending upon the timeliness of the item, it may also be assigned a particular meeting date.

The following is a list of future agenda items as of the October 24, 2019 Regular Board Meeting:

- Affordable Housing Project Impacts to District- Property Tax (In progress)
- Dual Language Elementary Program
- Student Information System
- Advertising/sponsorship for athletic facilities and teams
- Audio/video recording and streaming of Board meetings
- Celebration event for individuals that raised money or donated money for PGUSD