

BOARD OF TRUSTEES
ANAHEIM UNION HIGH SCHOOL DISTRICT
501 Crescent Way, P.O. Box 3520
Anaheim, California 92803-3520
www.auhsd.us

NOTICE OF SPECIAL MEETING

Date: April 20, 2011

To: Jordan Brandman, P.O. Box 3520, Anaheim, CA 92803-3520
Anna L. Piercy, P.O. Box 3520, Anaheim, CA 92803-3520
Jan Harp Domene, P.O. Box 3520, Anaheim, CA 92803-3520
Katherine H. Smith, P.O. Box 3520, Anaheim, CA 92803-3520
Brian O'Neal, P.O. Box 3520, Anaheim, CA 92803-3520

Orange County Register, 1771 S. Lewis, Anaheim, CA 92805
Anaheim Bulletin, 1771 S. Lewis, Anaheim, CA 92805
News Enterprise, P.O. Box 1010, Los Alamitos, CA 90720
Los Angeles Times, 1375 Sunflower, Costa Mesa, CA 92626
Event News, 9559 Valley View Street, Cypress, CA 90630
Excelsior, 523 N. Grand Avenue, Santa Ana, CA 92701

You are hereby notified that a special meeting of the
Board of Trustees of the Anaheim Union High School District
is called for

Thursday the 21st day of April 2011, at 5:00 p.m.
Closed Session Immediately Following the Conclusion of Open Session

in the District Board Room, 501 Crescent Way, Anaheim, California

Resolution No. 2010/11-HR-06, Classified Reduction in Force (Roll Call Vote)

The Board of Trustees is requested to adopt Resolution No. 2009/10-HR-06, to reduce or discontinue particular kinds of classified personnel services, pursuant to Education Code Sections 44949 and 44955. This action is necessitated by the state-wide budget crisis and significant reductions in District revenues.

Board Policy, Second Reading

The Board of Trustees is requested to review and/or approve the second reading of Board Policy 8200, Identification and Education Under Section 504. The Board of Trustees approved a recent update on January 20, 2011. However, the Office of Civil Rights (OCR) responded with additional modifications to the recently-adopted policy, in light of new federal legislation in this area. This current revision reflects those recommendations.


CLOSED SESSION

The Board of Trustees will meet in closed session for the following purpose:

To consider matters pursuant to Government Code Section 54957.6: Conference with labor negotiators Dr. Novack, Dr. Sevillano, Mrs. Poore, and Mr. Lee-Sung regarding negotiations and contracts with the American Federation of State, County and Municipal Employees

(AFSCME), Anaheim Personnel and Guidance Association (APGA), Anaheim Secondary Teachers Association (ASTA), and California School Employees Association (CSEA).

To consider matters pursuant to Government Code Section 54957: Public employee discipline/dismissal/release.



Elizabeth I. Novack
Superintendent

BOARD OF TRUSTEES
Special Meeting Agenda
Thursday, April 21, 2011
5:00 p.m.- Open Session
Closed Session-Immediately Following the Conclusion of Open Session

Some items on the agenda of the Board of Trustees' meeting include exhibits of supportive and/or background information. These items may be inspected in the superintendent's office of the Anaheim Union High School District, at 501 Crescent Way in Anaheim, California. The office is open from 7:30 a.m. to 5:00 p.m., Monday through Friday, and is closed for most of the federal and local holidays. These materials are also posted with the meeting agenda on the district web site, www.auhsd.us, at the same time that they are distributed to the Board of Trustees.

Meetings are recorded for use in the official minutes.

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|----|--|--------------------------------|
| 1. | CALL TO ORDER-ROLL CALL | <i>ACTION ITEM</i> |
| 2. | ADOPTION OF AGENDA | <i>ACTION ITEM</i> |
| 3. | PUBLIC COMMENTS, OPEN SESSION ITEMS | <i>INFORMATION ITEM</i> |

Opportunities for public comments occur at the beginning of each agenda item and at this time for items not on the agenda. Persons wishing to address the Board of Trustees should complete a speaker request form, available on the information table, at the back of the room, and submit it to the executive assistant prior to the meeting. Each speaker is limited to a maximum of five minutes; each topic or item is limited to a total of 20 minutes. Board members cannot immediately respond to public comments, as stated on the speaker request form.

4. **PLEDGE OF ALLEGIANCE**

Board President Jordan Brandman will lead the Pledge of Allegiance to the Flag of the United States of America.

5. **ITEMS OF BUSINESS**

- | | | |
|-----|---|---------------------------|
| 5.1 | <u>Resolution No. 2010/11-HR-06, Classified Reduction in Force</u>
<u>(Roll Call Vote)</u> | <i>ACTION ITEM</i> |
|-----|---|---------------------------|

The Board of Trustees is requested to adopt Resolution No. 2009/10-HR-06, to reduce or discontinue particular kinds of classified personnel services, pursuant to Education Code Sections 44949 and 44955. This action is necessitated by the state-wide budget crisis and significant reductions in District revenues. **[EXHIBIT A]**

Recommendation:

It is recommended that the Board of Trustees adopt Resolution No. 2010/11-HR-06, by a roll call vote.

5.2 **Board Policy, Second Reading**

ACTION ITEM

The Board of Trustees is requested to review and/or approve the second reading of Board Policy 8200, Identification and Education Under Section 504. The Board of Trustees approved a recent update on January 20, 2011. However, the Office of Civil Rights (OCR) responded with additional modifications to the recently-adopted policy, in light of new federal legislation in this area. This current revision reflects those recommendations. **[EXHIBIT B]**

Recommendation:

It is recommended that the Board of Trustees approve the revised policy.

6. **PUBLIC COMMENTS, CLOSED SESSION ITEMS**

INFORMATION ITEM

This is an opportunity for community members to address the Board of Trustees on closed session agenda items only. Persons wishing to address the Board of Trustees should complete a speaker request form, available on the information table, at the back of the room, and submit it to the executive assistant prior to the meeting. Each speaker is limited to a maximum of five minutes; each topic or item is limited to a total of 20 minutes. Board members cannot immediately respond to public comments, as stated on the speaker request form.

7. **CLOSED SESSION**

ACTION ITEM

The Board of Trustees will meet in closed session for the following purpose:

- 7.1 To consider matters pursuant to Government Code Section 54957.6: Conference with labor negotiators Dr. Novack, Dr. Sevillano, Mrs. Poore, and Mr. Lee-Sung regarding negotiations and contracts with the American Federation of State, County and Municipal Employees (AFSCME), Anaheim Personnel and Guidance Association (APGA), Anaheim Secondary Teachers Association (ASTA), and California School Employees Association (CSEA).
- 7.2 To consider matters pursuant to Government Code Section 54957: Public employee discipline/dismissal/release.

8. **RECONVENE AND REPORT**

INFORMATION ITEM

The Board of Trustees will reconvene into open session, and the clerk will report actions taken during closed session.

9. **ADJOURNMENT**

ACTION ITEM

In compliance with the Americans with Disabilities Act, individuals with a disability who require modification or accommodation in order to participate in this meeting should contact the executive assistant to the Board of Trustees at (714) 999-3503 by noon on April 21, 2011.

**RESOLUTION OF THE BOARD OF TRUSTEES
OF THE ANAHEIM UNION HIGH SCHOOL DISTRICT
OF ORANGE COUNTY, CALIFORNIA**

Reduction in Force – Classified Personnel

Resolution No. 2010/11-HR-06

April 21, 2011

On the motion of Trustee _____, duly seconded, and carried, the following resolution was adopted:

WHEREAS economic conditions at the state and national levels will have a significant and adverse impact on revenues and finances of the Anaheim Union High School District; and

WHEREAS such conditions have required the California State Legislature to enact significant reductions in district revenue for the 2011-2012 academic year, which followed similarly adverse reductions that were implemented in the 2008-2009, 2009-2010 and 2010-2011 academic years; and

WHEREAS the Board of Trustees of the district has an affirmative responsibility to protect the fiscal solvency of the district while continuing to provide important education and services to the students and community of the district; and

WHEREAS the Board of Trustees of the district seeks to reduce expenses while continuing to provide the highest quality of instruction with reductions occurring, as much as possible, first in administration, next in ancillary and pupil services, and lastly in the classroom; and

WHEREAS The Board of Trustees of the district resolves not to fill the identified classified positions that are vacant and unfilled and that it may be necessary by reason of the above conditions to have these vacant classified positions remain unfilled through the 2011 – 2012 school year; and

WHEREAS it is the opinion of the Board of Trustees that it may be necessary by reason of the above conditions to decrease a number of classified services in the district at the close of the current school year in accordance with Education Code Sections 45117 and 45308 as described below:

Classification	Number of Positions	Hours/Months
ASB Accounting Technician	10	8hr/11m to 8hr/10.5m
Campus Safety Aide	1	4hr/9m
Computer Lab Assistant	1	7hr/9m*

Resolution No. 2010/11-HR-06

Classification	Number of Positions	Hours/Months
Credentials Technician	1	8hr/12m
Custodian	20	8hr/12m
Equipment Operator	1	8hr/12m
Health Technician II	1	8hr/11m
Human Resources Technician	1	8hr/12m
Instructional Assistant Math	1	5.75hr/9m
Instructional Assistant Math	1	8hr/9m
Maintenance Service Worker	1	8hr/12m*
Office Assistant	11	8hr/10m to 8hr/9.5m
Office Assistant - Bilingual	6	8hr/10m to 8hr/9.5m
Office Assistant - Bilingual	1	3.75hr/10m to 3.75hr/9.5m
Office Assistant - Bilingual	2	8hr/10m
Outreach Community Liaison Bilingual	1	8hr/11m
School Community Liaison Bilingual	1	3.75hr/10m
School Community Liaison Bilingual	1	3.75hr/9m
School Library/Media Technician	8	8hr/11m to 8hr/10m
School Library/Media Technician	9	8hr/10.5m to 8hr/10m
Secretary Attendance-Bilingual	1	4hr/10m*
Secretary- Program Support	1	8hr/12m
Secretary- Records/Registrar	1	4hr/11.5m
Secretary - Records/Registrar	8	8hr/11.5m to 8hr/11m
Secretary - Records/Registrar Bilingual	5	8hr/11.5m to 8hr/11m
Secretary- Records/Registrar	1	4hr/11m

Resolution No. 2010/11-HR-06

Classification	Number of Positions	Hours/Months
Senior Administrative Assistant	2	8hr/12m
Senior Administrative Assistant	1	8hr/12m*
Senior Budget Technician	1	8hr/12m

* Vacant Position(s)

NOW, THEREFORE, BE IT RESOLVED that an actual and existing inability to pay all of the salaries and benefits of classified staff exists within the Anaheim Union High School District; and

BE IT FURTHER RESOLVED that as of July 1, 2011, it will be necessary to discontinue or reduce classified positions to the extent set forth above; and

BE IT FURTHER RESOLVED that the board will lay off classified employees from each division as equally as possible with the least senior employees being laid off first, in order of employment. Each of the selected employees will be placed on a rehire list, for first priority in rehiring in the event that funds become available; and

BE IT FURTHER RESOLVED that the superintendent shall cause to be created a list of all of the district's classified employees in order of their seniority, as described by applicable provisions of the Education Code and any other applicable provisions of law; and

BE IT FURTHER RESOLVED that the superintendent, or his designated representative, is directed to send appropriate notices to all employees whose positions shall be affected by virtue of this action. Nothing herein shall be deemed to confer any status or rights upon any employee in addition to those specifically granted to such persons by statute.

AYES:

NOES:

ABSENT:

ABSTAIN:

STATE OF CALIFORNIA)
)
) SS
)
COUNTY OF ORANGE)

I, Elizabeth I. Novack, Superintendent of the Anaheim Union High School District, Orange County, California, and Secretary to the Board of Trustees thereof, hereby certify that the above and foregoing resolution was duly and regularly adopted by the said Board at the special meeting thereof held on the 21st day of April 2011, and passed by a roll call vote of all members of said Board.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 21st day of April, 2011.

Elizabeth I. Novack, Ph.D.
Superintendent and Secretary to the
Board of Trustees

IDENTIFICATION AND EDUCATION UNDER SECTION 504

8200

The Governing Board recognizes the need to identify and evaluate children with disabilities in order to provide them with the services required by law.

The district shall provide a free and appropriate public education to disabled students who reside within the District, and who are classified as disabled under Section 504 of the federal Rehabilitation Act of 1973. Such students shall receive regular or special education and related aids and services designed to meet their individual educational needs as adequately as the needs of nondisabled students are met. (34 CFR 104.33)

DEFINITIONS

A Free Appropriate Public Education (FAPE) under Section 504 of the Rehabilitation Act of 1973 means the provision of regular or special education and/or related aids and services designed to meet the student's individual educational needs as adequately as the needs of non-disabled students are met.

Eligibility to receive FAPE under Section 504 means a student has a physical or mental impairment which substantially limits one or more major life activities. (34 CFR 104.33)

Major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, sleeping, learning, reading, concentrating, thinking, communicating, and working. (34 CFR 104.3)

Physical or mental impairment means any of the following: (34 CFR 104.3)

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal, special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine
2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities

Identification and Evaluation

1. Any student may be referred by a parent/guardian, teacher or other school employee, Instructional Support Team, or community agency for consideration of eligibility as a student with a disability under Section 504. The referral may be

made to the principal, or 504 Coordinator, Assistant Principal, as Chair of the 504 Team.

2. Upon receipt of a referral for eligibility, the site 504 Team shall consider the referral and determine whether an evaluation is appropriate. This determination shall be based on a review of the student's school records, including academic and nonacademic areas of the school program; consultation with the student's teacher(s), other professionals, and the parent/guardian, as appropriate; and analysis of the student's needs.

If it is determined that an evaluation is unnecessary, the principal, or 504 Coordinator, or another responsible member of the 504 team shall inform the parents/guardians in writing of this decision and of the procedural safeguards, as described in the "Procedural Safeguards" section below.

3. If it is determined that a student needs or is believed to need special education or related services under Section 504, the district shall conduct an evaluation of the student prior to initial placement and before any significant change in placement. (34 CFR 104.35)

Prior to conducting an initial evaluation of a student for eligibility under Section 504, the district shall obtain written parent/guardian consent.

The district's evaluation procedures shall ensure that tests and other evaluation materials: (34 CFR104.35)

- a. Have been validated and are administered by trained personnel in conformance with the instruction provided by the test publishers
- b. Are tailored to assess specific areas of educational need and are not based solely on a single IQ score
- c. Reflect aptitude or achievement or whatever else the tests purport to measure and do not reflect the student's impaired sensory, manual, or speaking skills unless the test is designed to measure these particular deficits

Section 504 Services Plan

1. A multi-disciplinary 504 team shall be convened to review the evaluation data in order to make placement decisions.

The 504 team shall consist of a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. (34 CFR 104.35)

In interpreting evaluation data and making placement decisions, the team shall draw upon information from a variety of sources, including aptitude and achievement tests, any relevant assessments including any conducted pursuant to the Individuals with Disabilities Education Improvement Act (IDEA), teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The team shall also ensure that information obtained from all such sources is documented and carefully considered and that the placement decision is made in conformity with 34 CFR 104.34. (34 CFR 104.35)

2. If upon evaluation, a student is determined to be eligible for services under Section 504, the team shall meet to develop a written 504 services plan which shall specify the types of regular or special education services, accommodations, and supplementary aids and services necessary to ensure that the student receives FAPE. The Section 504 Team shall base the Section 504 services plan on the student's individual disability related needs (as determined from the variety of sources describes above), and consideration of a full-range of placement options.

The parents or guardians shall be invited to participate in the meeting and shall be given an opportunity to examine all relevant records.

3. If the 504 team determines that no services are necessary for the student, the record of the team's meeting shall reflect whether or not the student has been identified as a disabled person under Section 504 and shall state the basis for the decision that no special services are presently needed. The student's parent/guardian shall be informed in writing of his/her rights and procedural safeguards, as described in the "Procedural Safeguards" section below.
4. The student shall be placed in the regular educational environment unless the District can demonstrate that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily.

The student shall be educated with those who are not disabled, to the maximum extent appropriate to the individual needs of the student.

5. The district shall complete the identification, evaluation, and placement process within a reasonable time frame.
6. A copy of the student's Section 504 services plan shall be kept in his/her student records. The student's teacher(s) and any other staff who provide services to the student shall be informed of the plan's requirements.

If a student transfers to another school within the district, the principal or designee at the school from which the student is transferring shall ensure that the principal or designee at the new school receives a copy of the plan prior to the student's enrollment in the new school.

7. Transition for Section 504 Students:
When a student with a Section 504 plan, including incoming junior high school students and incoming high school students, changes schools, the existing Section 504 plan will be implemented unless and until a new Section 504 plan is developed by the Section 504 Team, or the Section 504 Team determines that the student is no longer eligible under Section 504.

School Site Section 504 coordinators shall ensure that all staff responsible for implementing any of the provisions of a Section 504 plan for an incoming student (i.e. teachers and counselors), are provided copies of the existing Section 504 plans prior to the beginning of the school year, and that staff implement these Section 504 plans starting the first day of school.

Review-and Reevaluation

1. The 504 Team will monitor the progress of the student and the effectiveness of the student's Section 504 plan to determine whether or not the services are appropriate and necessary, and that the student's needs are being met as adequately as the needs of the non-disabled students. In addition, the student's eligibility under Section 504 shall be reevaluated at least once every three years.
2. A reevaluation of the student's needs shall be conducted before any subsequent significant change in placement. (34 CFR 104.35)

Procedural Safeguards

Parents/guardians shall be notified in writing of all District decisions regarding the identification, evaluation, or educational placement of students with disabilities or suspected disabilities. Notifications shall include a statement of their right to: (34 CFR 104.36)

1. Examine relevant records
2. Have an impartial hearing with an opportunity for participation by the parents/guardians and their counsel
3. Have a review procedure

Notifications shall also detail the parent/guardian's right to file a grievance with the district over an alleged violation of Section 504; have an evaluation that draws on information from a variety of sources; be informed of any proposed actions related to eligibility and plan for services; receive all information in the parent/guardian's native language and primary mode of communication; periodic reevaluations and an evaluation before any significant change in program/service modifications; an impartial hearing if there is a disagreement with the district's proposed action; be represented by counsel in the impartial hearing process; and appeal the impartial hearing officer's decision.

If a parent/guardian disagrees with decisions regarding the identification, evaluation, or educational placement of his/her child under Section 504, he/she may request a Section 504 due process hearing in accordance with the following procedures:

1. Within 30 days after receipt of the District's decision with which the parent/guardian disagrees, the parent/guardian may request an administrative review of the decision.

The District 504 Coordinator shall designate an appropriate administrator to meet with the parent/guardian to attempt to resolve the issue. This review shall be held within 14 days of receiving the parent/guardian's request.

2. If the parent/guardian chooses not to request an administrative review or if the review does not resolve the issue, the parent/guardian may request in writing a Section 504 due process hearing. The parent/guardian's request for a hearing

shall be made within 30 days of receiving the district's decision or within 14 days of completion of the administrative review. The request shall include:

- a. The specific nature of the decision with which the parent/guardian disagrees
- b. The specific relief the parent/guardian seeks
- c. Any other information the parent/guardian believes pertinent

Within 30 days of receiving the parent/guardian's request, the Superintendent or designee and 504 Coordinator shall select an impartial hearing officer. This 30-day deadline may be extended for good cause or by mutual agreement of the parties.

The District 504 Coordinator shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by or under contract with the district in any capacity other than that of hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.

Within 45 days of the selection of the hearing officer, the Section 504 due process hearing shall be conducted and a written decision mailed to all parties. This 45-day deadline may be extended for good cause or by mutual agreement of the parties.

Any party to the hearing shall be afforded the right to:

1. Be accompanied and advised by counsel and by individuals with special knowledge or training related to the problems of students who are qualified as disabled under Section 504
2. Present written and oral evidence
3. Question and cross-examine witnesses
4. Receive written findings by the hearing officer

If desired, either party may seek a review of the hearing officer's decision by a federal court of competent jurisdiction.

NOTIFICATIONS

The Superintendent or designee shall ensure that the district has taken appropriate steps to notify students and parents/guardians of the District's duty under Section 504. (34 CFR 104.32)

Cross Reference:

Anaheim Union High School District Board Policy
7702.02 Special Education

Legal Reference:

EDUCATION CODE

49423.5 Specialized physical health care services

CODE OF REGULATIONS, TITLE 5

3051.12 Health and Nursing Services

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

CODE OF FEDERAL REGULATIONS, TITLE 34

104.1-104.61 Nondiscrimination on the basis of handicap, especially:

104.1 Purpose to effectuate Section 504 of the Rehabilitation Act of 1973

104.3 Definitions

104.33 Free appropriate public education

104.35 Evaluation and placement

104.36 Procedural safeguards

Board of Trustees

July 8, 1976

Reviewed: January 20, 1987

Reviewed: January 16, 1990

Revised: May 1993

Revised: September 1993

Revised: November 2005

Revised: January 2011

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