BOARD OF EDUCATION REGULAR MEETING AGENDA

August 11, 2016
Open Session 5:30 P.M. / Closed Session 5:35 P.M. / Open Session 6:30 P.M.

Location: Board Meeting Room 981 Tuolumne Ave Angels Camp, CA 95222
Copperopolis Elementary 217 School Street Copperopolis, CA 95228

1. Opening of Closed Session Meeting by Board President

1.1. Public Comment:

This time is reserved for any person to address the Board on Closed Session Items. The Board will recess to Closed session to discuss and/ or take action with respect to every item of business to be discussed in Closed Session pursuant to:

1.1.1. CONFERENCE WITH LABOR NEGOTIATOR
Name of Agency Negotiator: Julia Tidball
Employee Organization: Angels-Copperopolis Educators (G.C. 54957.6)

1.1.2. CONFERENCE WITH LABOR NEGOTIATOR
Name of Agency Negotiator: Julia Tidball
Employee Organization: California School Employees Association, Chapter #815 (G.C. 54957.6)

1.1.3. Public Employee Discipline/Dismissal/Release

1.1.4. Personnel Assignment Order
1.1.4.1. Certificated – Administrator Designee for Copperopolis Elementary
1.1.4.2. Certificated – Administrator Designee for Mark Twain Elementary

2. Opening of Open Session Meeting by Board President 6:30 PM

2.1. Pledge of Allegiance
2.2. Roll Call : Jennifer Eltringham, Timothy Randall, Kendall Morlan, Diane Bateman, Maggie Rollings
2.3. Report of Action Taken in Closed Session

3. Public Comment

3.1. At this time, any person may address the Board on any consent action item or any item not listed on the agenda. Pursuant to the Brown Act, during this period, the Board cannot consider issues or take action on any item not listed. Speakers are asked to state their name, address and affiliation, and to limit their comments to three minutes.

4. Information & Discussion Items

4.1. Comments from the Board
4.2. Comments from the Student Representatives
4.3. Comments from the Principals

Requests for any disability-related modification or accommodation, including auxiliary aids or services in order to participate in the public meeting may be made by contacting the District Office at (209) 736-1855 at least two days prior to the scheduled meeting. Agendas and other writings may also be requested in alternative formats, as outlined in Section 12132 of the Americans with Disabilities Act.

Posted: August 8, 2016 at 4:00 PM
4.4. Comments from the Certificated Representative
4.5. Comments from the Classified Representative
4.6. Comments from Director of Business Services.
4.7. Comments from the Superintendent.
4.8. Correspondence –

5. **Consent Agenda Items**

All matters listed under Consent Agenda Items are considered to be routine and all will be enacted by one motion and voice vote. There will be no separate discussion of these items unless the Board, staff, or members of the community requests items to be removed from the Consent Agenda in order to make comments of ask questions. Any item removed will be considered after the motion to approve the Consent Agenda.

5.1. Warrants.
5.2. Approval of Minutes for June 16, 2016, & July 12, 2016 Board meetings (pgs.1-8)
5.3. Request of Interdistrict Attendance Agreements (pg.9)
5.4. Legal Representation Agreement for 2016-2017 with the Law Office of Byron C. Smith (pgs.10-15)

6. **Review and Action Items**

6.1. Board to Consider Adoption of Resolution 2016-17-001 Children’s Internet Protection Act (CIPA)(pgs.16-17)
6.2. Board to Consider Approval of Seventh and Eighth Grade Behavior Intervention and Support Plan.(pgs.18-29)
6.3. Board to Consider Approval of November 2016 & April 2017 Board meeting change of date. (pg. 30)

**Board Policies, Administrative Regulations, Exhibits, and Bylaws**

**Minor Revisions**

6.4. None

**First Readings and/or Approval of**

6.5. None

7. **Next Regularly Scheduled Board Meeting**

7.1. August 11, 2016 in the District Board Room at 981 Tuolumne Ave.

8. **Adjournment**

Time: __________

9. **Next Regularly Scheduled Board Meeting**

9.1. September 8, 2016 in the gym at Copperopolis Elementary, 217 School St., Copperopolis, CA

10. **Adjournment**

Time: __________
BOARD MINUTES

Board of Education Regular Meeting June 16, 2016

Location: Board Meeting Room 981 Tuolumne Ave Angels Camp, CA 95222

Members Present: Maggie Rollings, Diane Bateman, Kendall Morlan, Timothy Randall

Members Absent: President, Jenny Eltringham

Staff Present: Julia Tidball, Roy Blair, Karen Vail, Wendy DeSimone

Also Present: Kathryn Eustis, Courtney McKinney

1. **Closed Session at 5:30 PM**

2. **Open Session**

   Call to Order and Pledge of Allegiance:
   The Regular Meeting was brought to order by Vice President Timothy Randall at 6:35 pm.

   Roll Call:
   Vice President Randall indicated that the Board President, Jenny Eltringham was not present and he would be conducting the meeting. All other Board members were present.

   Report of Action Taken in Closed Session:
   Vice President Randall reported action taken during closed session was the following:
   No Action taken on item 1.1.1 - Conference with Labor Negotiator A.C.E.
   No Action taken on item 1.1.2 - Conference with Labor Negotiator CSEA Chapter 815
   No Action taken on item 1.1.3 – Public Employee Discipline/Dismissal/ Release

   Action taken on item 1.1.4 Personnel Assignment Order was as follows:

   - **Certificated Position**
     Accepted a 3<sup>rd</sup>/4<sup>th</sup> Combo teacher at Copperopolis Elementary for the 2016-17 school year

   - **Certificated Position**
     Accepted a leave of absence for a teacher at Mark Twain Elementary for the 2016-17 school year who will be filling a vacant Title I position at Copperopolis Elementary for the 2016-17 school year

   - **Certificated Position**
     Accepted a 5<sup>th</sup> grade teacher at Copperopolis Elementary for the 2016-17 school year

   Motion: D. Bateman Second: M. Rollings
   Motioned Carried: 4 - Ayes (Rollings, Bateman, Morlan and Randall, Eltringham)
   0-Noes /1-Absent (Eltringham) /0-Abstained
3. **Public Comment:** None

4. **Information & Discussion Items**

4.1. Comments from the Board

Maggie Rollings wished everyone a good summer break.

Diane Bateman is looking forward to a great summer.

Kendall Morlan

Timothy Randall is busy teaching summer school at Bret Harte and has 21 students from Mark Twain who want to improve their math skills before starting their freshman year. He thanked Mark Twain’s math teacher, Brain Barnett for working with students on his own time who want to retake a math placement test.

4.2. Comments from the Student Representatives: None

4.3. Comments from the Principals:

Karen Vail, Principal at Copperopolis has been busy with interviews and thanked the committee for their time and patience. The ESY program is off to a great start. Ms. Vail thanked Special Day Class teacher, Michelle Duncan for filling this position. She is doing a great job. Mrs. Vail also thanked the paraprofessionals who are working the ESY program this summer.

4.4. Comments from the Certificated Representative:

Wendy DeSimone, President of ACE is excited about all the new teachers who will be working in our district next school year and the professional development opportunities offered to them and what the district has to offer in the way of technology. She thanked Julia Tidball for the LCAP and the addition of a full-time counselor, a shared 2 day a week counselor for 7th and 8th grade, a teacher at Copperopolis and a reading specialist. This plan seems to be the best plan for kids.

Board member Kendall Morlan wanted to expand on a comment Mrs. DeSimone made about professional development opportunities for staff. When interviewees asked what the District had to offer, Ms. Vail was able to tell them that training that staff was interested in was usually approved and the candidates were impressed with this answer.

4.5. Comments from the Classified Representative: None

4.6. Comments from Director of Business Services:

Roy Blair deferred his comments for later.

4.7. Comments from the Superintendent:

Julia Tidball shared that she met two of the new teachers today, Taryn Giudicessi-Jobe (7/8 Special Day/RSP at Mark Twain) and Kurt Schneider (5/6 teacher at Copperopolis) who stopped by to complete their paperwork. She will be conducting interviews tomorrow for a counselor and Vallecito will be holding their interviews on June 28 for the shared counselor position. The Extended School Year (ESY) program is in full swing at Copperopolis Elementary and Mrs. Tidball is happy to serve as an administrator for the program.

4.8. Correspondence: None
4.9. Williams Uniform Complaint Report Summary 2015-16 Q4 April-June:

Julia Tidball reported there were no complaints received in this reporting period.

4.10. Final District Attendance/Suspensions/Expulsions:

Julia Tidball reviewed the attendance, suspensions and expulsions for the 2015-16 school year. She reported there were no expulsions. Suspensions clustered in the 7th and 8th grades at Mark Twain with a small cluster in grade 5 for both schools. The LCAP addresses the need to reduce the number of suspensions and intervene before this level of discipline is required. She discussed that the District has a challenge with the high number of students in the primary grades with poor attendance. We need to pay special attention to this issue next year to see if we can lower these numbers of students with Habitual Truant and Chronic Absenteeism.

4.11. Guest Speaker – Kathryn Eustis on the California Healthy Kids Survey Results

Mrs. Eustis, CCOE Youth Development and Preventive Program Director presented the results of the California Healthy Kids Survey taken by 7th grade students. Mark Twain’s school climate index places us in the top 1% of all school, and similar schools, in California for the past two CHKS surveys. The measures of school connectedness are proven to correlate to student achievement. 78% of our students feel connected to their school and 83% feel safe at school. Mrs. Eustis talked about the survey and the changes that will be made in the upcoming school year. The survey will be administered to both 7th and 8th grade students every year and not just 7th grade students every other year. This will allow for more accurate and pertinent data. We, as a team will work together countywide to promote the parent survey and increase participation.

5. Consent Agenda Items

5.1. Warrants.
5.2. Approval of Minutes for June 9, 2016 Board meeting
5.3. Inter/Intra District Attendance Request

Motion: D. Bateman Second: K. Morlan
Motioned Carried: 4 - Ayes (Rollings, Bateman, Morlan and Randall)
0-Noes /1-Absent (Eltringham) /0-Abstained

6. Review and Action Items

6.1. Board to Consider Adoption of a Positive Culture Committee

Julia Tidball spoke about the Positive Culture Committee being in alignment to our LCAP and a follow-up to the Board Study Session in November to promote a positive culture throughout the district. The committee would provide a regular forum for the stakeholder groups (students, staff and parents) to come together to promote a positive learning culture at both school sites. Mrs. Tidball thanked Maggie Rollings for recommending this committee and encouraged the Board to adopt it.

Board member Kendall Morlan asked if guest speakers would be part of the plan. Mrs. Rollings indicated that it would be great to tap into all the county has to offer in helping to build and promote a positive culture and continue to be a proactive district.

Motion: M. Rollings Second: D. Bateman
Motioned Carried: 4 - Ayes (Rollings, Bateman, Morlan and Randall)
0-Noes /1-Absent (Eltringham) /0-Abstained
6.2. Board to Consider Approval of the 2016-2017 Parent/Student Handbook

Mrs. Tidball reviewed the minor changes to the handbook that included changes in language for transportation, the removal of items that only pertained to the 7th and 8th grade students, and the updates to Annual Notifications. She asked the Board to approve the handbook.

Motion: K. Morlan  Second: M. Rollings
Motioned Carried: 4 - Ayes (Rollings, Bateman, Morlan and Randall)
0-Noes /1-Absent (Eltringham) /0-Abstained

6.3. Board to Consider Adoption of the 2016-2017 Local Control Accountability Plan (LCAP) 3 Year Plan

Mrs. Tidball reminded the Board that the LCAP was presented to them at a public hearing last week and asked the Board to adopt the plan. Once adopted by the Board it will be sent to the County Office of Education for review and approval and then onto the state for approval and release of funds.

Board member Maggie Rollings asked that Mrs. Tidball provide a report of the students who are referred to an alternative school and the reason for the referral in some format to the Board next year.

Motion: M. Rollings  Second: D. Bateman
Motioned Carried: 4 - Ayes (Rollings, Bateman, Morlan and Randall)
0-Noes /1-Absent (Eltringham) /0-Abstained

6.4. Board to Consider Adoption of 2016-2017 Annual Budget

Roy Blair, Director of Business Services presented the 2016-17 Proposed Budget revisions. He reviewed the planning factors and the multiyear projections.

- Lottery, mandated block grant, and other state revenues projected at the 2015-16 funding level for 2017-18 and 2018-19. Mandated Discretionary and Educator Effectiveness funds are One-Time sources to be received in 2015-16 only. One-Time Mandated Funds of $160,000 will be received in 2016-17.
- 2017-18 and 2018-19 revenues from local sources are budgeted at the 2015-16 funding level. Local grants are not budgeted until awarded. Special education SELPA costs are expected to increase and eliminate the county transfer. One-Time Microsoft funds were expended in 2015-16. Wintercreek funding should be completed in 2016-17.
- Employee salaries
  - 2015-16 and 2016-17 include step and column increases of 3% for all qualifying employees as reflected in the current salary schedule
  - Addition of a teacher at Copperopolis Elementary
  - Title I includes a higher paid teacher who cost is supplemented by $40,000 from the unrestricted General Fund
  - Counselors of 1.5 FTE have been added in 2017-18
  - Monies set aside for predicted employee raises
- Employee benefits
  - STRS and PERS employer contributions increase of 2%
  - OASDI, SUI and Workers Compensations include and increase to correlate to increasing salaries.
  - Health and Welfare employer contributions are capped at $9,260 per full time employee.

2016-17 Budget of 7,490,006 with expenditures of $7,373,425 with a beginning fund balance of $1,534,323 leaving a projected ending fund balance of $1,650,904 which leaves us with $1,086,078 unassigned (14.73%)
Board member Maggie Rollings asked how the increase in minimum wage affects the salary schedule for the classified staff.

Mr. Blair said the district will have to come up with a strategy to tackle the changes that will need to be made to the salary schedule for the classified staff and what is fair for all employees.

Motion: D. Bateman  Second: K. Morlan
Motioned Carried: 4 - Ayes (Rollings, Bateman, Morlan and Randall)
0-Noes /1-Absent (Eltringham) /0-Abstained

7. **Next Regularly Scheduled Board Meeting**

   7.1. August 11, 2016 in the District Board Room at 981 Tuolumne Ave.

8. **Adjournment**

   Time: 7:31 PM

________________________________________________ ________________________
Jenny Eltringham, Board President                            Date

________________________________________________ ________________________
Julia Tidball, Superintendent                                Date
BOARD OF EDUCATION MEETING MINUTES
SPECIAL BOARD MEETING

July 12, 2016
Open Session 8:30 A.M. /Closed Session 8:35 A.M. /Open Session 8:40 A.M.

Location: Board Meeting Room Copperopolis Elementary
981 Tuolumne Ave 217 School Street
Angels Camp, CA 95222 Copperopolis, CA 95228

1. Opening of Closed Session Meeting by Board President Jenny Eltringham at 9:00 AM

1.1. Public Comment: No comments from the public were made.
1.2. Conference with Labor Negotiator: No Action
1.3. Personnel Assignment Order:

2. Opening of Open Session Meeting by Board President Jenny Eltringham at 9:00 AM

2.1. Pledge of Allegiance
2.2. Roll Call: Jennifer Eltringham, Timothy Randall, Diane Bateman, Maggie Rollings, Kendall Morlan. All Board members were present.
2.3. Report of Action Taken in Closed Session

   Board President Jenny Eltringham reported action taken during closed session was the following:
   No Action taken on items 1.2.1, 1.2.2
   Action taken on item 1.2.3 Personnel Assignment Order was as follows:

   Certificated  One FTE 5th grade Mark Twain Elementary for 2016-2017
   Classified    One FTE counseling position for MTUESD for 2016-2017
   Classified    One 6.5 hr. SPED Paraeducator resigning at Copperopolis Elementary effective 6.30.16

   The Motion was made by Diane Bateman and seconded by Maggie Rollings to approve.
   Personnel Assignment Order was approved  5-Ayes / 0-Noes / 0 - Absent / 0 - Abstained

3. Public Comment: No comments from the public were made.

4. Consent Agenda Items:

4.1. Warrants.
4.2. Approval of Minutes for June 16, 2016 Board meeting
4.3. Appeal Request for Intra District Attendance Agreement Denial

   A motion was made by Maggie Rollings and seconded by Diane Bateman to approve.
   Consent Agenda Items approved  5 - Ayes / 0 - Noes / 0 - Absent / 0 - Abstained

5. Review and Action Items

5.1. Public Hearing in compliance with Public Disclosure requirements of AB-1200 (Statutes 1991), GC 3547.5 (Statutes of 2004, Chapter 25) as well as the Salary Schedule Notification requirement of SB 167 regarding tentative agreements
1. Public Hearing
   A motion was made by Maggie Rollings and seconded by Diane Bateman to move into Public Hearing.
   **5 - Ayes / 0 - Noes / 0 - Absent / 0 - Abstained**

2. Receive Comments from the Public and Staff
   Director of Business Roy Blair reviewed impact of proposed agreement with CSEA and the unrepresented Classified Employees. Director of Business Roy Blair provided multi-year projections which reflected the proposed agreement and the revised Classified Differential Salary Schedule.
   Board president Jenny Eltringham questioned the financial impact if the District were to increase the insurance cap for employees in the future.
   Director of Business Roy Blair responded that at this point in time it was his opinion that the District could not afford any additional compensation increases.

3. Review and Discussion of Comments-None

4. Move Out of Public Hearing
   A motion was made by Diane Bateman and seconded by Maggie Rollings to move out of Public Hearing.
   **5 - Ayes / 0 - Noes / 0 - Absent / 0 - Abstained**

5.2. Board to Consider Approval of Tentative Agreement with California School Employees Association (CSEA) Chapter #815
   - Increase to Salary Schedule Retroactive to July 1, 2015 of 3.75%
   - Section 13.1.2 modified
   - Section 14.1 modified
   - Adjustment to Salary Schedule Columns 1 and 2 for Yard Supervisors and Food Service Workers effective July 1, 2016
   Board to also Consider Approval of a 3.75% increase to Salary Schedule Retroactive to July 1, 2015 for Classified Confidential, Operations Manager, and Classified Senior Management.
   Superintendent Julia Tidball reviewed each section of the Tentative Agreement and highlighted that the compensation increases would also apply to Classified Management, Confidential Classified and Operations Manager.
   A motion was made by Maggie Rollings and seconded by Kendall Morlan to approve the Tentative Agreement with California School Employees Association (CSEA) Chapter #815.
   **5 - Ayes / 0 - Noes / 0 - Absent / 0 - Abstained**

5.3. Board to Consider Approval of 2016-17 Consolidated Application
   Director of Business Services Roy Blair reviewed document outlines Title I, II, III, VI plans, allocations and expenditures. Title I Low Socio-Economic Student, Title II Teacher Training, Title III English Language Learner Students, Title VI Rural Schools.
   A motion was made by Diane Bateman and seconded by Maggie Rollings to approve the 2016-17 Consolidated Application. **5 - Ayes / 0 - Noes / 0 - Absent / 0 - Abstained**

6. Adjournment: The meeting was adjourned at 10:00 AM

Requests for any disability-related modification or accommodation, including auxiliary aids or services in order to participate in the public meeting may be made by contacting the District Office at (209)736-1855 at least two days prior to the scheduled meeting. Agendas and other writings may also be requested in alternative formats, as outlined in Section 12132 of the Americans with Disabilities Act.

Posted: August 8, 2016 at 4:00 PM
Requests for any disability-related modification or accommodation, including auxiliary aids or services in order to participate in the public meeting may be made by contacting the District Office at (209)736-1855 at least two days prior to the scheduled meeting. Agendas and other writings may also be requested in alternative formats, as outlined in Section 12132 of the Americans with Disabilities Act.

Posted: August 8, 2016 at 4:00 PM
TO: Mark Twain Board of Education Members  
FROM: Julia Tidball, Superintendent  
DATE: August 11, 2016  
RE: Interdistrict Attendance Agreements and Intradistrict Attendance Agreements

I. Support Information

2016-2017 School Year Interdistrict

<table>
<thead>
<tr>
<th>Name</th>
<th>To</th>
<th>From</th>
<th>Grd</th>
<th>Reason</th>
<th>Site Admin</th>
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<td>Pais, JD</td>
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<td>VUSD</td>
<td>K</td>
<td>Allen Bill</td>
<td>(Needs VSD)</td>
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<td>MTUESD/Mark Twain</td>
<td>8</td>
<td>Cont, Enroll/IEP</td>
<td>Approved</td>
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<td>Amador</td>
<td>7</td>
<td>Allen Bill</td>
<td>Approved</td>
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<tr>
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<td>MTUESD/Mark Twain</td>
<td>Amador</td>
<td>4</td>
<td>Allen Bill</td>
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<tr>
<td>Ruff, Bibiana</td>
<td>MTUESD/Mark Twain</td>
<td>VSD/Michelson</td>
<td>K</td>
<td>Siblings attend/carpool</td>
<td>Approved</td>
</tr>
</tbody>
</table>

II. Recommendation

It is the recommendation of the Superintendent that the Mark Twain Board of Education approves the Interdistrict and Intradistrict Agreements in support of the site administrators and approves the release of the Interdistrict Agreements requesting attendance to another district.

Recommend Approval _______________
TO: Mark Twain Board of Education Members
FROM: Julia Tidball, Superintendent
DATE: August 11, 2016
RE: Legal Representation Agreement for 2016-2017 with the Law Office of Byron C. Smith

I. Support Information

This agreement with Byron Smith would cover his services rendered to the District in the areas of negotiations, expulsions and personnel on an as-need basis.

The hourly rate of $170.00 per hour is an increase of $10.00 per hour from the previous agreement. In addition, and we will be billed in increments of tenths of an hour. Mr. Smith is requesting reimbursement from the District for use of a Paralegal at the cost of $75.00 per hour, Law clerk and file clerk at the cost of $45.00 and $25.00 per hour respectfully.

II. Recommendation

It is the recommendation of the Superintendent that the Mark Twain Board of Education approve the Legal Representation Agreement for 2016-2017 with the Law Office of Byron C. Smith for Legal Services.

Recommend Approval _____________
LEGAL REPRESENTATION AGREEMENT

This WRITTEN LEGAL REPRESENTATION AGREEMENT is entered into by and between the Governing Board of the Mark Twain Union Elementary School District [hereinafter referred to as the "Governing Board"] and the Law Office of Byron C. Smith. This Agreement will be effective from July 1, 2016, through and including June 30, 2017.

I. SCOPE OF ENGAGEMENT

1.1 Matter involved: Governing Board has engaged my Office¹ to render, at its election, the following legal services:

1.1.1 Advise the Administration and Governing Board regarding issues concerning the day-to-day operation of a school district.

1.1.2 Represent Administration and Governing Board in negotiating with the exclusive representatives of the classified and certificated bargaining units.

1.1.3 Represent the District in administrative or judicial matters before Courts of Competent Jurisdiction, PERB, DFEH, EEOC, etc.

1.1.4 Represent the Governing Board in the following matters:

   1.1.4.1 Student Disciplinary hearings.
   1.1.4.2 Classified employee disciplinary matters.
   1.1.4.3 Complaints filed by or against District employees.
   1.1.4.4 Grievances filed by the certificated or classified bargaining units.

1.2 Attorney/Investigation Functions: My Office will provide the above-referenced legal and investigatory services reasonably required by the Governing Board or the Administration.

   1.2.1 My Office will not perform any legal services without the Administration or the Governing Board’s verbal or written request.

1.3 District’s Functions: Governing Board agrees to pay my Office for the performance of such legal or investigatory services, and to pay for all reasonable expenses incurred in connection with this representation, as specified in Section II below.

¹ The phrase “My Office” includes the legal services provided by the attorney with whom I associate as “Of-Counsel.”
1.3.1 Governing Board agrees to cooperate fully with my Office and to provide all information known by or available to it which may enable my Office to provide the requested legal services.

II. LEGAL FEES AND EXPENSES

2.1 Legal Fees: Governing Board agrees to pay an:

2.1.1 Hourly Rate of $170.00 for services provided by a licensed attorney.

2.1.2 Hourly rate of $75 for services provided by a paralegal. In order to be classified as a paralegal, a person must meet the qualifications as set forth in Business and Professions Code section 6450.

2.1.3 Hourly rate of $45 for services provided by a law clerk. My Office defines a "law clerk" as a person who performs the duties of a paralegal under my immediate supervision, but has not yet met the requirements of Business and Professions Code section 6450.

2.1.4 Hourly rate of $25 for the services provided by a file clerk [My Office has its file clerks convert all client records to a PDF format for storage and accessibility].

2.2 Related expenses:

2.2.1 Governing Board will not be charged for expenses such as long distance phone calls, photocopying, facsimiles (sent or received), or first-class postage.

2.2.2 Governing Board will pay for any costs the firm incurs for Westlaw Research, bulk photocopying, certified mail, registered mail, or overnight mail.

2.3 Billing Procedure: My office bills in increments of tenths (1/10) of an hour. However, the smallest increment the Governing Board will be billed for any work performed, such as a telephone call, will be two-tenths (2/10ths) of an hour. My Office bills for travel time.

2.4 Deposit: No initial deposit for attorney's fees and costs is required.

2.5 Governing Board will receive an itemized statement of fees and expenses on a monthly basis. Payment is due within 30 days of the date of billing. Interest at the allowable legal rate will be added to any outstanding balance not paid within 30 days of the date of billing.
III. GENERAL MATTERS

3.1 Information to be Made Available to Governing Board: My Office agrees to assert a diligent effort to assure that the Governing Board, or its representative, is informed at all times as to the status of the matter and as to the courses of action which are being followed or are being recommended. My Office agrees to make available to you all written materials sent or received by my Office pertaining to the matter. All work product generated by this Office on behalf of the Governing Board is owned by the Governing Board.

3.1.1 In order to make files immediately accessible to clients, my office scans all client records into a PDF format.

3.1.2 Client agrees to pay for the paralegal costs associated with converting those files into a PDF format.

3.2 Conflicting Engagement: My Office agrees not to accept, without the prior approval of the Governing Board, or its designated representative, any engagement known by my Office to interfere with my duty of undivided loyalty to the Governing Board.

3.3 Contracting with Outside Law Firm. The Governing Board hereby authorizes my Office to seek the assistance of outside legal counsel in order to provide the necessary legal services to the District. I agree to seek permission from the District Superintendent before such outside counsel is contacted. In the event that I recommend and the Governing Board agrees to the retention of outside counsel, the Governing Board shall enter into a separate legal agreement with that outside counsel. My firm will not be responsible for the malpractice of any such outside firm.

3.4 Termination of Agreement: Either party will have the right at any time to terminate this Agreement upon written notice to the other. Such termination will not relieve, however, the Governing Board of its obligation to pay for the services rendered and costs incurred prior to such termination. In the event of any such termination, the Governing Board agrees to pay for all services rendered and for other expenses incurred pursuant to this Agreement prior to the date of such termination. Upon termination of this Agreement for any reason, by either the Governing Board or my Office, my Office agrees, if requested, to cooperate with the successor counsel in order to assure a smooth transition. The Governing Board agrees to continue to pay for any and all fees incurred by my Office during such a transition.

3.5 Effort and Outcome: My Office agrees to use its best effort in providing Legal Services to the Governing Board and its employees. However, the Governing Board and its employees acknowledge that my Office can never provide any
assurance regarding the outcome of any matter before either an administrative body or a California Court of competent jurisdiction.

3.6 **Insurance Coverage:** Pursuant to Business and Professions Code section 6148, my Office carries Professional Liability Insurance applicable to the legal services provided to the Governing Board by my staff or me.

3.7 **Hold Harmless Provision:** The Governing Board hereby agrees to indemnify and hold my Office harmless from and against any claim brought by a third party(s) (including current and former employees of the Governing Board) for the performance of requested duties by the Governing Board and/or its designee. The Governing Board agrees not only to indemnify, but also to pay for the cost of any legal expenses incurred in defending such an action. If the third party establishes that my Office acted in a negligent or careless manner, the Governing Board shall not be responsible for any of the legal expenses associated with that claim.

3.8 **Commencement of Representation:** My representation to you will be ongoing pending termination of this agreement.

3.9 **Disputes between Attorney and Client:** If any dispute develops as to whether either of us has failed to honor this Agreement or as to the amount of legal fees, we agree to meet face-to-face first to resolve the dispute. If that proves unsuccessful, we agree to participate in at least one session of voluntary and confidential mediation before a mutually acceptable mediator. If mediation does not result in settlement, then either party may request Advisor Arbitration. Upon the written request of either party served on the other, we agree to submit the matter to advisory arbitration before a mutually acceptable arbitrator.

3.10 **This Agreement has been Negotiated:** The terms of this agreement are not set by law but are the product of negotiation between us. The Governing Board acknowledges receipt of a copy of this Agreement.

3.11 **This is the Complete Agreement — It is Binding on All Parties:** This Agreement contains the entire agreement between us regarding this matter and the fees and expenses to be paid relative to this matter. This Agreement will not be modified except by written agreement signed by both parties. This Agreement will be binding on both parties, our respective heirs, executors, legal representatives and successors.

3.12 **Counterpart and Facsimile Signature Pages:** This Agreement may be executed by the Parties through counterpart signature pages (and not as part of one document bearing all signatures consecutively), all of which, when together, shall constitute satisfaction of the signature requirements. Facsimile signature pages shall also be acceptable.
SIGNATURE PAGE

Reflects Approval by the Law Office of Byron C. Smith:

Date: Date: July 1, 2016

Byron C. Smith
Byron C. Smith, Owner/Attorney
LAW OFFICE OF BYRON C. SMITH

Reflects Approval by a Majority of the Membership of the Governing Board:

Date: _____________

_________________________________
Board Clerk
MARK TWAIN UNION ELEMENTARY
SCHOOL DISTRICT GOVERNING BOARD
MARK TWAIN UNION ELEMENTARY SCHOOL DISTRICT

BOARD OF EDUCATION

REVIEW AND ACTION ITEM

To: Members, Mark Twain Board of Education
From: Julia Tidball, Superintendent
Date: August 11, 2016
RE: Board to Consider Adoption of Resolution No. 2016-17-001 affirming the Children’s Internet Protection Act (CIPA)

I. Support Information

The Children’s Internet Protection Act (CIPA) was signed into law on December 17, 2002. In order to receive discounts for the Internet Access and Internal Connections services under the universal services support mechanism, school and library authorities must certify that they are enforcing a policy of Internet safety that includes measures to block or filter Internet access for both minors and adults to certain visual depictions.

II. Recommendation

It is the recommendation of the Superintendent that the Mark Twain Board of Education adopt Resolution No. 2016-17-001 Children’s Internet Protection Act (CIPA)

Recommended Approval ___________
BEFORE THE GOVERNING BOARD OF THE
MARK TWAIN UNION ELEMENTARY SCHOOL DISTRICT
COUNTY OF CALAVERAS
STATE OF CALIFORNIA

In the Matter of
Children’s Internet Protection Act (CIPA)

Resolution No. 2016-17-001

WHeras, the Federal Government has required that the Mark Twain Union Elementary School District certify that certain protective devices and policies have been put into place to protect children who have access to the Internet; and

WHeras, the Mark Twain Board of Education Supports student access to the Internet as a way to enhance student learning;

NOW, THEREFORE, BE IT RESOLVED that the Board has adopted a Board Policy on December 17, 2002, which requires both student and parent signatures prior to allowing student access;

AND BE IT FURTHER RESOLVED, that said Board Policy, outlines student expectations and consequences while using the nternet.

AND BE IT FURTHER RESOLVED THAT THE Mark Twain Board of Education certifies that the above-mentioned activities provide protection to the students and employees who have access to the Internet.

ON A MOTION by Board Member ________________________, seconded by Board Member ________________________, the foregoing Resolution was duly passed and adopted by the Mark Twain Union Elementary School District of the County of Calaveras, State of California this 11th day of August, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

__________________________________________________
Kendall Morlan, Clerk of the Governing Board
I. Support Information
The approved MTUESD LCAP Goal 5A states: The District will pilot a positive behavior intervention program which includes a bullying prevention component in the 7th and 8th grades. Mark Twain Elementary 7th and 8th grade teacher and Student Council Advisor Sara Tutthill, along with her colleagues, have created a proposal for a positive behavior intervention program which supports the District LCAP and is aligned with the nationally recognized Positive Behavioral and Interventions Supports Program.

II. Recommendation
It is the recommendation of the Superintendent that the Mark Twain Union Elementary School Board approve the pilot of the 7th and 8th Grade Behavior Intervention and Support Plan.
Positive Behavior Intervention and Support for 7th and 8th

The Five P’s
1. Promptness - Attendance
2. Positive Attitude
3. Polite - Respect
4. Prepared to Learn
5. Productive in and out of the classroom

Tier 1 Interventions

- Expectations posted for all stakeholders to review daily
- Expectations taught explicitly
- Reinforced strategically
- Behavior infraction logs for every student
- Five infractions per behavior log
- Data collected from the behavior logs
- External Rewards:
  1. Daily rewards - Tickets for students “caught” following the expectations. The student chosen weekly will have lunch with the adult staff member of his/her choice with food from their favorite restaurant or receive a $5 gift card.
  2. Ice cream rewards for less than five infractions per trimester.
  3. End of the year reward field for remaining on the first behavior log for the whole school year.
  4. Eligibility for the ski program, dances, sports, student council activities, drama, student leadership.

Tier 2 Interventions

- Mentor – staff or community member to mentor student (i.e. Calaveras County Mentoring Program.
- Check and Connect with designated staff member daily.
- Participation in social skills class led by the School Counselor.
- Provide positive feedback and reminders of school expectations daily
- Restrict movement throughout the school – target problem areas for the student or students.
- Referral for formal Student Study Team (SST).
- Further disciplinary action if necessary
Tier 3 Interventions

- Wrap-around services – creation of a formal behavior plan and referral to community services for student and family.
- Refer to School Attendance Review Board (SARB).
- Student Study Team – analyzing interventions and school services available to support the student
- Referral to Mental Health Services either from the school or from an outside source
- Reminder of school expectations
- If necessary further disciplinary action

Seventh and Eighth Grade Behavior Log

At the beginning of the year, each student will be given a behavior log. Behavior infractions will be recorded for those students who do not follow school and/or classroom rules. Students are expected to have their behavior logs in their possession at all times.

1. Five infractions will result in a detention.
2. A lost behavior log may result in a detention.
3. Students receiving five or more behavior logs will be subject to further disciplinary action.

Seventh and Eighth Grade Detention Policy

Students with un-served detentions will be suspended from involvement in any extracurricular activity and any district sponsored event including sports, clubs, non-academic assemblies, dances, fundraisers, and any sporting event as a spectator.

1. Detentions will be held one day a week for no more than one hour per C.C.R. Title 5, Sec. 353.
2. Detentions must be served within the next three detention dates; otherwise further administrative action may occur and a mandatory meeting with site administrator/designee and the parents will be promptly scheduled.
3. Detentions will be given for violations of school or classroom rules, five infractions on a behavior log, and failure to produce the behavior log when requested by a staff member.
4. Students who are serving a detention must complete work or silent reading during the one hour to complete the detention requirements.
5. After-school transportation will not be provided to students receiving after-school detentions.
The Five P’s
1. Promptness - Attendance
2. Positive Attitude
3. Polite – Respect
4. Prepared to Learn
5. Productive in and out of the classroom

Posters for all classrooms, library, computer lab, office, principal’s office, cafeteria, gym, counselor’s room, (DO?)
Positive Behavior Intervention and Support for 7th and 8th Grades

2016-2017 School Year

According to Skiba (2010) we should teach, not punish. When zero tolerance was introduced in the 1900s in response to growing concerns about school violence, it was not intended to become a foundation for school-wide discipline plans. Yet it has, and there is little research to support that zero tolerance discipline strategies, such as suspensions and expulsions, improve student behavior, improve school safety or change their behavior as a result of these punitive consequences.
Reform Proposal

We hope to establish a positive discipline procedure by implementing a Three Tiered Discipline System that fosters a positive approach and proactive, preventative practices.

- Tier 1: school-wide improvement impacting 80-90% of the student body.
- Tier 2: small target group improvement impacting 5-15% of the student body.
- Tier 3: intensive, intervention with struggling 1-5% of the student population.

Step 1 – Implementation of the 5 P's

1. Promptness – Attendance
2. Positive Attitude
3. Polite – Respect
4. Prepared to Learn
5. Productive in and out of the classroom
The 5 P's Plan

- Poster contest for the 7th and 8th grade students to design the 5 P's school-wide posters. The contest begins August 17th and ends on August 24th.
- Teachers will post the 5 P's in classrooms until posters are ready.
- Explicit instruction on the 5 P's
- Daily reminders of the 5 P's
- External rewards
- Posters – classrooms, office, cafeteria, gym, library, computer lab, counselor’s office, boardroom, and principal’s office

Tier 1

- Expectations posted (5 P’s) for daily review
- Expectations taught explicitly
- Reinforced
- Behavior infraction logs – 5 infractions per log
- Data collection – monthly
- External rewards
External Rewards

1. Ice Cream rewards for less than 5 infractions per trimester – 1st behavior log.
2. End of year reward trip for remaining on the 1st behavior log for the entire year.
3. Daily rewards – tickets for following the 5 P’s – weekly drawing – lunch with a staff member of your choice or a $5 gift card.
4. Eligibility for the ski program, dances, sports, student council activities, drama and student leadership.

Tier 2

- Mentoring – staff or community member
- Check and connect
- Social skills class – counselor
- Positive feedback – 5 P’s
- Restricted movement – targeted problem areas
- SST referral
- Further disciplinary action if necessary
Tier 3

- Wrap-around services
- SAR
- SST – analyze interventions and services
- Clinical mental health services
- Reinforcement of the 5 P’s
- Further disciplinary action if necessary

7th and 8th Grade Behavior Logs

1. Five infractions per log
2. Five infractions = an hour long after-school detention.
3. Students receiving 5 or more infraction logs will be subject to further disciplinary action.
4. The infraction log must be in possession at all times.
7th and 8th Grade Detention Policy

1. Detentions will be held 1 day a week for one hour.
2. Detentions must be served within a 3 week period; otherwise further disciplinary action may occur.
3. Detentions will be given for violations of school or classroom rules, five infractions on a behavior log, and failure to produce the log when requested by a staff member.
4. Detention completion will require the student to work quietly during the one hour.
5. After-school transportation will not be provided for students attending the after-school detention.
6. Unserved detentions will suspend a student from all extracurricular activities, until the detention has been served after-school.

Improve School Wide Culture through Progressive Discipline

- Implement the beginning of the school year
- Telenes (2013) stated that high behavioral expectations will result in an improved school climate and, in turn, will result in increased student achievement.
- According to Milwe and Aurini (2015) Progressive Discipline gives school staff (e.g., teachers, principals, child and youth workers) a discretion and allows them to take a variety of considerations into account when determining the duration and severity of disciplinary measures.
- The policy affords parents opportunities to participate in disciplinary proceedings, work closely with school staff to improve their child's behavior and negotiate appropriate interventions.
Barriers to Overcome

- Teacher training
- Student learning curve
- Fidelity of implementation
- Consistency
- Resources - time and money
- Effectiveness
- School administrative support
- Data collections & meaningful analysis
- Gradual implementation
  - Results are not immediate
  - Staff buy-in requires annual renewal of commitment for effectiveness

Required Resources

- Buy-in from parents, students, and staff
- Time for staff training & establishment of a leadership team
- Monthly meeting time for leadership team to monitor & to make adjustments
- Survey all stakeholders about school culture & discipline improvements.
- Student tracking system & personnel to monitor:
  - Time spent in detention
  - Frequency of referrals
- District reports thru Infinite Campus for detention, suspension and expulsion rates
When **attitude** is changed
When **thought** is changed
When **behavior** is changed
When **action** is changed

**thought** is changed
**behavior** is changed
**action** is changed
**result** is changed
MARK TWAIN ELEMENTARY SCHOOL DISTRICT

BOARD OF EDUCATION

REVIEW AND ACTION ITEM

TO: Board of Education Members
FROM: Julia Tidball, Superintendent
DATE: August 11, 2016
RE: Proposed Changes to Board Meeting Schedule for the 2016-17 School Year

I. Support Information
   The Superintendent serves on the State ACSA Legislative Policy Committee. This Committee will be meeting in San Diego on the scheduled November 10, 2016 Board Meeting. As a result, the Superintendent asks the Board to consider moving the MTUESD Board Meeting to November 17, 2016.
   The Board Meeting scheduled for April 13, 2017 falls within the District’s Spring Break vacation. As a result, it is proposed to change the meeting date to April 6, 2017.

II. Recommendation
   It is the recommendation of the Superintendent that the Mark Twain Union Elementary School Board approve the proposed changes to the Board Meeting Schedule for the 2016-17 School Year.