

**PACIFIC GROVE UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
SPECIAL MEETING: MARCH 21, 2024**

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.

DATE: March 21, 2024

TIME: 5:00 PM Closed Session
5:30 PM Open Session

LOCATION: IN PERSON
Pacific Grove Unified School District Office
435 Hillcrest Avenue
Pacific Grove, CA 93950

Trustees:

*Brian Swanson, President
Dr. Elliott Hazen, Clerk
Carolyn Swanson
Jennifer McNary
Laura Ottmar*

Administration:

*Superintendent Dr. Linda Adamson
Assistant Superintendent Joshua Jorn*

Student Representative(s):

*Dario DiMaggio
Dayci Dishny*

VIRTUAL ZOOM MEETING

<https://pgusd.zoom.us/j/86102700855?pwd=dDl4cG9oS1U2b24zM2dNbnYyQXdnUT09>

Meeting ID: 861 0270 0855

Passcode: 478742

One tap mobile +16699006833,,81793111121#,,, *717431# US (San Jose)

+16694449171,,81793111121#,,, *717431# US

Find your local number: <https://pgusd.zoom.us/j/86102700855>

ONLINE ACCESS FOR PUBLIC COMMENT UNTIL START OF STUDY SESSION

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 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. Land Acknowledgement

Good evening. As we begin this meeting, it's important to pay respect to and acknowledge that we are on the traditional land of the **Ohlone, Costanoan & Esselen** people and additionally pay respect to elders both past and present.

C. Roll Call

D. Adoption of Agenda

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- Public Comment:
- Board Discussion:
- Move: _____ Second: _____ Vote: _____

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 2023-2024 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, Buck Roggeman and Dr. Linda Adamson for the purpose of giving direction and updates.
2. Negotiations – Collective Bargaining Session planning and preparation with the CSEA for 2023-2024 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, Claudia Arellano and Dr. Linda Adamson for the purpose of giving direction and updates.
3. Public Employee Discipline/Dismissal/Release/Leave/Complaint [Government Code § 54957]
4. Lease Contract Negotiations

B. Public comment on Closed Session Topics

C. Adjourn to Close 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 2023-2024 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, Buck Roggeman and Dr. Linda Adamson for the purpose of giving direction and updates.
2. Negotiations – Collective Bargaining Session planning and preparation with the CSEA for 2023-2024 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, Claudia Arellano and Dr. Linda Adamson for the purpose of giving direction and updates.

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3. Public Employee Discipline/Dismissal/Release/Leave/Complaint [Government Code § 54957 subdivision(b)]

B. Pledge of Allegiance

IV. CONSENT AGENDA

- A. Contract for Services with the Office of Administrative Hearings 5
Recommendation: (Claudia Arellano, Director II of Human Resources) The Administration recommends that the Board review and approve the Contract for Services with the Office of Administrative Hearings.

- Public Comment:
- Board Discussion:
- Move: _____ Second: _____ Vote: _____

V. ACTION/DISCUSSION

- A. Administrative Regulation 1220 – Citizen Advisory Committees 18
Recommendation: (Dr. Linda Adamson, Superintendent) The District Administration recommends the Board review Administrative Regulation 1220 and disregard staff recommendation from second reading to change “Governing Board” to “Board of Trustees”.

- Public Comment:
- Board Discussion:
- Move: _____ Second: _____ Vote: _____

VI. INFORMATION/DISCUSSION

- A. Voter Survey Results 27
Recommendation: (Joshua Jorn, Assistant Superintendent) The District Administration recommends the recognition of Dale Scott from Dale Scott & Company to provide survey results and guidance on next steps.

- Public Comment:
- Board Discussion:
- Direction: _____

- B. Board Study Session
Recommendation: (Dr. Linda Adamson, Superintendent) The Administration recommends that the Board discuss an overview of the state school facilities program (SB50) which includes state, federal and grant funding. In addition, an overview of the programming details associated with the development of Educational Specifications and Facility Master Plans for LEA's looking to modernize or newly construct infrastructure and buildings on school site campuses. The group of experts will also cover Deferred Maintenance five-year planning, prioritization of high

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risk/high need projects and how all this ties into the Prop 28 Measured General Obligation Bond Program at PGUSD.

- Public Comment:
- Board Discussion:
- Direction: _____

C. Board Governance Training and Self-Evaluation

Recommendation: (Dr. Linda Adamson, Superintendent) The Administration recommends that the Board continue discussing Board Governance Training and Self-Evaluation(s).

- Public Comment:
- Board Discussion:
- Direction: _____

VII. ADJOURNMENT

Next regular Board Meeting will be held on April 4, 2024

- | | |
|---|---|
| <input checked="" type="checkbox"/> Student Learning and Achievement | <input checked="" type="checkbox"/> Consent |
| <input type="checkbox"/> Health and Safety of Students and Schools | <input type="checkbox"/> Action/Discussion |
| <input type="checkbox"/> Credibility and Communication | <input type="checkbox"/> Information/Discussion |
| <input checked="" type="checkbox"/> Fiscal Solvency, Accountability and Integrity | <input type="checkbox"/> Public Hearing |

SUBJECT: Contract for Services with the Office of Administrative Hearings

DATE: March 21, 2024

PERSON(S) RESPONSIBLE: Claudia Arellano, Director II Human Resources

RECOMMENDATION:

The District Administration recommends the Board review and approve the contract for services with the Office of Administrative Hearings.

BACKGROUND:

The Office of Administrative Hearings (OAH) provides impartial hearings, mediations and alternative dispute resolution services to State and local government entities, including reduction in force proceedings. These services are conducted by experienced Administrative Law Judges.

INFORMATION:

Before a reduction in force proceeding is held, a contract for services with the Office of Administrative Hearings (OAH) must be in place. Government Code section 11370.4 requires that all OAH costs be recovered from the agencies served. Fees typically include a filing fee for each case filed, an hourly rate for Administrative Law Judge services and costs for court reporters or electronic recordings. The term of the agreement is for a period of five years.

2023/2024 Fees:

Administrative Law Judge \$373 per hour
 In-person filing fee per case \$150
 Virtual filing fee per case \$100
 Electronic recording fee per hearing/per day \$30
 Hearing Reporter and Transcript Rate - TBD

FISCAL IMPACT:

TBD – Dependent on the number of proceedings held

STANDARD AGREEMENT

AGREEMENT NUMBER

6/55

1. This Agreement is entered into between:

LOCAL AGENCY'S NAME

Pacific Grove Unified School District

CONTRACTOR'S NAME

Department of General Services / Office of Administrative Hearings

2. The term of this

Agreement is:

Upon the date of approval and execution by all parties through five years

3. The maximum amount

\$ 48,000.00

of this Agreement is:

Forty Eight Thousand Dollars and No Cents

4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.

Exhibit A – Scope of Work

6 pages

Exhibit B – Budget Detail and Payment Provisions

2 pages

Exhibit C – General Terms and Conditions

1 pages

Exhibit D - Service Revolving Fund (SRF) Directive – Payment By Wire Transfer

2 pages

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR

CONTRACTOR'S NAME

Office of Administrative Hearings

BY (Authorized Signature)



DATE SIGNED(Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

Bob Varma, Deputy Director and Assistant Chief Administrative Law Judge

ADDRESS

2349 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833

LOCAL AGENCY

LOCAL AGENCY NAME

Pacific Grove Unified School District

BY (Authorized Signature)



DATE SIGNED(Do not type)

I declare under penalty of perjury that I have full authority to execute this agreement on behalf of the Local Agency.

PRINTED NAME AND TITLE OF PERSON SIGNING

Claudia Arellano, Director II, Human Resources

ADDRESS

435 Hillcrest Ave., Pacific Grove, CA 93950

EXHIBIT A

SCOPE OF WORK

1. Upon request of Pacific Grove Unified School District
(hereinafter referred to as "Local Agency"), the Office of Administrative Hearings (OAH) agrees to furnish the services of Administrative Law Judges (ALJs) and case management staff to the Local Agency, for the purpose of managing cases and conducting hearings under Government Code section 27727 when required personnel are available by OAH. The assignment of ALJs for hearings will be at the discretion of the Director and/or Presiding Administrative Law Judges, who may elect to hear the matter themselves.

2. Project Representatives

The project representatives during the term of this agreement will be:

Office of Administrative Hearings

Susan L. Formaker, Division Chief Presiding Administrative Law Judge

Phone: 213-576-7200

Email: Susan.Formaker@dgs.ca.gov

Local Agency: Pacific Grove Unified School District

Name: Claudia Arellano

Title: Director II, Human Resources

Phone: (831)646-6507

Email: carellano@pgusd.org

Direct all inquiries regarding this agreement to:

Office of Administrative Hearings

Leon Vang, Contract Analyst

2349 Gateway Oaks Dr. Suite 200

Sacramento, CA 95833

Phone: (279) 227-4024

Email:leon.vang@dgs.ca.gov

Local Agency: Pacific Grove Unified School District

Attention: Linda Adamson

Address: 435 Hillcrest Ave., Pacific Grove, CA 93950

Phone: (831) 646-6553

Email: ladamson@pgusd.org

All invoices and billing shall be to directed to:

Local Agency: Pacific Grove Unified School District

Attention: Accounts Payable

Address: 435 Hillcrest Ave., Pacific Grove, CA 93950

Phone: (831)646-6519

Email: accountspayable@pgusd.org

The Project Representative and Agreement and Billing Representative may be changed through written confirmation to the other party. This change shall not require an amendment to this agreement. It may take up to two billing cycles for a change to the Local Agency Billing Contact to be in effect.

3. Services to be Performed:

- a. The Local Agency shall provide OAH a written request to set a matter for hearing or mediation with all pleadings, documents, papers, or other materials that have been provided to the other party. The Local Agency agrees to provide OAH copies of all applicable laws and ordinances governing the hearing at the time the request for hearing or mediation is made. The Local Agency agrees that OAH will not be able to schedule a hearing or mediation until these materials are provided. The Local Agency shall indicate in the request to set a matter for hearing if OAH is to issue a proposed or final decision in the matter. If a proposed decision is required, Local Agency shall provide the name and contact information for the decision-maker who is responsible for making the final decision.

- b. The Local Agency shall electronically file the request to set a matter for hearing and all other required pleadings and papers with OAH using the secure electronic filing system offered by OAH or otherwise in accordance with OAH requirements.
 - c. The Local Agency shall inform OAH if the hearing is to be electronically recorded or if a court reporter is required. If a court reporter is required, the Local Agency shall indicate at the time the request a hearing if they will be providing a court reporter or if OAH should provide one. Unless the Local Agency or OAH determines a court reporter is required by statute, ordinance, or regulation, the hearing will be electronically recorded by OAH.
 - d. OAH shall perform all case management and hearing services that OAH, in its sole discretion, deems necessary to the proper handling and adjudication of the case.
 - e. The Local Agency agrees to inform OAH 30 days prior to the hearing if any accommodations or interpreters are required. Local Agency shall be responsible for the costs of accommodations or interpreters. If OAH incurs costs for providing reasonable accommodations, interpreter or translation services for any matter under this agreement, those costs shall be borne by the Local Agency.
 - f. Record Retention: OAH shall retain all records in accordance with its current record retention schedule. If the Local Agency requests OAH to issue a proposed decision, the exhibits will be returned to the Local Agency Project Representative along with the proposed decision at the conclusion of the matter, and the Local Agency shall be deemed the custodian of the administrative record.
4. Service Location: The services shall be performed at a location convenient for OAH and all parties. The Local Agency shall file a request for mediation or hearing directly with the local OAH office which is handling the matter.
5. Record of the Proceeding:
- a. If a Court Reporter is not used, OAH shall be responsible for electronic recording of all hearings, and shall impose a recording fee not to exceed the amount set by the Department of General Services through the Price Book. The current Price

Book is located at: <https://www.dgs.ca.gov/OFS/Price-Book>. The electronic recording fee shall only be imposed following the actual recording of a proceeding and shall not be included as part of the filing fee or electronic evidence fee.

- b. If OAH provides a Court Reporter, the Local Agency is responsible for all costs associated with the Court Reporter, in accordance with the current contract rates. Current contract rates, including Court Reporter and transcription costs, can be found at: <https://www.dgs.ca.gov/OAH/Case-Types/General-Jurisdiction/Resources/Page-Content/General-Jurisdiction-Resources-List-Folder/Find-Contract-Information-to-Obtain-OAH-Court-Reporter-Services>.
 - c. OAH shall arrange for transcription of hearing recordings upon the request of any party to the proceeding or the Local Agency Project Representative and upon receipt of payment for transcription costs. OAH may use a vendor for transcription services.
 - d. OAH will charge a requesting party the actual cost of preparing the administrative record. If the requesting party has been declared in forma pauperis, or has received a waiver of court fees from a court of competent jurisdiction in a case arising out of the OAH matter, and is seeking judicial review of the case before OAH, the Local Agency shall pay the full costs for preparing the administrative record and/or transcript. OAH will notify the Local Agency of the associated costs prior to preparing such records.
 - e. OAH will not include within its administrative record any records or hearing exhibits the custody of which has been transferred to the Local Agency. OAH may prepare a clerk's record upon request and payment of associated fees in these circumstances.
6. Rates
- a. In consideration of the performance of such services by OAH, the Local Agency agrees to pay to OAH the full cost of rendering such services at the rate established at the time the services are rendered. The Local Agency is responsible for the filing fee for each case filed, an electronic evidence fee for

each case filed, ALJ (including Presiding Administrative Law Judge, and Division Chief Administrative Law Judge) time billed at an hourly rate, an electronic recording fee if the proceedings are electronically recorded, the cost of all accommodation or interpreter services requested, and the full cost of any preparation of the clerk's record or transcript at the current contract rates.

- b. In the event a calendared case is taken off-calendar, or needs to be re-calendared, other than by OAH, and OAH is unable to schedule the ALJ for work on another case, the Local Agency agrees to pay OAH for the original hearing time or until the ALJ is assigned to another case, whichever occurs first. Every effort will be made to promptly reassign the scheduled ALJ in the event a calendared matter is cancelled, taken off-calendar, settled, re-calendared or continued.
 - c. The costs of OAH's services include filing fees, ALJ hourly rates, electronic evidence fees, any reasonable costs related to any requested accommodations, and translator/interpreter fees as required. All costs associated with providing a record of the hearing (reporter/transcription, etc.) shall be billed directly to the requesting party or the Local Agency in accordance with Section 5 above. ALJ hourly rates and filing fees charged by OAH will be the rates set forth in the Department of General Services' Price Book at the time the services are rendered. Rates for electronic evidence will be the current contract rates at the time the services are rendered. Rates for court reporters will be the current contract rates at the time the services are rendered, which vary by geographical location. Fees for translator/interpreters and transcription services will be based on current contract rates at the time the services are rendered. All rates are subject to change annually. The current contract rates for these services can be found on OAH's website.
 - d. The Local Agency agrees to be responsible for the full costs of any service provided by OAH on a Local Agency case, regardless of any agreement the Local Agency may have with a third party or any other cost-sharing provision.
7. The contract is effective upon approval and execution of all signatures to this contract. The term of this contract is five years from the effective date of the contract. This

contract may only be amended for term and amount upon mutual agreement of the parties.

EXHIBIT B

BUDGET DETAIL AND PAYMENT PROVISIONS

1. The Office of Administrative Hearings is a reimbursable entity as detailed in Government Code section 11370.4. Notwithstanding any other provision of law, the total cost of services provided by the OAH shall be collected from the Local Agency entering into this agreement.
2. Parties shall keep apprised of the balance of this agreement at all times. Local Agency agrees to notify OAH when the expended amount is close to exhausting the funds in this agreement.
3. For services rendered in accordance with the Scope of Work, the Local Agency shall compensate the OAH for the full cost of services and actual expenditures incurred in accordance with the rates specified herein. Compensation for services rendered by OAH pursuant to this agreement shall not be dependent on the decision rendered by the ALJ in a hearing involving the Local Agency. OAH charges shall include the following: filing fees, electronic evidence fees, electronic recording fees, Administrative Law Judge hourly charges, and translator/interpreter fees as required. Additionally, all costs associated with providing a record of the hearing (reporter/transcription, etc.) shall be billed directly to the Local Agency.
4. Invoices shall be paid promptly and delays in payment may result in OAH's discontinuation of services.
5. ALJ hourly rates, electronic recording fees and filing fees charged by OAH will be the rates set forth in the Department of General Services' Price Book at the time the services are rendered. Rates for court reporters will be the current contract rates at the time the services are rendered, which vary by geographical location. Rates for electronic evidence will be the current contract rates at the time the services are rendered. Fees for translator/interpreters and transcription services will be based on current contract rates at the time the services are rendered. All rates are subject to change annually. Any training required of the ALJs by the Local Agency to conduct

these hearings will be paid out of the contract funds by the Local Agency at the prevailing ALJ hourly rate. The Price Book is available at <https://www.dgs.ca.gov/OFS/Price-Book>

6. OAH shall be paid not more frequently than monthly, in arrears, upon issuance of an invoice by the Department of General Services which details charges, expenses, direct and indirect costs.
7. Payment may be completed through direct transfer, in accordance with Service Revolving Fund Directive, SRF #1025, attached hereto as Exhibit D. For questions about establishing a wire transfer process with OAH/DGS, the Local Agency shall contact DGS at SRFFISCALSERVICES@dgs.ca.gov or the OAH Project Representative.

EXHIBIT C

GENERAL TERMS AND CONDITIONS

1. APPROVAL: This Agreement is of no force or effect until signed by both parties.
2. AMENDMENT: Except as noted in Exhibit A, Paragraph 2, no amendment or variation of the terms of this Agreement shall be valid, unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.
3. CANCELLATION/TERMINATION:
 - A. This agreement may be cancelled or terminated without cause by either party by giving 30 calendar days advance written notice to the other party. Such notification shall state the effective date of termination or cancellation and include any final performance and/or payment/invoicing instructions/requirements.
 - B. Upon receipt of a notice of termination or cancellation from the Local Agency, OAH shall take immediate steps to stop performance and to cancel or reduce subsequent contract costs.
 - C. OAH shall be entitled to payment for all allowable costs authorized under this agreement, including authorized non-cancelable obligations incurred up to the date of termination or cancellation, provided such expenses do not exceed the stated maximum amounts payable.
4. GOVERNING LAW: This contract is governed by and shall be interpreted in accordance with the laws of the State of California.
5. SETTLEMENT OF DISPUTES: In the event of a dispute, the Local Agency shall file a "Notice of Dispute" with the Director of OAH within 10 days of discovery of the problem. Within 10 days, the Director of OAH may meet with the Local Agency for purposes of resolving the dispute. The Director of OAH shall make the final administrative decision regarding a dispute.

EXHIBIT D

Service Revolving Fund (SRF) Directive – Payment By Wire Transfer

SERVICE REVOLVING FUND (SRF) DIRECTIVE

Number: SRF # 1025	Subject: PAYMENT BY WIRE TRANSFER	Date Issued: REV 10/2018
References: SAM Section 8091		

PURPOSE

To outline the process for a private company to set up wire transfer documents with their banking institution in making payments to the State of California, Department of General Services (DGS).

PROCEDURES

The following instructions are for the private company and their banking institution, the DGS Office contact person, and the DGS SRF Receivables Analyst in requesting and processing wire transfers:

A. APPROVAL REQUESTED TO TRANSFER FUNDS INTO DGS ACCOUNT

Either the private company or the DGS Office is to contact SRF Receivable Analyst by E-mail at SRFFISCALSERVICES@dgs.ca.gov to obtain **approval to wire transfer funds into the DGS Account**. The following information is needed along with any pertinent data that would help identify the nature of the payment:

1. Company Name
2. Company Representative (name, phone, e-mail and fax number)
3. DGS Office contact person name
4. Escrow Account Number
5. Reason for payment
6. Amount

If you have any questions regarding the wire transfer process, please contact SRF Receivables Analyst by E-mailing to SRFFISCALSERVICES@dgs.ca.gov or by phone at 916-376-5182.

B. WIRE TRANSFER PROCESS**1) PRIVATE COMPANY & BANKING INSTITUTION**

Provide your banking institution with the following information to set up wire transfer payments to DGS (banking customer is responsible for the payment of any processing fee):

ABA Routing Number: 026009593
Account Number: 14360-80784

Department of General Services
OFS - SRF Fiscal Services
707 Third Street, 10th Floor
West Sacramento, CA 95605

2) DGS OFFICE CONTACT PERSON

Provide [DGS OFS 2028 Report of Check/Cash Collection](#) to the SRF Receivable Analyst as soon as you know that a wire transfer payment is in process. This will ensure the money is recorded properly in the Financial Information System for California (FI\$Cal) Accounts Receivable Module.

3) DGS SRF RECEIVABLES ANALYST

Once the wire transfer has been made, SRF Receivable Analyst will run the State Treasury Bank of America Report and apply the transfer using the Report of Check/Cash Collection or the E-mail from the private company or the DGS Office to record the transfer of funds in FI\$Cal.

- Student Learning and Achievement
 Health and Safety of Students and Schools
 Credibility and Communication
 Fiscal Solvency, Accountability and Integrity

- Consent
 Action/Discussion
 Information/Discussion
 Public Hearing

SUBJECT: Board Policy Updates

DATE: March 21, 2024

PERSON(S) RESPONSIBLE: Dr. Linda Adamson, Superintendent

RECOMMENDATION:

The District Administration recommends the Board review Administrative Regulation 1220 and disregard recommendation from second reading to change “Governing Board” to “Board of Trustees”.

BACKGROUND:

The Board Policy Committee contains two Trustees (Carolyn Swanson and Jennifer McNary) who meet with Administrators responsible for whatever policies are up for review/discussion. The Board Policy Committee reviews the updates provided by CSBA (explanation below) as well as any Board requested policies or Administrative recommendations. The following Administrative Regulation returns as Action/Discussion for final Board approval.

CSBA employs several full-time staff to keep its sample policy manual updated. It updates approximately 100 polices every year to stay up to date with changes in the law and publishes these updates in four bundles called “policy update packets.” These are issued four times a year: March, June, September, and December, as well as any special updates as needed. Subscribers to GAMUT Policy Plus receive announcements every time CSBA issues a policy update packet and can access the packet by logging into their proprietary site.

CSBA encourages districts to review each update packet once it’s issued to see which policies the district may need to update. Districts can review a “guide sheet” that lists the changes that CSBA has made as well as the text in the policies themselves to determine which policies they want to update. Once they determine this, they can prepare drafts of the new policies to send to their Board for review and adoption. By reviewing each CSBA policy update packet and taking action accordingly, districts can ensure that the policy manual is always accurate and up-to-date. CSBA encourages districts to establish a consistent process for reviewing, processing, and approving update packets so they never fall behind on policies.

INFORMATION:

At the January 24, 2024 Board Policy Committee meeting, the committee reviewed the CSBA policy updates from December 2023, as well as Board requested and Administrative recommended updates.

DECEMBER 2023 CSBA POLICY UPDATES

Administrative Regulation 1220 – Citizen Advisory Committees

- Reviewed by Superintendent Dr. Linda Adamson
- Recommendation: Change “Governing Board” wording to “Board of Trustees” - *DISREGARD*

Regulation 1220: Citizen Advisory Committees

Status: ADOPTED

Original Adopted Date: 07/01/2007 | **Last Revised Date:** 12/01/2018~~2023~~ | **Last Reviewed Date:** 12/01/2018~~2023~~

CSBA NOTE: The following optional administrative regulation may be modified to reflect district practice.

Pursuant to Government Code 815.2 and 820.9, members of advisory committees are not liable for injuries caused by the act or omission of the district, a committee, or a committee member acting within the scope of his/~~her~~the member's role as a member of the committee. However, a committee member may be liable for injury caused by his/~~her~~the member's own wrongful conduct.

Committee Charge

CSBA NOTE: Items #1-9 may be modified to reflect district practice. When committees are appointed, committee members shall receive written information which includes, but is not limited to:

1. The committee members' names
2. The procedure to be used in the selection of the committee chairperson and other committee officers
3. The name(s) and contact information of staff member(s) assigned to support the work of the committee
4. The goals and specific charge(s) of the committee, including its topic(s) for study
5. The specific period of time that the committee is expected to serve
6. Legal requirements regarding meeting conduct and public notifications
7. Resources available to help the committee perform its tasks
8. Timelines for progress reports and/or final report
9. Relevant Board policies and administrative regulations

Committees Subject to Brown Act Requirements

CSBA NOTE: Generally, any commission, committee, board, or other body created by formal action of the Governing Board, regardless of whether that body is permanent or temporary, decision-making or advisory, is a "legislative body," as defined in Government Code 54952, and is required to comply with the open meeting laws (Brown Act). However, some committees are by law exempted from the Brown Act. For example, committees specified in Education Code 35147 are not subject to the Brown Act; see "Committees Not Subject to Brown Act Requirements" below. Committees composed solely of Board members who are less than a quorum of the Board may also be exempt

from Brown Act requirements in limited circumstances; see BB 9130 - Board Committees.

Committees listed in ~~items~~Items #1-~~5~~4 below are generally created by formal Board action and thus are subject to the Brown Act. This list should be modified to add any other specific committees in the district created by formal Board action or any committees that the Board has required to follow the Brown Act. This list should be modified to delete any of the committees that were not created by formal Board action (e.g., Superintendent committees) or do not exist within the district. In *Frazer v. Dixon Unified School District*, the court held that the adoption of a Board policy that required the appointment of a committee to advise the Superintendent, and in turn, the Board, was a committee created by "formal Board action" within the meaning of Government Code 54952. Therefore, the committee's meetings were subject to the Brown Act. Districts should consult [CSBA's District and County Office of Education Legal Services or district](#) legal counsel when questions arise regarding the applicability of Brown Act requirements to district or school committees.

Brown Act requirements pertaining to open meetings, notices, and public participation pursuant to Government Code 54950-54963 shall be complied with by any committee created by formal action of the Governing Board, including, but not limited to, the following:

1. ~~Advisory committee established pursuant to Education Code 56190-56194 related to special education~~
2. 1. Advisory committee established pursuant to Education Code 8070 related to career technical education
3. 2. Committee established to assist in development of a student wellness policy pursuant to 42 USC 1758b
4. 3. Committee established pursuant to Education Code 17387-17391 related to the use or disposition of excess real property
5. 4. Citizens' oversight committee established to examine the expenditure of general obligation bond or school facilities improvement bond revenues passed with a 55 percent majority of the voters pursuant to Education Code 15278 and 15359.3

Committees Not Subject to Brown Act Requirements

CSBA NOTE: Pursuant to Education Code 35147, school site councils and some advisory committees, as specified in ~~items~~Items #1-~~6~~7 below, are exempt from the Brown Act but must comply with other, less complex procedural requirements (i.e., the "mini" Brown Act). In addition, the Board may require other specific district committees that are not subject to the Brown Act to follow the requirements of the "mini" Brown Act. Such committees should be added to the list below.

The following committees shall comply with procedural meeting requirements established in Education Code 35147:

1. Parent advisory committee and English learner parent advisory committee established pursuant to Education Code 52063 to review and comment on the local control and accountability plan

CSBA NOTE: Pursuant to Education Code 35147, school site councils are exempt from the Brown Act and are subject to the procedural meeting requirements in Education Code 35147. However, Education Code 35147 has not yet been amended for consistency with AB 716 (Ch. 471, Statutes of 2018), which repealed Education Code 52852 and moved the requirements related to school site councils to Education Code 65000-65001..

2. School site councils established pursuant to Education Code 65000-65001 to develop and approve a school plan for student achievement
3. District or school advisory committees established pursuant to Education Code 52176 related to programs for English learners
4. School advisory committees established pursuant to Education Code 54425(b) related to compensatory education
5. Any district advisory committee established pursuant to Education Code 54444.2 related to migrant education programs
6. School committees established pursuant to Education Code 11503 related to parent involvement

CSBA NOTE: Pursuant to Education Code 35147, as amended by SB 1057 (Ch. 301, Statutes of 2022), special education advisory committees, established pursuant to Education Code 56190-56194, are not required to meet Brown Act requirements pertaining to open meetings, but must comply with "mini" Brown Act requirements described below.

7. Advisory committees established pursuant to Education Code 56190-56194 related to special education

CSBA NOTE: The paragraphs which follow describe the "mini" Brown Act Requirements pursuant to Education Code 35147.

Meetings of the above councils or committees shall be open to the public, and any member of the public shall have the opportunity to address the council or committee during the meeting on any item within its subject matter jurisdiction. Notice of the meeting shall be posted at the school site or other appropriate location accessible ~~location~~ to the public at least 72 hours before the meeting, specifying the date, time, and location of the meeting and containing an agenda that describes each item of business to be discussed or acted upon. (Education Code 35147)

The above councils or committees shall not take action on any item of business not listed on the agenda ~~unless~~ until after all members present vote unanimously ~~find~~ finding that there is a need to take immediate action and that this need came to the council's or committee's attention after the agenda was posted. In addition to addressing items on the agenda, members of the council, committee, or public may ask questions or make brief statements that do not have a significant effect on district students or employees or that can be resolved solely by providing information. (Education Code 35147)

Any council or committee violating the above procedural requirements must, at the demand of any person, reconsider the item at the next meeting, ~~first~~ after allowing for public input on the item. (Education Code 35147)

Any materials provided to a council or committee shall be made available to any member of the public upon request pursuant to the California Public Records Act, Government Code ~~6250-6270~~7920.00-7930.215. (Education Code 35147)

Committees Created by Superintendent

Committees which are created by the Superintendent or designee to advise the administration, that do not report to the Board, and are not specified in Education Code 35147, shall not be subject to the requirements of the Brown Act or Education Code 35147.

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Ed. Code 11503	Parent involvement programs in Title I schools
Ed. Code 15278-15282	Citizens' oversight committee
Ed. Code 15359.3	School facilities improvement districts
Ed. Code 17387-17391	Advisory committees for use of excess school facilities
Ed. Code 35147	School site councils and advisory committees
Ed. Code 44032	Travel expense payment
Ed. Code 52060	Local control and accountability plan
Ed. Code 52176	Advisory committees; limited-English proficient students program
Ed. Code 54425	Advisory committees; compensatory education
Ed. Code 54444.1-54444.2	Parent advisory councils; services to migrant children
Ed. Code 56190-56194	Community advisory committee; special education
Ed. Code 62002.5	Continuing parent advisory committees
Ed. Code 64001	School plan for student achievement; consolidated application programs
Ed. Code 65000-65001	School site councils
Ed. Code 8070	Career technical education advisory committee
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 7920.000-7930.170 <u>215</u>	California Public Records Act

Gov. Code 810.2	Tort claims act; definition <u>of</u> employee
Gov. Code 810.4	Tort claims act; definition <u>of</u> employment
Gov. Code 815.2	Injuries by employees within scope of employment
Gov. Code 820.9	Members of local public boards not vicariously liable

Federal

42 USC 1758b

Description

Local wellness policy

Management Resources

Court Decision

Description

Frazer v. Dixon Unified School District; (1993) 18 Cal.App.4th 781

Website

CSBA District and County Office of Education Legal Services

Website

California Department of Education

Website

CSBA

Cross References**Code**

0000

Description

Vision

0200

Goals For The School District

0400

Comprehensive Plans

0420

School Plans/Site Councils

0420

School Plans/Site Councils

0430

Comprehensive Local Plan For Special Education

0430

Comprehensive Local Plan For Special Education

0440

District Technology Plan

0440

District Technology Plan

0450

Comprehensive Safety Plan

0450

Comprehensive Safety Plan

0460

Local Control And Accountability Plan

0460

Local Control And Accountability Plan

0500

Accountability

1000

Concepts And Roles

1100

Communication With The Public

1312.3

Uniform Complaint Procedures

1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1330.1	Joint Use Agreements
1340	Access To District Records
1340	Access To District Records
1431	Waivers
1700	Relations Between Private Industry And The Schools
2000	Concepts And Roles
2120	Superintendent Recruitment And Selection
2230	Representative And Deliberative Groups
3100	Budget
3100	Budget
3220.1	Lottery Funds
3231	Impact Aid
3280	Sale Or Lease Of District-Owned Real Property
3280	Sale Or Lease Of District-Owned Real Property
3312	Contracts
3350	Travel Expenses
3430	Investing
3430	Investing
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
3510	Green School Operations
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
4156.2	Awards And Recognition
4256.2	Awards And Recognition
4356.2	Awards And Recognition
5030	Student Wellness
5126	Awards For Achievement

5126	Awards For Achievement
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5142.2	Safe Routes To School Program
5142.2	Safe Routes To School Program
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6146.11	Alternative Credits Toward Graduation
6146.11	Alternative Credits Toward Graduation
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6170.1	Transitional Kindergarten
6171	Title I Programs
6171	Title I Programs
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6173.4	Education For American Indian Students
6174	Education For English Learners
6174	Education For English Learners
6175	Migrant Education Program
6175	Migrant Education Program
6178	Career Technical Education
6178	Career Technical Education
6178.1	Work-Based Learning
6178.1	Work-Based Learning

6181	Alternative Schools/Programs Of Choice
6181	Alternative Schools/Programs Of Choice
7110	Facilities Master Plan
7150	Site Selection And Development
7150	Site Selection And Development
7213	School Facilities Improvement Districts
7214	General Obligation Bonds
7214	General Obligation Bonds
7310	Naming Of Facility
9005	Governance Standards
9130	Board Committees
9140	Board Representatives
9310	Board Policies
9320	Meetings And Notices
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9323	Meeting Conduct

- | | |
|---|--|
| <input type="checkbox"/> Student Learning and Achievement | <input type="checkbox"/> Consent |
| <input type="checkbox"/> Health and Safety of Students and Schools | <input type="checkbox"/> Action/Discussion |
| <input checked="" type="checkbox"/> Credibility and Communication | <input checked="" type="checkbox"/> Information/Discussion |
| <input checked="" type="checkbox"/> Fiscal Solvency, Accountability and Integrity | <input type="checkbox"/> Public Hearing |

SUBJECT: Voter Survey Results

DATE: March 21, 2024

PERSON(S) RESPONSIBLE: Joshua Jorn, Assistant Superintendent Business Services

RECOMMENDATION:

The District Administration recommends the recognition of Dale Scott from Dale Scott & Company to provide survey results and guidance on next steps.

BACKGROUND:

At their meeting on October 26, 2023 the board provided direction to proceed with a survey aimed at collecting data on the community's likelihood for supporting a bond measure on the November 5, 2024 ballot.

INFORMATION:

A successful bond measure would generate funds to pay for critical repairs, modernization of facilities, and new buildings to meet the 21st century instructional standards. The survey results will assist board members in determining whether the district should proceed in placing a bond measure on the November 2024 ballot and, if so, the appropriate structure.

FISCAL IMPACT:

There are no financial implications related to the presentation of the survey results.

MARCH 21, 2024

28/55

Thinking forward
for schools and
communities.



DS&C

PACIFIC GROVE UNIFIED SCHOOL DISTRICT
VOTER SURVEY RESULTS

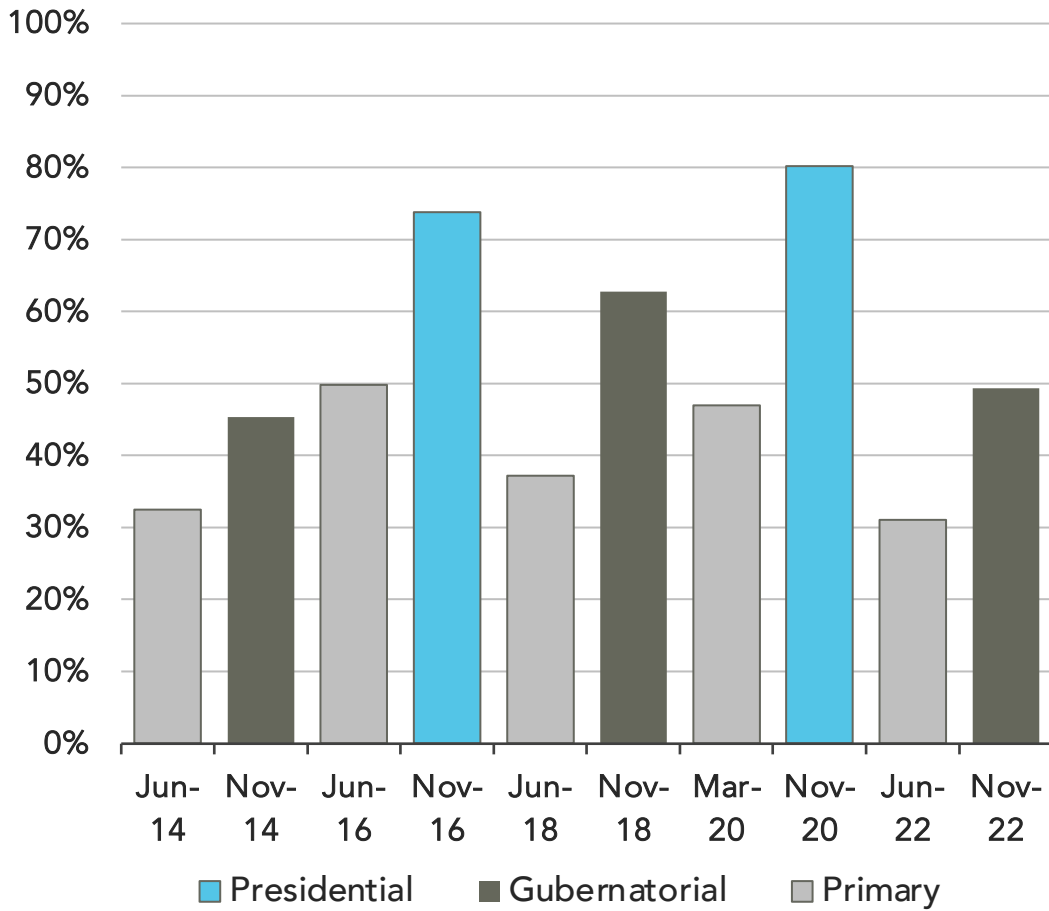


548 Market Street, Suite 44410 | San Francisco, CA 94104 | 415.956.1030 | www.dalescott.com

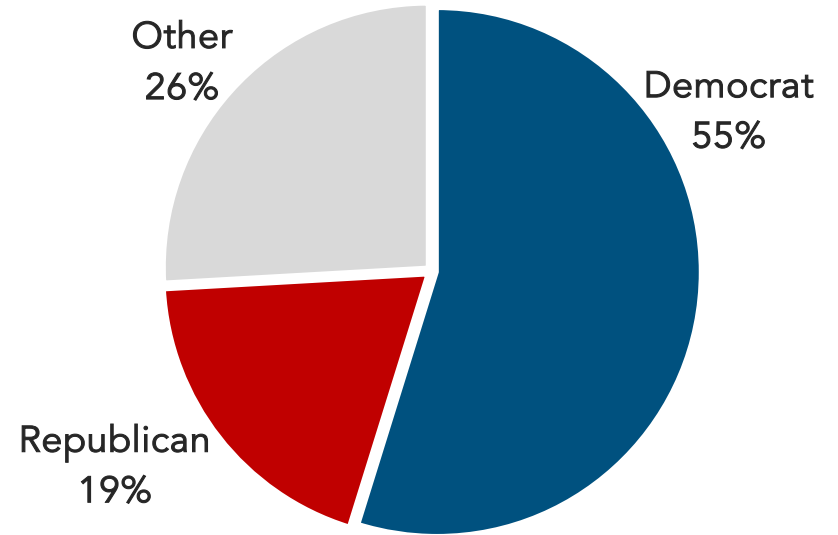
Voter Information

12,145 PACIFIC GROVE UNIFIED SCHOOL DISTRICT REGISTERED VOTERS

Monterey County: Voter Turnout



Pacific Grove USD: Political Party Affiliations

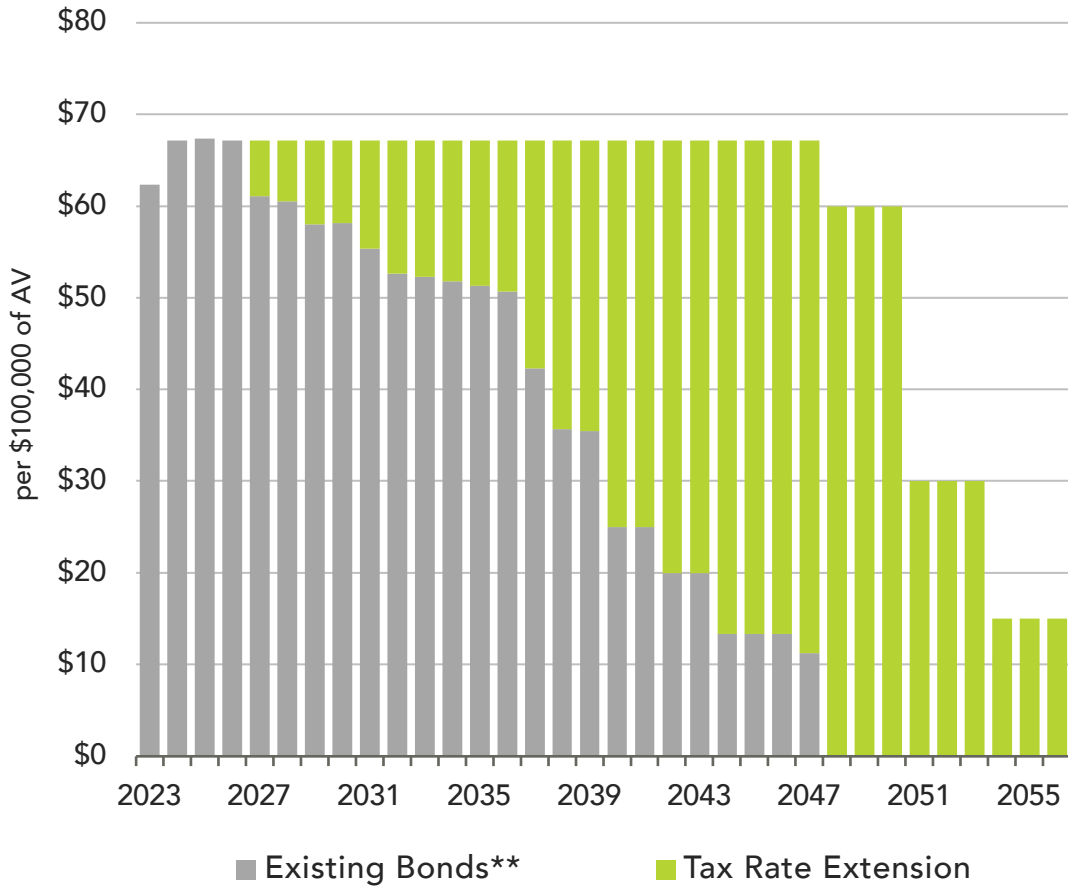


Source: CA SOS and politicaldata.com

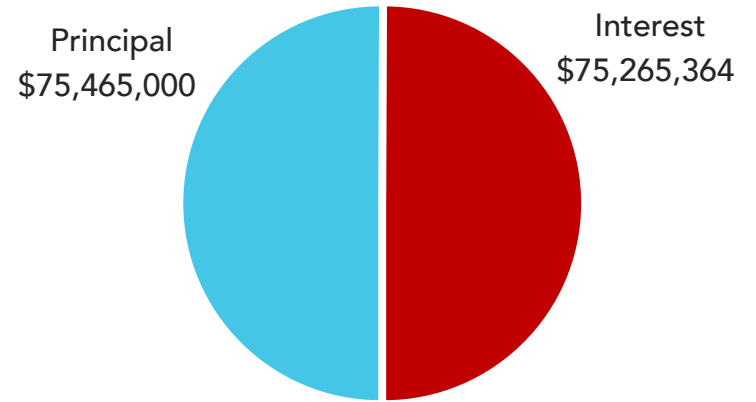
Tax-Rate Extension

EXTENDING TAX RATE WOULD PRODUCE \$75.4 MILLION

Actual/Projected Tax Rates*



Scenario 1:
Tax-Rate Extension



Scenario 1:
Potential Issuance Schedule

Series	Principal	Interest	Total
2025	\$19,245,000	\$22,216,421	\$41,461,421
2028	\$24,175,000	\$25,801,212	\$49,976,212
2031	\$32,045,000	\$27,247,731	\$59,292,731
Total	\$75,465,000	\$75,265,364	\$150,730,364

*Assumes 5.0% AV growth in 2025, 3.75% thereafter
 **Includes future issuances from 2014 & 2020 Authorizations



PACIFIC GROVE UNIFIED SCHOOL DISTRICT

OVERVIEW

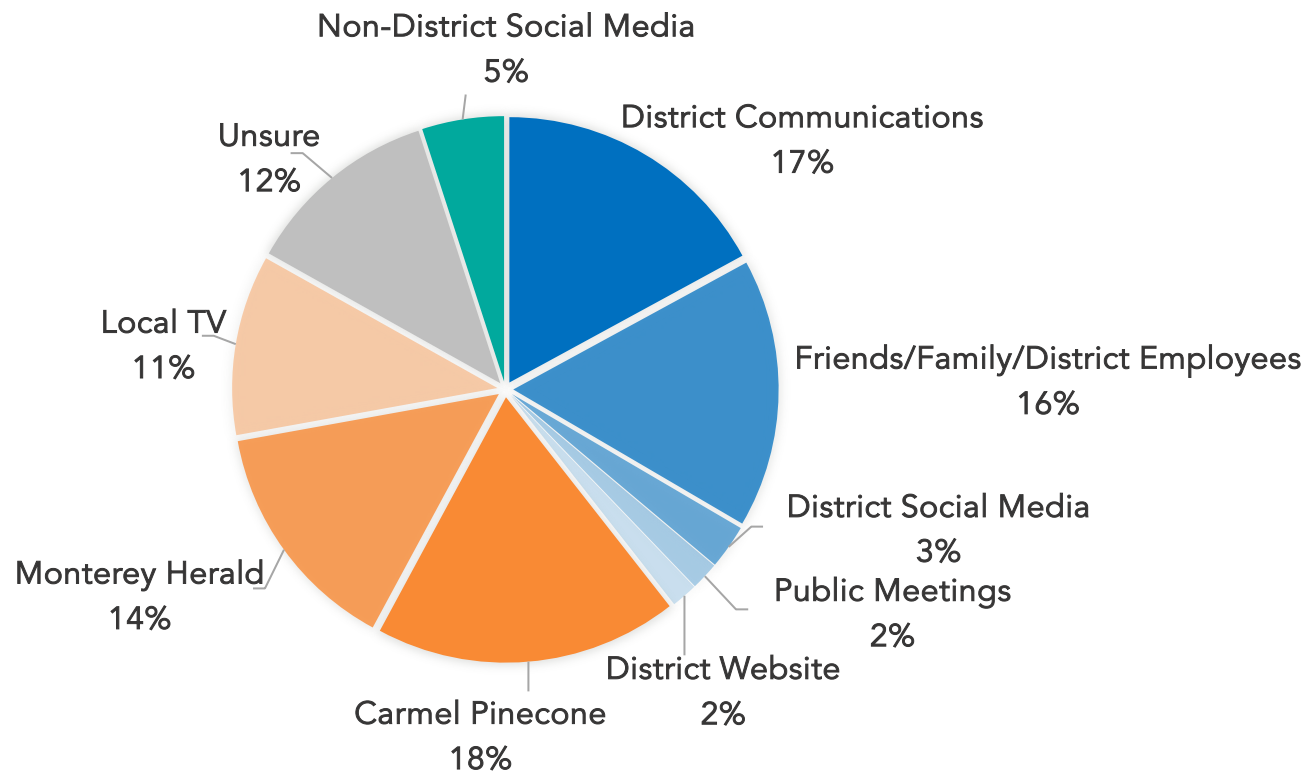
RANDOM SURVEY OF LIKELY VOTERS CONDUCTED IN FEBRUARY 2024

- ▶ Surveys were conducted between 2/7/24 and 2/12/24 in English
- ▶ 160 completed surveys
 - ▶ 53% cell phones
 - ▶ 32% text-to-web
 - ▶ 9% email-to-web
 - ▶ 6% land lines
- ▶ The average length of the survey was 11.85 minutes
- ▶ Margin of error for the survey is 7.723%

INFORMATION ABOUT PACIFIC GROVE UNIFIED SCHOOL DISTRICT

What is the main way you receive information about the Pacific Grove Unified School District?

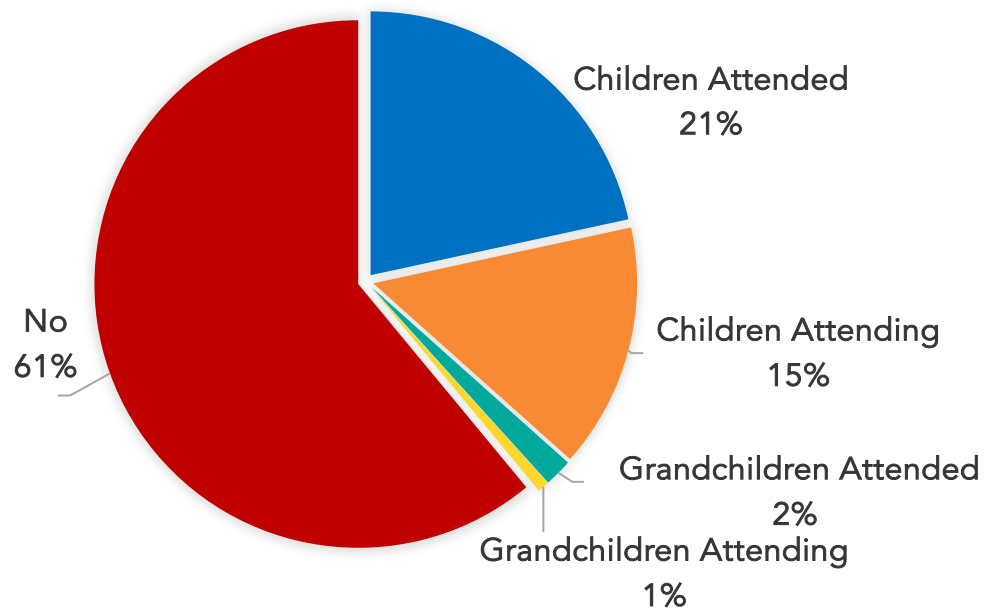
Information About the District



EXPERIENCE WITH THE SCHOOL DISTRICT

Do you have or have you ever had any children or grandchildren who attended or are now attending a school in the Pacific Grove Unified School District?

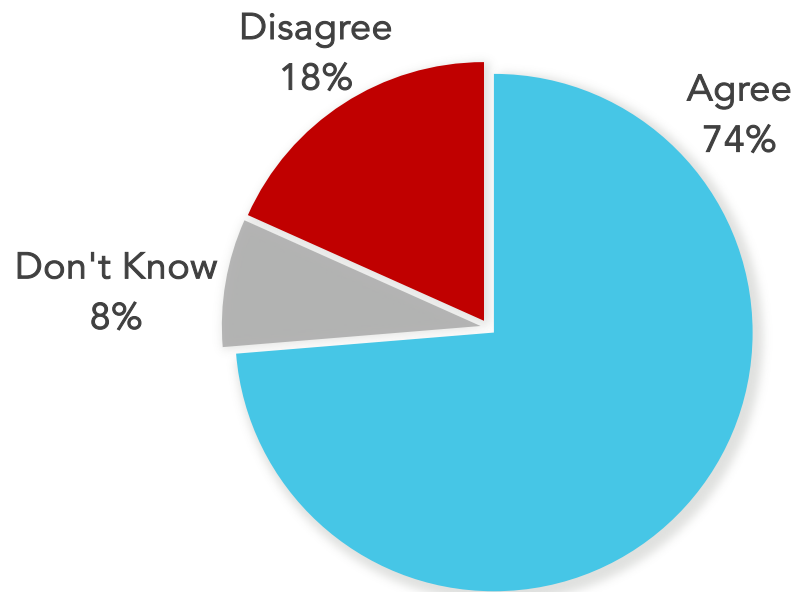
Experience with the District



PUBLIC SCHOOLS WITHIN THE COMMUNITY

Do you agree or disagree that...Pacific Grove public schools are our community's most important asset and should be our number one priority.

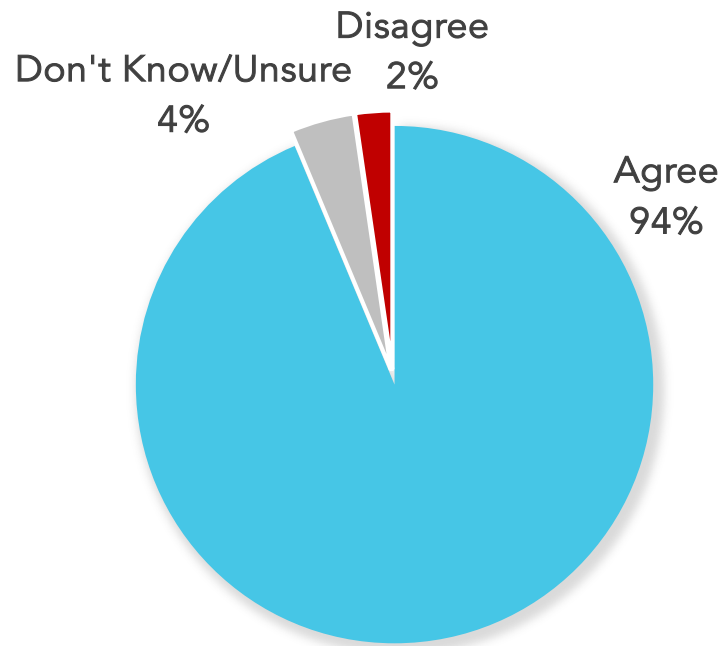
Community's Most Important Asset



SCHOOLS IMPACT ON PROPERTY VALUES

Do you agree or disagree that...Quality schools increase property values.

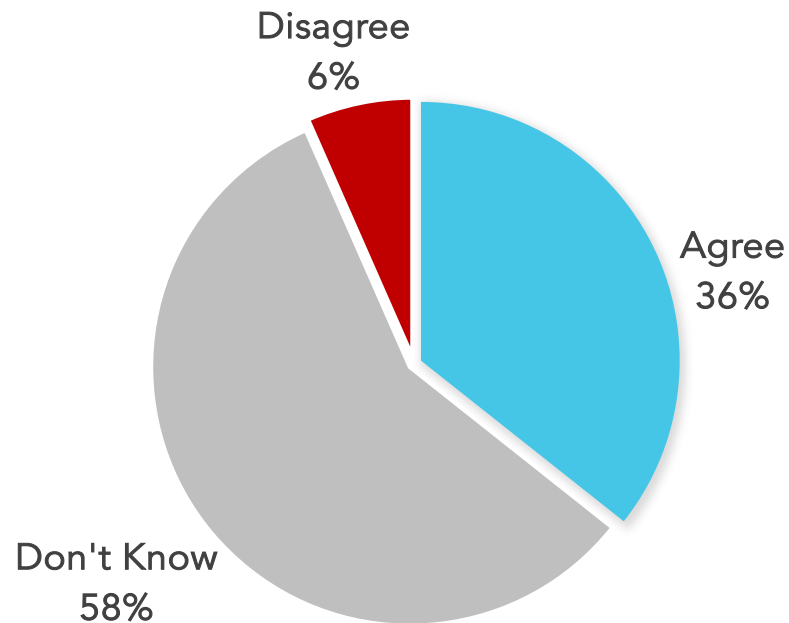
Quality Schools Increase Property Values



COMPLETED PROJECTS WITH MEASURE D FUNDS

Do you agree or disagree that...Pacific Grove USD has successfully completed projects promised with Measure D bond funds approved by voters in March 2020.

Completed Projects with Measure D Bond Funds





PACIFIC GROVE UNIFIED SCHOOL DISTRICT

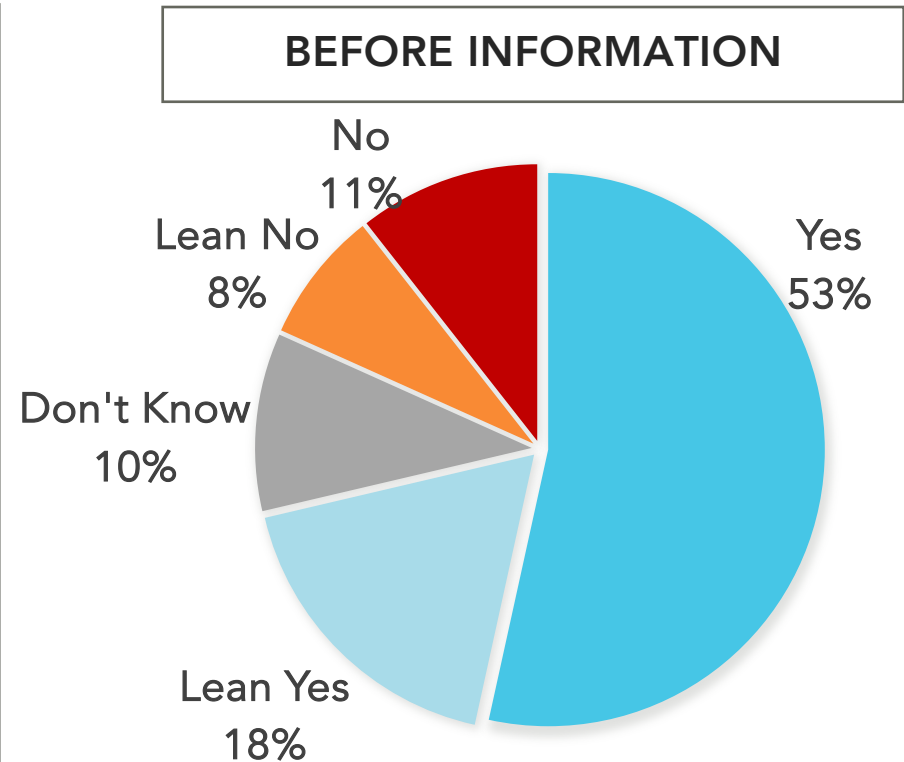
VOTER ATTITUDES

Voter Attitudes

\$78 MILLION BALLOT LANGUAGE (REPAIR/MODERNIZE): (BEFORE INFORMATION)

If the election were held today, would you vote "yes" to approve or "no" to reject the measure?

"With funds that cannot be taken by the State and spent elsewhere, shall Pacific Grove Unified School District's measure to repair/modernize classrooms; replace heating, ventilation, air-conditioning, roofs, and electrical systems; and update security systems at Forest Grove Elementary, Robert Down Elementary, Pacific Middle, Pacific Grove Adult, Community High, and Pacific Grove High Schools be adopted, authorizing \$78 million of bonds with levies below \$60 per \$100,000 of assessed valuation (raising \$5 million annually), with legal rates, citizen oversight, full public disclosure of spending and no increase in current tax rates?"

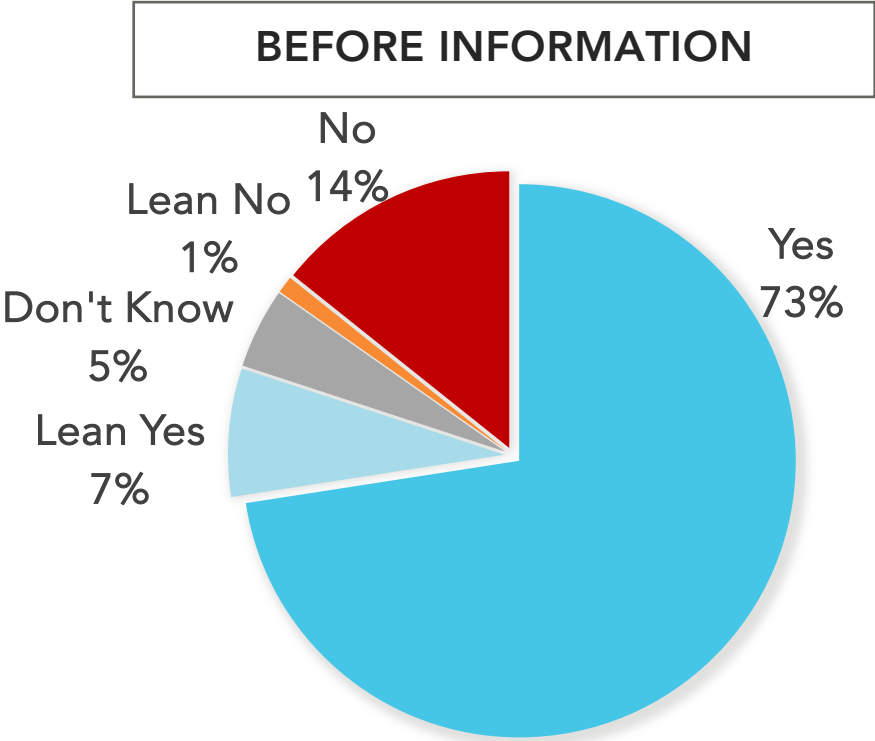


Voter Attitudes

\$78 MILLION BALLOT LANGUAGE (RENOVATE/MODERNIZE): (BEFORE INFORMATION)

If the election were held today, would you vote "yes" to approve or "no" to reject the measure?

"With funds that cannot be taken by the State and spent elsewhere, shall Pacific Grove Unified School District's measure to renovate /modernize Science, Technology, Engineering, Robotics, Career and Technical Education, and pre-kindergarten classrooms/labs at Forest Grove Elementary, Robert Down Elementary, Pacific Middle, Pacific Grove Adult, Community High, and Pacific Grove High Schools be adopted, authorizing \$78 million of bonds with levies below \$60 per \$100,000 of assessed valuation (raising \$5 million annually), with legal rates, citizen oversight, full public disclosure of spending and no increase in current tax rates?"



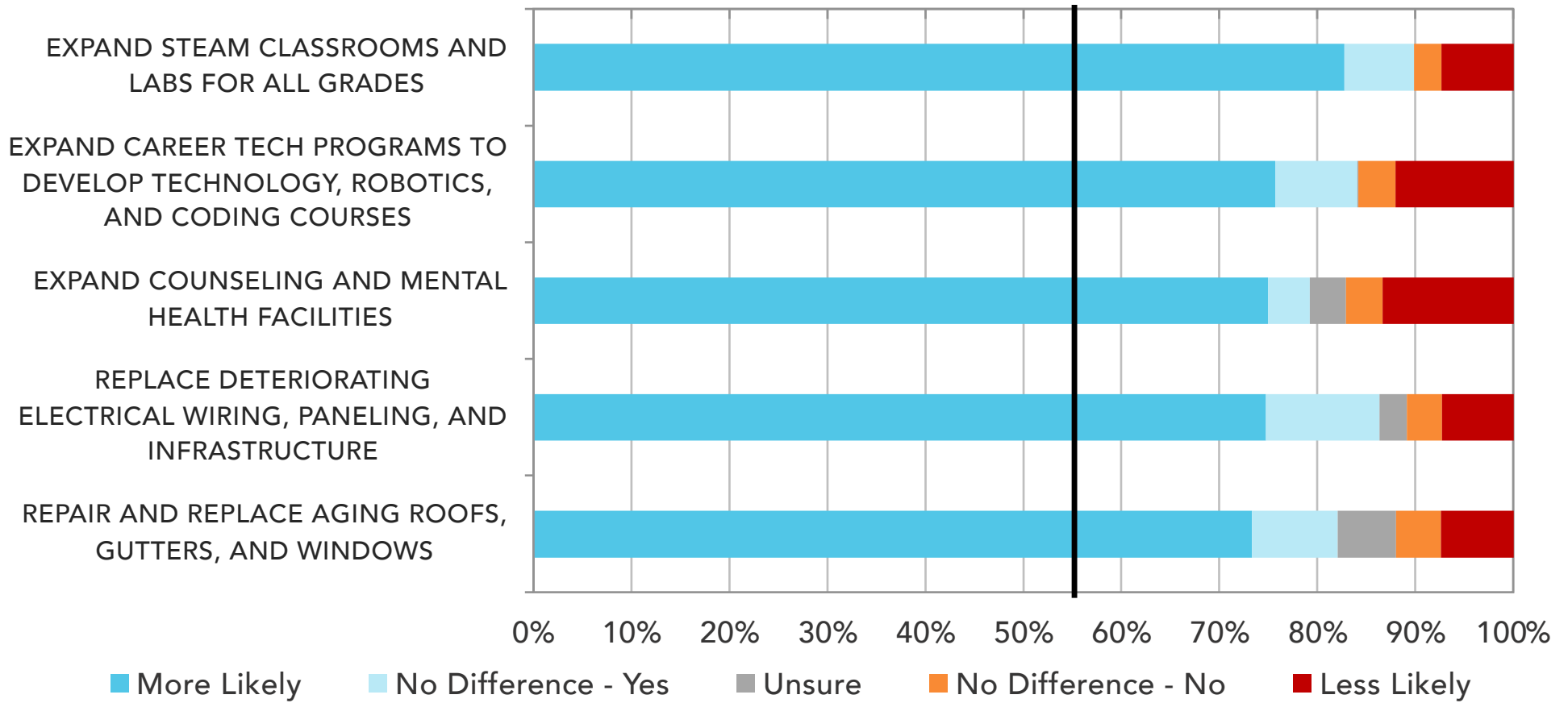


PACIFIC GROVE UNIFIED SCHOOL DISTRICT

PROJECTS

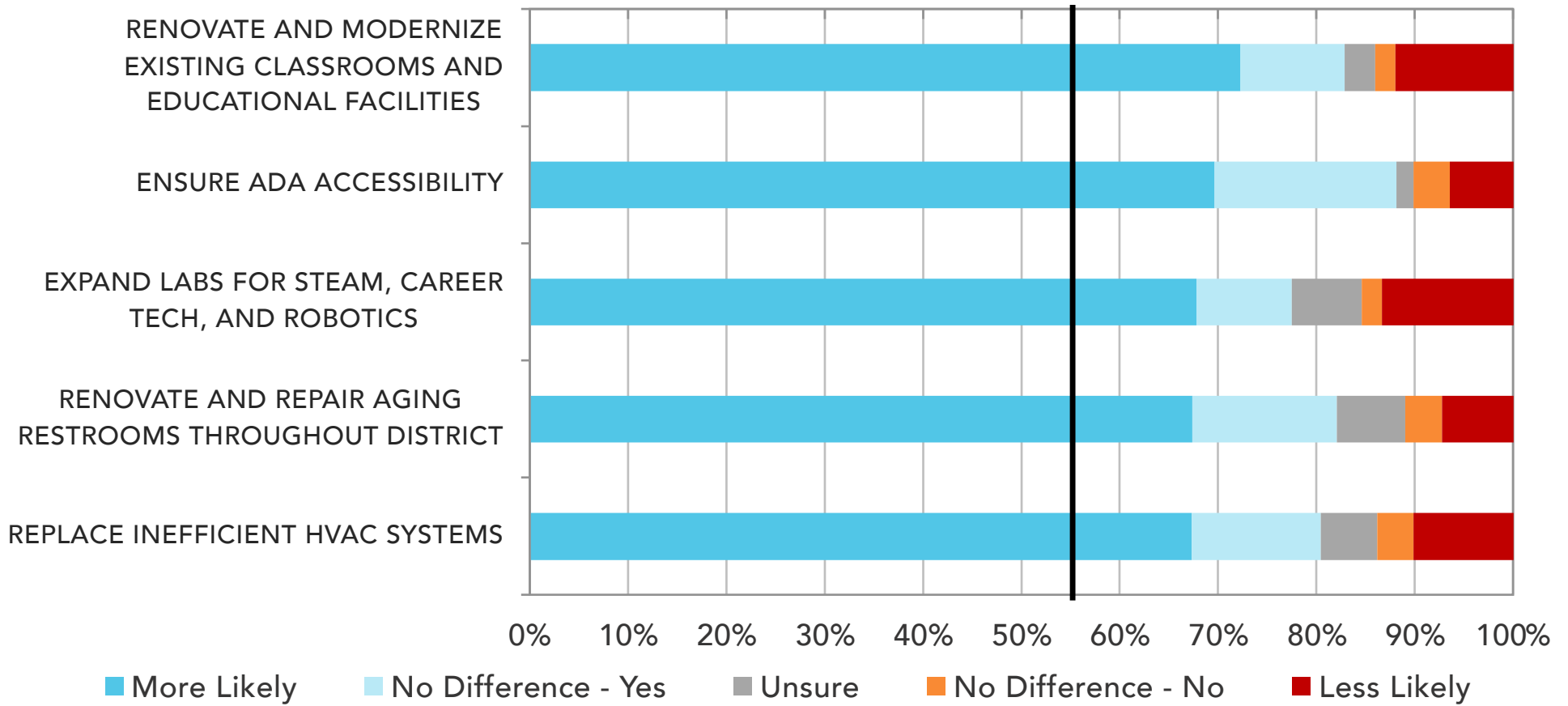
IMPACT OF SPECIFIC PROJECTS

Here are some details regarding the proposed bond. For each statement, please tell me if it would make you more or less likely to vote for the bond?



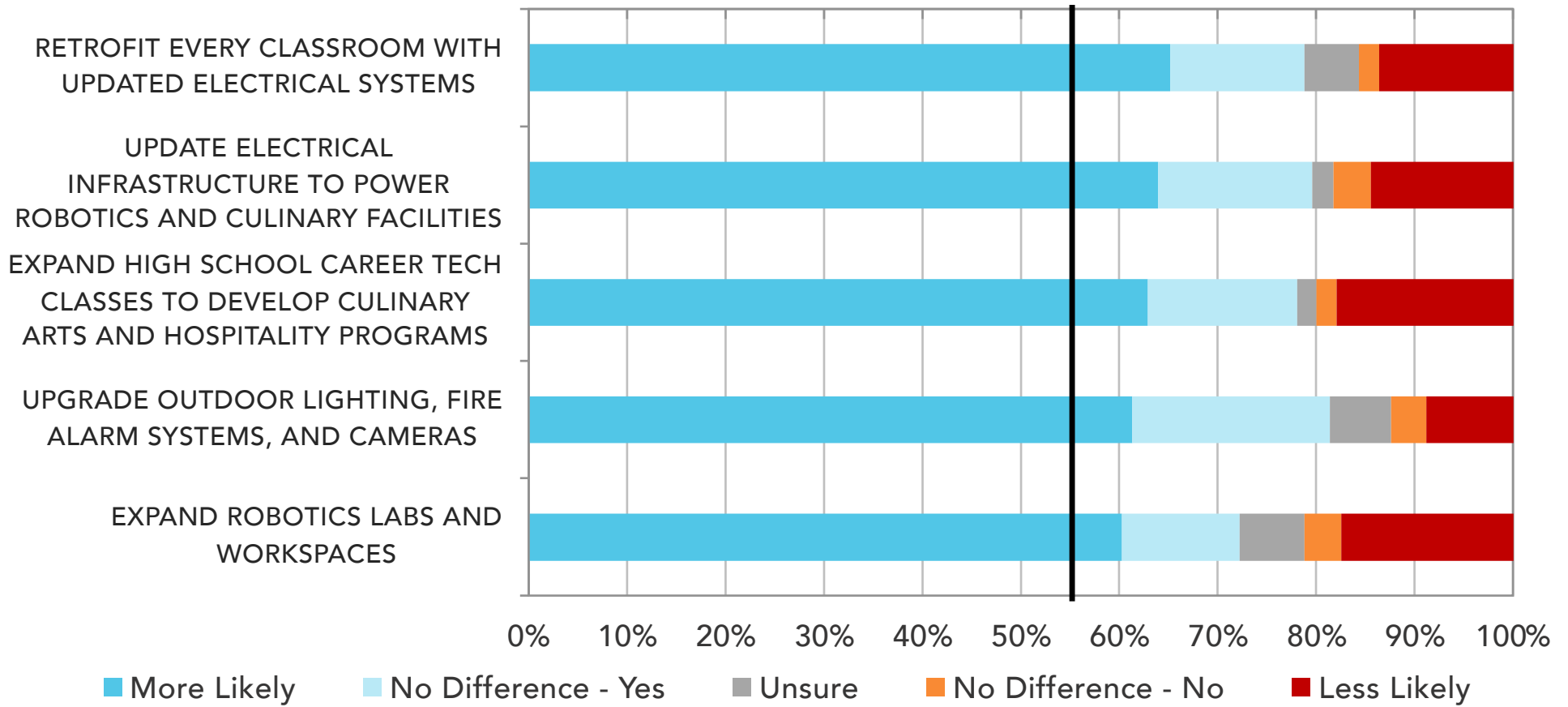
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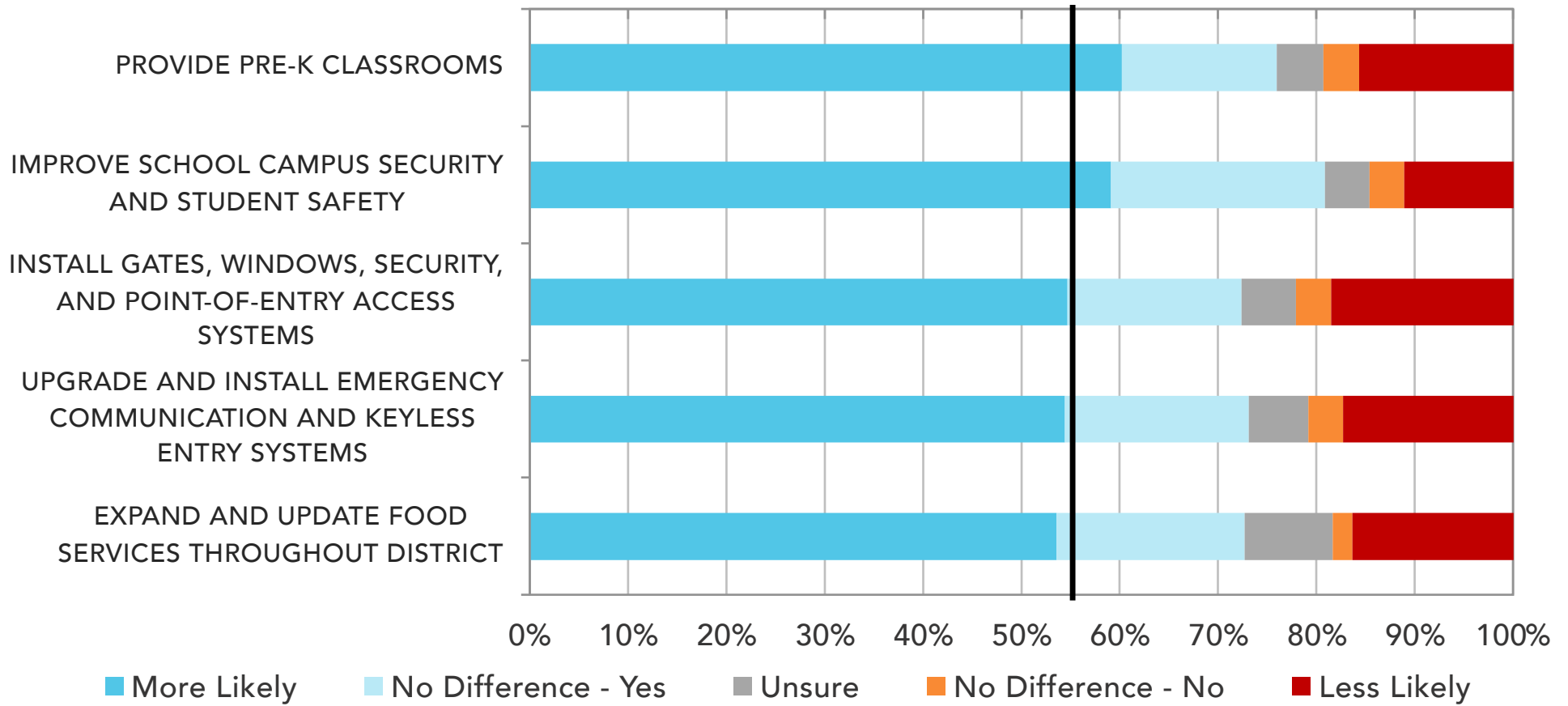
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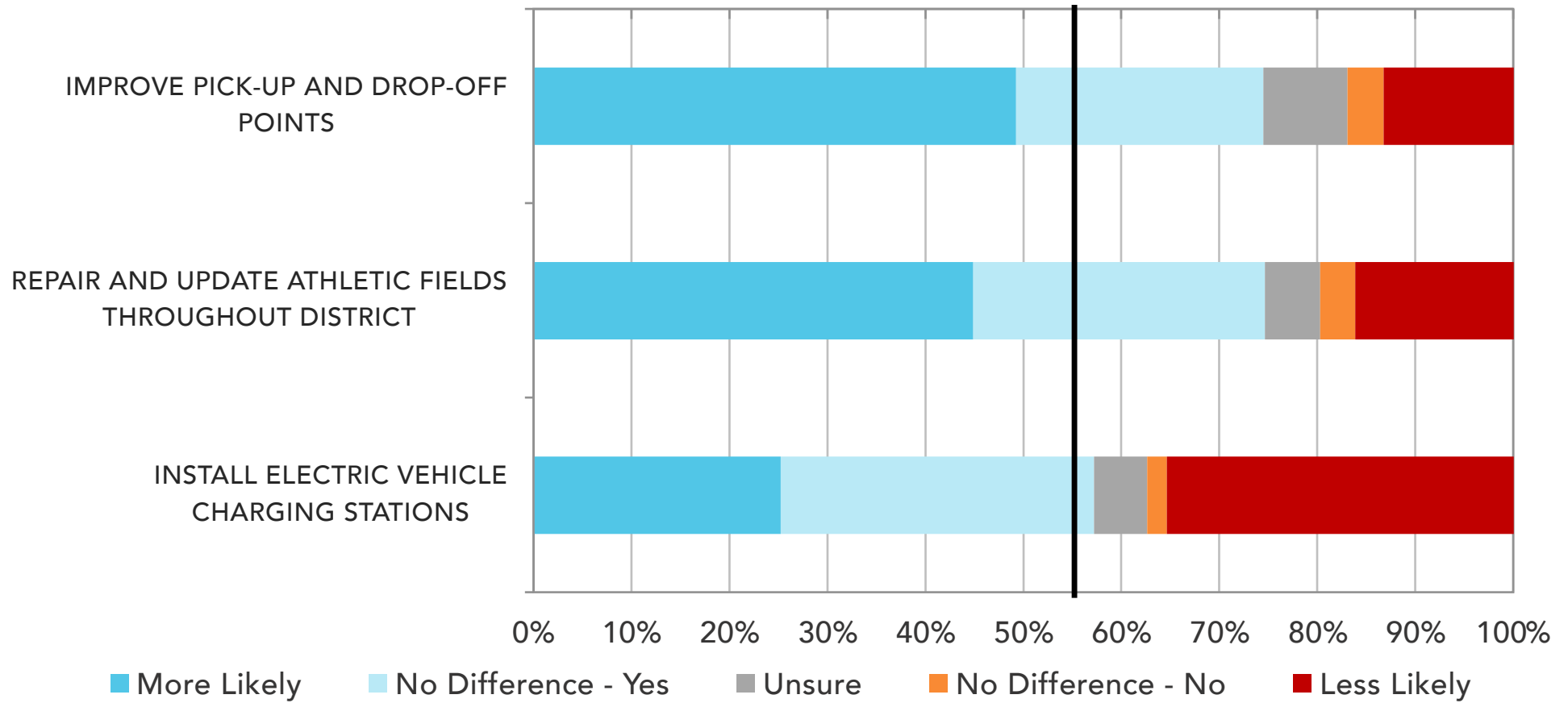
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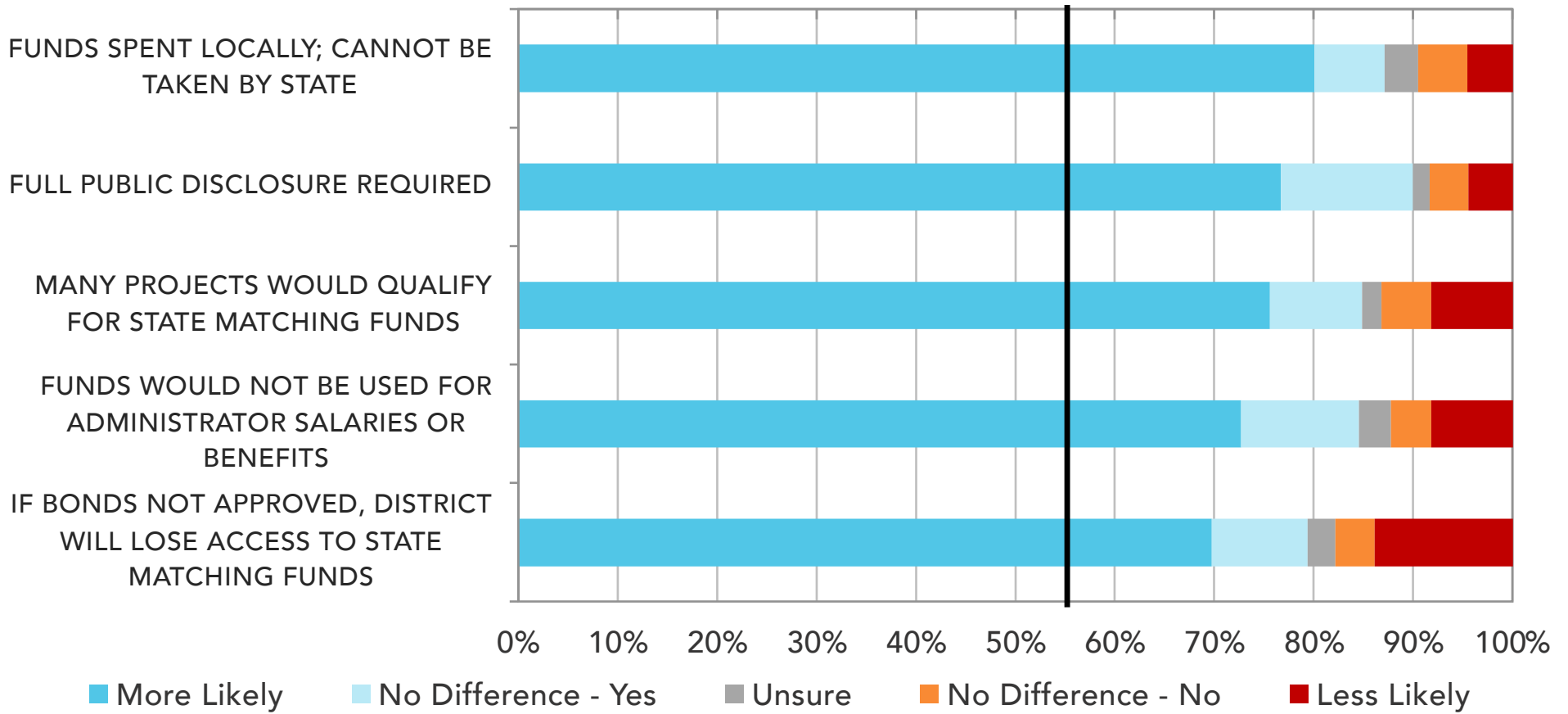


PACIFIC GROVE UNIFIED SCHOOL DISTRICT

TAXPAYER PROTECTIONS

USE OF FUNDS

Here are some details regarding the proposed bond. For each statement, please tell me if it would make you more or less likely to vote for the bond?

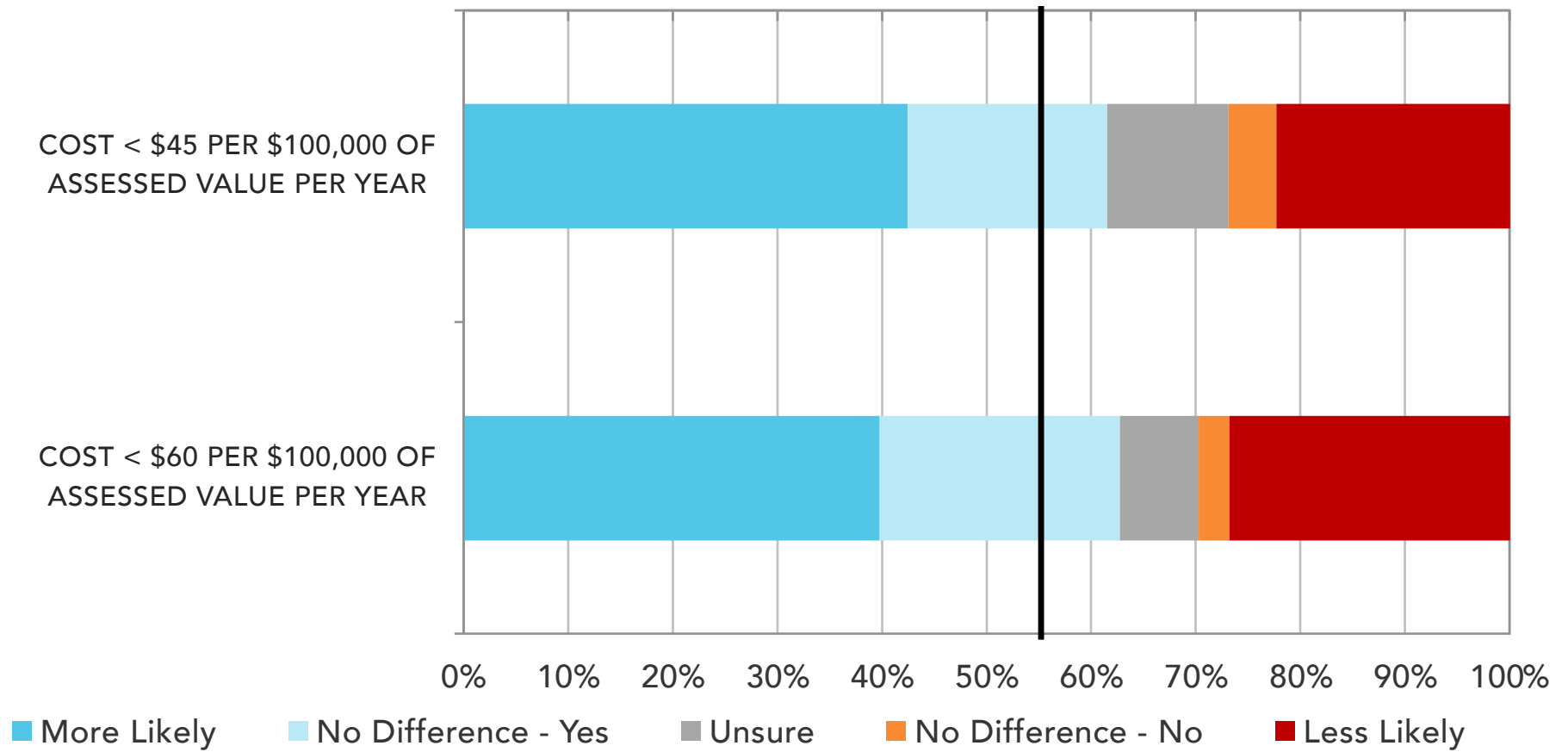




TAX RATE SENSITIVITY

TAX RATE SENSITIVITY

Here are some details regarding the proposed bond. For each statement, please tell me if it would make you more or less likely to vote for the bond?



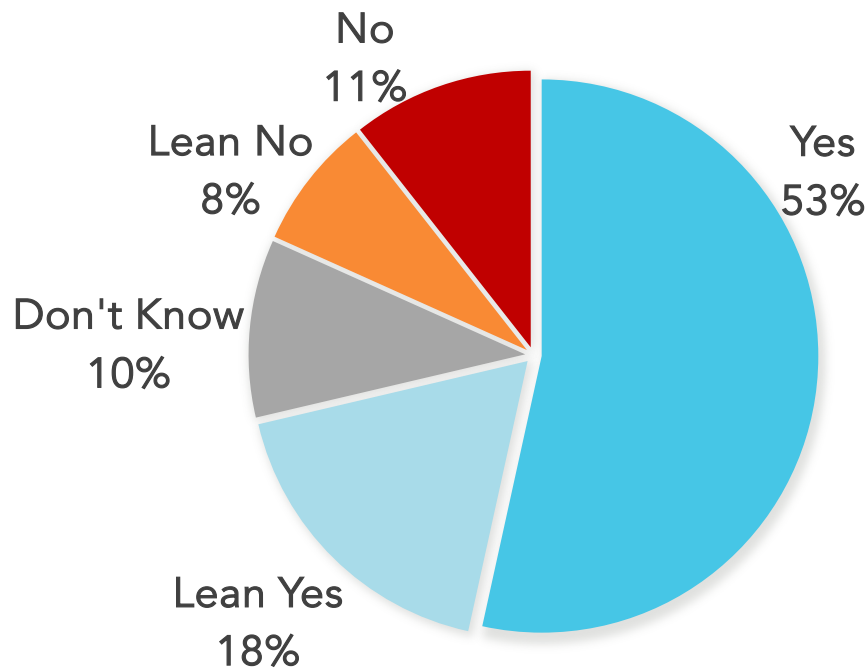


RESULTS

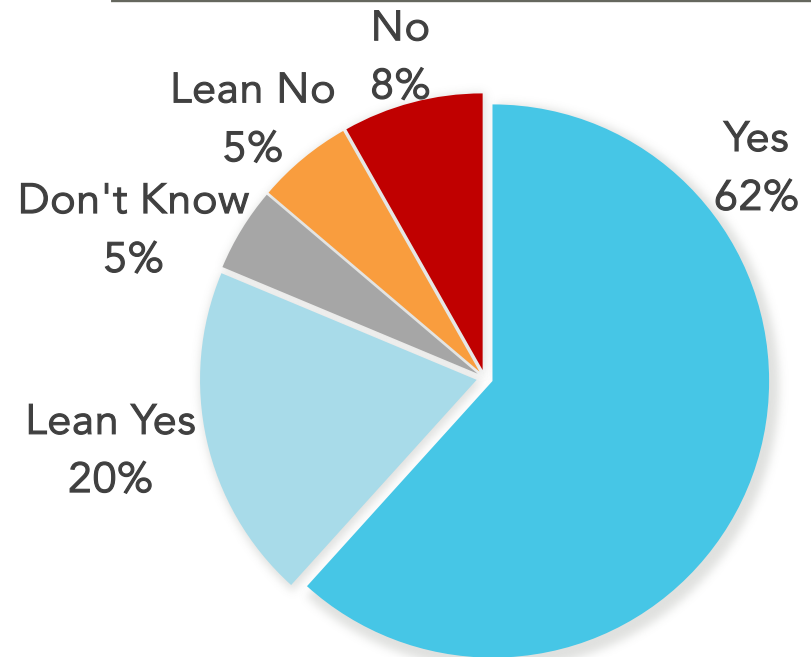
\$78 MILLION BALLOT LANGUAGE (REPAIR/MODERNIZE): (BEFORE VS AFTER INFORMATION)

Now that you have heard more information regarding the proposed \$78 million Pacific Grove Unified School District bond measure, if the election were held today, would you vote 'yes' to approve or 'no' to reject the measure?

BEFORE INFORMATION



AFTER INFORMATION

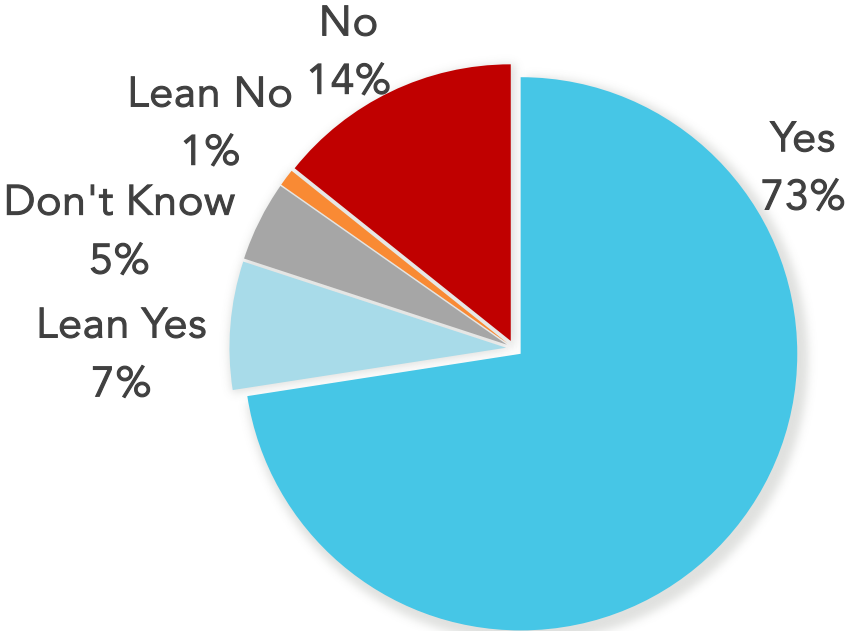


Voter Attitudes

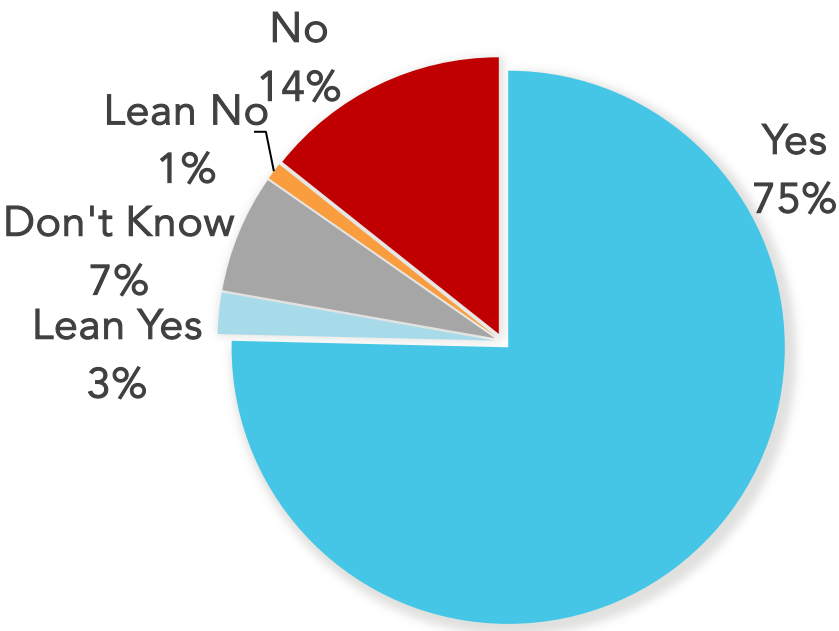
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BEFORE INFORMATION



AFTER INFORMATION





PACIFIC GROVE UNIFIED SCHOOL DISTRICT

2024 ELECTION

PREPARING FOR NOVEMBER 2024

November 2024 Election (Presidential Election)

