Marysville Joint Unified School District **Nutrition Services**

Price Quote for Delivery of Non-Food Supplies to a single location August 1, 2019 - July 31, 2020

0	August 1, 2013 - Ouly 31, 2020			Dall	Dameisen		
		ESTIMATED					
LINE #	NON-FOOD SUPPLIES	ANNUAL	PACK	BRAND & PRODUCT CODE	CASE	TOTAL	COMMENT
S3	BAG, FOIL, MARKED: CHEESEHAMBURGER 6X0.75X6.5	15	1000ct	BagCraft 300529	41.09	616.35	market
S4	BAG, FOIL, UNMARKED 6X0.75X6.75	15	1000ct	BagCraft 300533	46.68	700.20	market
S5	BAG, PLASTIC, HI-DEN SADDLE 6.5X7	09	2000ct	IBS PC657SP	10.10	00.909	
88	BOWL, POLYPROPYLENE, 80Z, HEAT SAFE TO 180F	25	504ct	Dart B8SB	32.94	816.96	special order 8/63ct
88	LID, POLYPROPYLENE, FITS 80Z, HEAT SAFE TO 180F	25	504ct	Dart PP816BOL	64.90	1,609.62	special order 8/63ct
S10	BOWL, POLYPROPYLENE, 120Z, HEAT SAFE TO 180F	50	504ct	Dart B12SB	62.40	3,095.24	special order 8/63ct
S11	LID, POLYPROPYLENE, FITS 120Z, HEAT SAFE TO 180F	15	504ct	Dart PP816BOL	64.90	965.77	-
S12a	BOX, PIZZA 14"	10	50CT	Packer Label 14PIZBR	17.29	172.90	_
S12b	BOX, PIZZA 16"	10	50CT	Arvco Danco #5569	21.20	212.00	market
S13	CLEANSER, POWDER, DEODERANT W/CHLORINE	2	24/21OZ	Ajax 14278	22.16	44.32	market
S16	CUP, PLASTIC, CLEAR 20Z	5	2500ct	Dart 200PC	21.53	107.65	107.65 20/125ct
S17	LID, PLASTIC, FITS 20Z	5	2500ct	Dart PL200N	23.00	115.00	115.00 20/125ct
S18	CUP, POLYPROPYLENE, CLEAR 40Z, HEAT SAFE TO 180F	35	2500ct	Dart 400PC	38.17	1,335.95	1,335.95 20/125ct
S19	LID, POLYPROPYLENE, CLEAR, FITS 40Z, HEAT SAFE TO 180F	10	2500ct	Dart PL4N	30.84	308.40	20/125ct
S22	CUP, BOWL, FOAM, 80Z, HEAT SAFE TO 180F	25	1000CT	Dart 8J8-Dart 8B30	39.81	995.25	
S23	LID, FITS FOAM 80Z CUP BOWL, HEAT SAFE TO 180F	10	1000CT	Dart 8JL Dart 20CLR	50.95	509.50	special order
S27	CUP, PET, CLEAR, SQUAT, 90Z	15	1000CT	Solo TP9R	47.88	718.20	special order 20/50ct
S28	LID, PET, CLEAR, FITS 90Z, W/ SLOT	10	1000CT	Solo 662TS	22.89	228.90	special order 10/100ct
S29	CUP, PLASTIC, PARFAIT SIZE, CLEAR 120Z	10	1000CT	Solo TP12	52.01	520.10	
S30	CUP, PLASTIC, CLEAR, PARFAIT INSERT, 3.5-40Z	10	1000CT	Solo PF35C1	42.25	422.50	special order
S31	LID, PLASTIC; FITS PARFAIT 120Z W/ INSERT, NO SLOT	10	1000CT	Solo SD35	112.29	1,122.90	
S32	FILM, PLASTIC 18" X 2000' / ROLL	09		Western Plastics 182	12.96	777.60	
S34	GLOVE, POLY CST, DISPOSABLE, SMALL	150	500CT	Goldmax 15281	8.80	660.00	special order 10/100ct
S35	GLOVE, POLY CST, DISPOSABLE, MEDIUM	300	500CT	Goldmax 15271	8.80	1,320.00	special order 10/100ct
S36	GLOVE, POLY CST, DISPOSABLE, LARGE	70	500CT	Goldmax 15261	8.80	308.00	special order 10/100ct
S37	GLOVE, VINYL FOODSERVICE, PWDRFREE, MEDIUM	650	100CT	Goldmax 15531	18.93	1,230.45	10/100ct
838	GLOVE, VINYL FOODSERVICE, PWDRFREE, LARGE	425	100CT	Goldmax 15521	18.93	804.53	10/100ct
839	GLOVE, VINYL FOODSERVICE, PWDRFREE, EXTRA LARGE	110	100CT	Goldmax 15511	18.93	208.23	10/100ct
S40	HAIR NET	15		Goldmax 21521	87.02	1,305.30	10/144ct
S42	LINERS, PAPER BAKERY PAN, 16"x24"	160	1000ct	Paterson 2405161	29.28	4,684.80	
S43	LINERS, PAPER, PIZZA/SAND WRAP, WHITE, 14"x14"	5	1000ct	FGR1414	57.72	288.60	288.60 special order
S46	NAPKINS, DISPENSER 7"X13.5"	5	10,000ct	Empress QS100001	25.68	128.40	128.40 market
S49	PAD SCOUR XHV NYLON 3.5X6	15	60ct	ACS S86	16.85	252.75	market special order
998	TRAY, FOAM, 5 COMPARTMENT SCHOOL LUNCH	2500	500ct	Pactiv	18.48	46,200.00	
295	TRAY, PAPER, RED PLAID, 2.5 LB #250	1500	500ct	Southern 0521	14.00	21,000.00	
898	TRAY, PAPER, RED PLAID, 2 LB #200	75	1000ct	1000ct Golden West FT200KB	13.59	1,019.25	



		ESTIMATED					
"INE #	NON-FOOD SUPPLIES	USAGE	PACK	BRAND & PRODUCI	PRICE	TOTAL	COMMENT
869	S69 TRAY, PAPER, RED PLAID, 1 LB #100	120	1000ct	1000ct Golden West FT100KB	12.23	1,467.60	
S71	S71 UNTENSIL PACK, SPORK W/ NAPKIN & STRAW (5-5/8" BLUE)	1500	1000ct	1000ct Danco 3968	10.42	15,630.00	
					TOTAL	FOTAL \$ 112,509.22	

Price Quote for Delivery of Non-Food Supplies to a single location Marysville Joint Unified School District August 1, 2019 - July 31, 2020 **Nutrition Services**

			SAS	Sysco		
	ESTIMATED		BRAND & PRODUCT	CASE		
LINE # NON-FOOD SUPPLIES	USAGE	PACK	CODE	PRICE	TOTAL	COMMENT
S1 APRON, WHITE DISPOSABLE BIB FIRE RETARD	15	100CT	5330873	29.89	89.67	SYS CLS 5/100ct
S2 BAG, FRENCH FRY PLAIN 4.5X4.5	9	1000ct	4572491	26.21	65.53	ZENITH 2000ct
S6 BAG, PLASTIC, ZIPPER LOCK, GALLON	25	250ct	7863634	10.94	273.50	SYS CLS
S7 BAG, PLASTIC, ZIPPER LOCK, QUART	20	500ct	7863540	13.16	263.20	SYS CLS
S15 COVER BUN RACK, CLEAR, ROLL, DISPOSABLE	50	50ct	5854377	11.50	230.00	SYS CLS
S20 CUP, FOAM, 40Z SQUAT, HEAT SAFE TO 180F	35	1000ct	4330452	20.10	703.50	DART 4J4 20/50ct
S21 LID, FITS FOAM 4OZ CUP, HEAT SAFE TO 180F	10	1000ct	4397378	13.47	134.70	DART 4JL 10/100ct
S33 FOIL, ALUMINUM HEAVY DUTY, 18"X1000'	85		6938336	37.61	3,196.85	SYS CLS
S41 ICE MAT/PILLOW	15		6752596	148.35	2,225.25	THRMOSF
S44 LINER PAN, OVENABLE, DEEP, 1/2 PAN SIZE	15		1847482	13.59	203.85	SYS CLS
S45 LINER, PAN, OVENABLE, DEEP, FULL PAN SIZE	100		9719816	23.37	2,337.00	HANGARD
S47 OVEN, MITT, PYROTEX 17"	20		3781952	16.23	162.30	SYSCO 2 pair
S48 OVEN, PAN GRABBER, 8.5"x11.5"	160		2764108	89.8	462.93	SYSCO 3 each
S50 SCOOP PORTION #8	24		5012739	6.29	150.96	WINCO
S51 SCOOP PORTION #10	12		4338786	7.63	91.56	SYSCO
S52 SCOOP PORTION #12	24		5014335	6.23	149.52	WINCO
S53 SCOOP PORTION #16	12		5014335	6.23	74.76	WINCO
S54 SCOOP PORTION #30	12		5014129	6.10	73.20	WINCO
S55 SCOOP PORTION #40	12		4338778	09'9	79.20	SYSCO
S56 SPOODLE PORTION SCOOP, PERFORATED 20Z	12		4035119	5.14	61.68	VOLLRTH
S57 SPOODLE PORTION SCOOP, SOLID 20Z	12		4035127	6.48	92'22	VOLLRTH
S58 SPOODLE PORTION SCOOP, PERFORATED 40Z	12		5881693	6.82	81.84	VOLLRTH
S59 SPOODLE PORTION SCOOP, SOLID 40Z	12		5881628	12.16	145.92	VOLLRTH
S60 THERMOMETER, FREEZER/REFR, -40F - 80F	20		1954148	8.01	80.10	SYSCO 2ea
S61 THERMOMETER, OVEN, 100F - 600F	10		4049573	3.35	33.50	SYSCO 1ea
S62 THERMOMETER WIPES	15		1261357	10.43	156.45	ECOLAB
S63 TONGS, PLASTIC, 6"	36		4062048	8.51	51.06	SYSCO 6ct
S64 TONGS, PLASTIC, 9"	09		4340451	3.11	186.60	CARLISL
S65 TOWEL, DISPOSABLE, GREENWHITE 13X20	06	200CT	267849	22.47	2,022.30	SYS CLS
S70 TRAY, PAPER, RED PLAID, 1/2 LB #50	65	1000ct	9457904	14.06	913.90	MPK FDS
				TOTAL	\$ 14,778.59	

Page 1 of 1



May 6, 2019

Marysville Joint Unified School District Attn: Brian Horn 1919 B Street, Room 106 Marysville, CA 95901

Bid:# RFP #20-1004 Non-Food Supplies Due: May 9, 2019, 1:30 p.m.

Terms & Conditions of Food Contracts BID LEGEND

SO = Special order - three case minimum. Please allow extra lead time. Will stock if usage warrants.

CMO = Combined Minimum Order from same manufacturer. Please watch for minimum quantity or weight requirements to receive bid pricing.

STA = Subject to availability from manufacturer.

MKT = Price is based on the market at time the bid was written; therefore, the price is subject to market increase or decrease and carries with it no guaranteed 30-day notice.

FFS = Fee for service. Customer will be invoiced for product by manufacturer.

***Commodity Pricing assumes customer has all possible Commodities.

BID DURATION: August 1, 2019 - July 31, 2020 unless otherwise noted.

PALLET EXCHANGE: We encourage customers to participate with our pallet exchange policy. If a customer chooses to opt-out of the exchange, Danielsen reserves the right to charge \$8.00 per pallet not exchanged.

<u>PAYMENT TERMS:</u> Requesting Net 30 days end of month, excluding drop shipments from manufacturers. Drop shipment requested payment terms are Net 15 days. Per GC 926.10: interest will be charged on all balances past 60 days at 6% per annum. If these payment terms are not met, we reserve the right to terminate bid prices. Awarding bid items to The Danielsen Company constitutes customer's acceptance of payment terms.

SPECIAL REQUIREMENTS: Subject to \$400.00 minimum delivery requirement.

NUTRITIONAL ANALYSIS & SPECIFICATION SHEETS: N.A. & spec sheets will be provided when required by Recipient Agency (RA) on awarded items. Please request under separate cover and fax to our office at (530) 895-3987 or (800) 700-6332.

<u>BID NOTATION:</u> Recipient Agency (RA) will be notified 30 days before any price adjustments are made. The Danielsen Company reserves the right to review prices on an on-going basis, should a manufacturer or supplier increase their prices to us, those prices may, in turn, increase the bid price accordingly. We will notify the RA of price increases as soon as those increases are published.

FUEL SURCHARGE POLICY: Our bid pricing is based on fuel rates stated by the Department of Energy (DOE) at the time the bid was completed. We reserve the right to enact a fuel surcharge. (These rates are updated by the DOE every Monday and can be heard on their Diesel Fuel Average hot line at (202) 586-6966, for the West Coast, California region.)

NOTE: Written confirmation of bid award is required to activate these bid prices.

A self-addressed stamped envelope is included for your convenience. Thank you for the opportunity to bid our products and services.

Sincerely, The Danielsen Company, Inc.

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MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT

Purchasing Department 1919 B Street Marysville, California 95901

REQUEST FOR PRICING (RFP) NON-FOOD SUPPLIES RFP #20-1004

This is a formal request for proposal on **NON-FOOD SUPPLIES** (RFP #20-1004) for the Marysville Joint Unified School District (MJUSD) for the 2019-2020 school year. A RFP packet may be obtained from the MJUSD Purchasing Department website at www.mjusd.com/bid. Please submit pricing on items to be furnished by the vendor on the attached sheets in accordance with all conditions and specifications.

Completed RFP packet shall be delivered or mailed to the attention of: Brian Horn – Purchasing Department, Room 106, 1919 B Street, Marysville, CA 95901 on or before Thursday, May 9, 2019 at 1:30 p.m. It is the responsibility of the vendor to ensure that the RFP is submitted on time and to the authorized agent. The proposals will be opened at said time but not read. Faxed documents are not acceptable and will not be received. The MJUSD reserves the right to reject any or all quotations and to waive any formality of the RFP. Any packets received after the scheduled closing time for receipt will not be accepted and will be returned unopened.

Questions regarding the RFP and/or documents will only be accepted if submitted in writing. Questions can be submitted to Amber Watson by email: awatson@mjusd.com. All questions shall be submitted by email before 9:00am on May 2, 2019.

Original signatures are required on the submitted proposal. The company representative authorized to sign the proposal with accompanying contract obligations and bind the company to all contractual obligations must sign in **blue ink**. The same person who signs the submitted proposal for the vendor must initial corrections made of entries on the RFP forms in blue ink. An authorized officer shall sign the submitted proposal under the correct firm name.

BUY AMERICAN REQUIREMENT

The Buy American provisions are found in the regulations of the National School Lunch Program (NSLP) at 7 CFR 210.21(d) and the School Breakfast Program (SBP) at 7 CFR 220.16(d). The Buy American provision requires participants to purchase, to the maximum extent practicable, domestic commodities or products for use in meals served under the NSLP and SBP. The regulation defines domestic commodity or product as an agricultural commodity that is produced in the United States and a food product that is processed in the United States using substantial agricultural commodities that are produced in the United States. Substantial means that over 51 percent of the final processed product consists of agricultural commodities that was grown domestically. Products from Guam, American Samoa, Virgin Islands, Puerto Rico, and the Northern Mariana Islands are allowed under this provision as territories of the United States.

Two situations which may warrant a waiver to permit purchases of foreign food products are:

- 1) The product is not produced or manufactured in the U.S. in sufficient and reasonable available quantities of a satisfactory quality.
- 2) Competitive bids reveal the costs of a U.S. product are significantly higher than the nondomestic product.

Actions that districts/sponsors can take to comply with the Buy American requirements are:

- Including a Buy American clause in all procurement documents (product specifications, bid solicitations, requests for proposal, purchase orders, etc.)
- Monitoring contractor performance
- Requiring suppliers to certify the origin of the product
- Examining the product packaging for identification of the country of origin
- Asking the supplier for specific information about the percentage of U.S. content in the food product

RFP REQUIREMENTS

1. Conditions

Quote prices only if merchandise can be obtained. We reserve the right to increase or decrease the quantities according to need. Quantities are for twelve (12) months, August 1, 2019 through July 31, 2020. The quantities are estimates and provided for information only; it is not guaranteed.

2. Prices

- a. The service period is from August 1, 2019 through July 31, 2020. If awarded vendor, at any time, is unable to honor contract prices on item(s), purchase obligations will not be binding and MJUSD shall have the option to solicit and award new contract for said item(s) from a list of vendors established by the MJUSD. MJUSD shall have the discretion of terminating this contract upon thirty (30) days written notice as set forth in Section: Contractual Obligations #16 of this contract.
- b. Price changes must be based only on the fluctuations for the Sacramento Valley Marketing Area.
- c. A response to any specific item of this bid with terms such as "negotiable," "will negotiate," or similar, will be deemed non-responsive to that specific item.

3. Product Specification

The vendor shall indicate the price for the size, specification and pack quantity stated on the worksheet. If the vendor chooses to price an item that is different than what is stated, it must be indicated by a strikeout and addition of the specific portion size and pack quantity. Vendors must be an authorized dealer for brand/s priced. Should any item requested be patented, or otherwise protected or designated by the particular name of the maker, and the vendor desires to price any item of equal character and quality, he may offer such substitute item by indicating clearly that such substitution is intended and specifying the brand. Such substitution shall be accepted only if deemed by the District to be equal in all respects to that specified and the District provides its written approval. The vendor/s shall bear all costs of demonstrating to the District that the alternate product is equal to that specified. The District's decision regarding whether the alternate product meets the plans or specifications and needs of the District shall be final. If samples are requested by the District for this determination, they shall be submitted in accordance with Section: Contractual Obligations #1, except that they may be submitted after RFP opening.

4. Deliveries

- a. Deliveries shall be made to a single location at the MJUSD Warehouse, unless otherwise arranged with the Director of Nutrition Services.
- b. Warehouse delivery hours are between 7:00am and 3:00pm, closed from 11:00am-12:00pm. Deliveries are made by appointment only.
- c. Should the vendor be unable to make a delivery due to holiday or emergency, arrangements for an alternate delivery day shall be confirmed with the Nutrition Services Department.

- d. Products not meeting the MJUSD quality standards shall be replaced within 24 hours by the vendor at no additional cost.
- e. Substitutions shall be rejected unless specific authorization by MJUSD Nutrition Services is secured in advance.

5. Point of Delivery

District Warehouse

1919 B St

Marysville 95901

6. No Minimum/Maximum Quantities, Order Charges, or Limitations upon Number of Orders

The District anticipates term requirements for the items as listed in the quantities shown on the bid form. The District, however, does not guarantee orders in these amounts nor shall the District be required to limit its orders to only those figures. This is an indefinite-quantity bid. Bidders shall not specify minimum or maximum quantities or charges for orders. Unlimited orders within the term of the contract shall be allowed to the awarding District at prices quoted.

BASIS OF AWARD

- 1. It is the intent of the Board of Trustees of the Marysville Joint Unified School District to award the RFP on the basis of service, delivery, quality, price, adaptability for school food service use, and products in accordance with the specifications herein. Parties will be assigned a score based on this criterion:
 - Up to 40 points based on price
 - Up to 25 points based on references
 - Up to 15 points based on service and delivery
 - Up to 10 points based on availability of products requested
 - Up to 10 points based on quality/grade
 - Up to 100 total
- 2. The MJUSD reserves the right to reject any and all quotations and to waive any formality in the bidding.
- 3. The MJUSD reserved the right to award more than one vendor for the NON-FOOD SUPPLIES RFP; however, only one vendor will be awarded per line item.

CONTRACTUAL OBLIGATIONS IF AWARDED UNDER THIS RFP

1. Samples

Party may be required to submit samples of the RFP items upon request by the Nutrition Services Director. Samples are to be furnished without cost to the school district.

2. Sanitary and Quality Control Requirements

- a. All products to be furnished shall be processed in a plant where a high standard of sanitation is always maintained. The plant must be adequately ventilated and must be above ground level. The successful contractor will be requested to furnish evidence of certificate of sanitation issued by the City and/or County Health Departments.
- b. All cartons must be properly sealed and free from leakage; cases/crates must be clean.
- c. The vendor shall have written procedures in the unlikely event of a product recall and shall provide recall notification, regardless of the level, in writing, through the most expedient method possible. The notices at a minimum shall include a complete product description and/or identification; contract product delivery date; reason for recall; and

disposition instructions. The vendor shall issue replacement product or credit for any product removed or recalled. The District shall have the option of accepting either replacement product or credit in exchange for recalled/removed product.

3. Billing

- a. The vendor shall provide an invoice at time of delivery at each location. The invoice shall fully itemize and show the contract rate for each item furnished and the total charge therefore.
- b. The vendor shall provide a statement at the end of the month to Marysville Joint Unified School District, Attn: Nutrition Services, 1919 B Street, Marysville, CA 95901.
- c. The MJUSD requests that the vendor allow a quarterly audit of the purchased items by the district. A representative appointed by the MJUSD Nutrition Services Director shall conduct the audit.

4. Payment

Payment will be net 30 days. Any discounts, which the vendor desires to provide MJUSD, shall be declared in the space provided and are subject to contractual agreement. Discounts for early payment will not be factored in the net cost of the bid proposal. Subject to cash discount of WIA % ________days.

5. Addenda or Bulletins

Any addenda or bulletins issued during the time of bidding shall form a part of this package issued to suppliers for the preparation of their proposals and shall constitute a part of the contract documents. Any addendums to this RFP will be posted on at www.mjusd.com/bid and is the responsibility of the vendor to check website for addendums.

6. Execution of Contract

Issuance of a purchase order shall evidence the contractual agreement between the vendor/s and the District. The purchase order and the vendor/s acceptance of these RFP instructions and conditions shall constitute the contract documents (see Section #14 below).

7. Default by Bidder

The District shall hold the vendor/s responsible for any damage that may be sustained because of failure or neglect to comply with any terms or conditions listed herein.

If the successful vendor/s fails to furnish or deliver any of the materials, supplies or services listed herein at the prices named and at the time and place herein stated or otherwise fails or neglects to comply with the terms of the bid, the District may, upon thirty (30) days written notice to the vendor/s as set forth at Section #16 of this contract, cancel the contract/purchase order in its entirety or cancel or rescind any or all items affected by such a default, and may, whether or not the contract is cancelled in whole or in part, purchase the materials, supplies or services elsewhere without further notice to the vendor/s. The prices paid by the District at the time such purchases are made shall be considered the prevailing market prices. Any extra cost incurred by such default may be collected by the District from the vendor/s, deducted from any funds due the vendor/s, or the District may seek relief in a court of competent jurisdiction.

8. Modification of Contract

This contract may be supplemented, amended, or modified only by the mutual written agreement of both parties. No supplement, amendment, or modification of this agreement shall be binding unless it is in writing and signed by both parties.

9. Hold Harmless Clause

The successful vendor/s agree/s to indemnify, defend and save harmless the District, its governing board, its officers, agents, and employees from and against any and all claims, demands, losses, defense costs, or liability of any kind or nature which the District, its officers, agents and employees may sustain or incur or which may be imposed upon them for injury to or death of persons, or damage to property as a result of, arising out of, or in the vendor's, its employees', agents' or subcontractor's performance under the terms of this contract, excepting only liability arising out of the sole negligence of the District.

10. Force Majeure Clause

Both the vendor and the District shall be excused from performance thereunder during the time and to the extent that they are prevented from obtaining, delivering, or performing by an act of God, fire, strike, loss or shortage of transportation facilities, lockout or commandeering of materials, products, plants, or facilities by the government, when satisfactory evidence thereof is presented to the other party, provided that it is satisfactorily established that the nonperformance is not due to the fault or neglect of the party not performing.

11. Prevailing Law

In the event of any conflict or ambiguity between these instructions and state or federal law or regulations, the latter shall prevail. Additionally, all equipment to be supplied or services to be performed under the bid proposal shall conform to all applicable requirements of local, state, and federal law.

12. Governing Law and Venue

In the event of litigation, the bid documents, specification and related matters shall be governed by and construed in accordance with the laws of the State of California. Venue shall be with the appropriate state or federal court located in Yuba County.

13. Permits and Licenses

The successful vendor and all of his employees or agent shall secure and maintain in force such licenses and permits as are required by law, in connection with the furnishing of materials, articles or services herein listed. All operations and materials shall be in accordance with the law.

14. Contract Documents

The vendor and the District agree that the Notice to Vendor/s, the Bid Instructions and Conditions, the Specification, and any addenda or bulletins thereto, together with the purchase order, shall constitute the contract documents.

15. Cancellation Notice by Supplier

The MJUSD requires a 30-day advance notice of cancellation of this contractual agreement by the supplier.

16. Cancellation Notice by Marysville Joint Unified School District

MJUSD shall give a 30-day advance notice of cancellation, should any of the following problems occur that would require MJUSD to seek a new supplier: problems with product quality or delivery service, problems with pricing, problems with supply/demand, problems meeting product specifications, problems with cost plus pricing audits.

17. Piggyback Clause

For the term of the contract and any mutually agreed extensions pursuant to this request for bids at the option of the vendor, other school districts and community college districts, any public corporation or agency, including any county, city, town or public corporation or

	agency within the State of California, may purchase identical item(s) at the same price and upon the same terms and conditions pursuant to sections 20118 (K-12) and 20652
	(Community Colleges) of the Public Contract Code Signature Max number of agencies (if applicable): Up to miles from MJUSD
	Up to miles from MJUSD
	6
18.	Bid Extension In accordance with Section 17596 of the Education Code, Marysville Joint Unified School District reserves the right to extend the contract up to a total contract term not to exceed three (3) years, subject to the approval of the vendor (successful bidder).
19.	Emergency Response and Delivery System a. Vendor certifies they have the ability and capacity to provide emergency delivery services for supply orders. Orders that occur during an emergency such as fires, floods, earthquakes or other state or national disasters shall be delivered to the designated site within an eight-hour time frame.
20.	Bid Opening Bid packets will be opened but not read Thursday, May 9, 2019 at 1:30 p.m. Parties that submitted a proposal may request an appointment to review pricing. Contact Amber Watson at the Nutrition Services Office: 530-749-6178.
21.	 Required Documents: Each bidder must return with their proposal a fully executed: a. Suspension and Debarment Certification as required by Federal Regulation (7CFR 3017.110). b. Certification Regarding Lobbying and Disclosure of Lobbying Activities Forms as required by Federal Regulation (7 CFR 3018.110). c. Non-collusion Affidavit as required by Public Contract section 7106. d. List of three customer references for similar products. e. Excel bid form worksheet and hard copy. In addition to a hard copy, an electronic copy of the bid form must also be provided. A disc, USB drive or similar memory device-containing the electronic bid form must be enclosed with documents. f. All documents, including the electronic bid form must be received by the opening date and time: Thursday, May 9, 2019 at 1:30 p.m.
ADD:	PANY NAME: The Davielsen company RESS: 435 Southgate Court Chico, CA 95908 NE #: 530-895-3187 FAX #: 530-895-3987 HORIZED AGENT NAME: 5toven P. Schwartz
	HORIZED AGENT SIGNATURE: Determined the state of the stat
EMA	IL: Stevel danco foods. com DATE: Man 1, 2019

Price Quote for Delivery of Non-Food Supplies to a single location August 1, 2019 - July 31, 2020 Marysville Joint Unified School District **Nutrition Services**

The Danielsen Company_ Signature: Supplier:

Steven P. Schwartz Printed Name: ___

Place Date: Mon

# 11	SHI IGGI IS COOL NON	ESTIMATED ANNUAL USAGE	PACK	BRAND & PRODUCT CODE	CASE PRICE	COMMENTS	$\overline{}$
S.	APRON. WHITE DISPOSA	15	100CT		No Bid		
SS	BAG, FRENCH FRY PLAIN 4.5X4.5	ις	1000ct	BagCraft 45006	\$20.00	\$20.00 Market	
SS	BAG, FOIL, MARKED: CHEESEHAMBURGER 6X0.75X6.5	15	1000ct	BagCraft 300529	\$41.09	\$41.09 Market	
8 8	BAG FOIL UNMARKED 6X0.75X6.75	15	1000ct	BagCraft 300533	\$46.68	\$46.68 Market	-1
SS	BAG, PLASTIC, HI-DEN SADDLE 6.5X7	09	2000ct	IBS PC657SP	\$10.10		\neg
S S	BAG. PLASTIC, ZIPPER LOCK, GALLON	25	250ct	IBS GRZIPGAL	\$15.66	\$15.66 Special Order	\neg
SZ SZ	BAG, PLASTIC, ZIPPER LOCK, QUART	20	500ct	IBS GRZIPORT	\$15.66	\$15.66 Special Order	- 1
S S	BOWL, POLYPROPYLENE, 80Z, HEAT SAFE TO 180F	25	504ct	Dart B8SB	\$32.94	\$32.94 Special Order	\neg
6S	LID, POLYPROPYLENE, FITS 80Z, HEAT SAFE TO 180F	25	504ct	Dart PP816BOL	\$64.90	\$64.90 Special Order	T
S10	BOWL, POLYPROPYLENE, 120Z, HEAT SAFE TO 180F	50	504ct	Dart B12SB	\$62.40	\$62,40 Special Order	
S11	LID, POLYPROPYLENE, FITS 120Z, HEAT SAFE TO 180F	15	504ct	Dart PP816BOL	\$64.90	\$64.90 Special Order	\neg
S12	BOX. PIZZA 14"	10	50CT	Packer Label 14PIZBR	\$17.29	\$17.29 Market	\neg
S13	CLEANSER, POWDER, DEODERANT W/CHLORINE	2	24/21OZ	Ajax 14278	\$22.16	\$22.16 Market	
S14	CONTAINER, POLYPROPLYENE, HINGE, CLEAR, SINGLE COMPARTMENT HEAT SAFE TO 180F	75	500CT		No Bid		
S15	COVER BUN RACK, CLEAR, ROLL, DISPOSABLE	20	50ct	IBS BRC52x80	\$14.31	\$14.31 Special Order	- 1
S16	CUP. PLASTIC, CLEAR 20Z	5	2500ct	Dart 200PC	\$21.53		- 1
S17	LID. PLASTIC, FITS 20Z	2	2500ct	Dart PL200N	\$23.00		- 1
S18	CUP, POLYPROPYLENE, CLEAR 40Z, HEAT SAFE TO 180F	35	2500ct	Dart 400PC	\$38.17		- 1
S19	LID, POLYPROPYLENE, CLEAR, FITS 40Z, HEAT SAFE TO 180F	10	2500ct	Dart PL4N	\$30.84		- 1
S20	CUP, FOAM, 40Z SQUAT, HEAT SAFE TO 180F	35	1000ct	Dart 4J6	\$22.98	\$22.98 Market	- 1
S21	LID, FITS FOAM 40Z CUP, HEAT SAFE TO 180F	10	1000ct	Dart 6SJ12	\$31.93	\$31.93 Market	- 1
S22	CUP, FOAM, 80Z, HEAT SAFE TO 180F	25	1000CT	Dart 8J8	\$20.95		
S23	LID, FITS FOAM 80Z CUP, HEAT SAFE TO 180F	10	1000CT	Dart 8JL	\$13.5	\$13.54 Special Order	
S24	CUP, POLYPROPYLENE, 80Z, HEAT SAFE TO 180F	20	500CT		No Bid		
S25	LID, FITS POLYPROPYLENE 80Z CUP, HEAT SAFE TO 180F	10	500CT		No Bid		- 1
S26	CUP, PAPER, COLD, ~70Z	50			No Bid		- 1
S27	CUP, PET, CLEAR, SQUAT, 90Z	15	1000CT	Solo TP9R	\$47.88	\$47.88 Special Order	
S28	LID, PET, CLEAR, FITS 90Z, W/ SLOT	10	1000CT	Solo 662TS	\$22.8	\$22.89 Special Order	- 1
S29	CUP, PLASTIC, PARFAIT SIZE, CLEAR 120Z	10	1000CT	Solo TP12	\$52.0	\$52.01 Special Order	
830	CUP, PLASTIC, CLEAR, PARFAIT INSERT, 3.5-40Z	10	1000CT	Solo PF35C1	\$42.2	\$42.25 Special Order	- 1
S31	LID, PLASTIC; FITS PARFAIT 120Z W/ INSERT, NO SLOT	10	1000CT		No Bid		- 1
S32	FILM, PLASTIC 18" X 2000' / ROLL	09	1 Roll	Western Plastics 182	\$12.96	(0)	- 1
S33	Т	85	1 Roll	El Dorado 299	\$37.81		- 1
S34	GLOVE, POLY CST, DISPOSABLE, SMALL	150	500CT	Goldmax 15281	\$8.80	\$8.80 Special Order 1000ct	- 1
S35	Т	300	500CT	Goldmax 15271	\$8.8	\$8.80 Special Order 1000ct	- 1
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S36 IGLOVE POLY CST DISPOSABLE LARGE	02	500CT	Goldmax 15261	\$8.80	\$8.80 Special Order 1000ct
GLOVE	650	100CT	Goldmax 15531	\$18.93	\$18.93 1000ct
T	425	100CT	Goldmax 15521	\$18.93	\$18.93 1000ct
Т	110	100CT	Goldmax 15511	\$18.93	\$18.93 1000ct Special Order
T	15	1440ct	Goldmax 21521	\$87.02	
Т	15			No Bid	
1	160	1000ct	Paterson 2405161	\$29.28	
1	2	1000ct	FGR1414	\$57,72	\$57.72 Special Order
LINER PAN, OVE	15			No Bid	
T	100			No Bid	
NAPKINS, DI	5	10,000ct	Empress QS100001	\$25.68	\$25.68 Market
Т	20			No Bid	
T	160			No Bid	
Т	15	60ct	ACS S86	\$16.85	\$16,85 Market Special Order
	24			No Bid	
T	12			No Bid	
Т	24			No Bid	
T	12			No Bid	
Т	12			No Bid	
T	12			No Bid	
T	12			No Bid	
Т	12			No Bid	
Т	12			No Bid	
Т	12			No Bid	
Т	20			No Bid	
Т	10			No Bid	
S62 THERMOMETER WIPES	15			No Bid	
S63 TONGS, PLASTIC, 6"	36			No Bid	
П	09			No Bid	
Т	06	200CT		No Bid	
Т	2500	500ct	Pactiv	\$18.48	
T	1500	500ct	Southern 0521	\$14.00	0
Г	75	1000ct	Golden West FT200KB	\$13.59	0
Т	120	1000ct	Golden West FT100KB	\$12.23	8
S70 TRAY, PAPER, RED PLAID, 1/2 LB #50	65	1000ct	Southern 0509	\$14.93	
C71 INTENSII DACK SPORK W/ NAPKIN & STRAW (5-5/8" BLUE)	1500	1000ct	Danco 3968	\$10.42	2

California Department of Education School Nutrition Programs Unit Child Nutrition and Food Distribution Division April 1998 Approved by OMB 0348-0046

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352 (See reverse for public burden disclosure)

1.Type of Federal Action:	2. Status o	of Federal Action:	3. Report Type:	
a) Contract b. Grant c. Cooperative Agreement d. Loan e. Loan Guarantee f. Loan Insurance	a Bid/o b. Initia c. Post-a		a. Initial filing b. Material change FOR MATERIAL CHANGE ONLY: Year: Quarter:	
	awardee	• If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime: The Danielsen Comfont Ooes Not Lobby.		
Tier, if known Congressional District, if known:		Congressional District, if known:		
• Federal Department/Agency:		• Federal Program		
		CFDA Number, if a	pplicable:	
• Federal Action Number, if	known:	• Award Amount, i	f known:	
• a. Name and Address of Lo Entity (if individual, last name, firs MI):		10. b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):		
	(attach C	ontinuation Sheet(s) if necessary)		
Amount of Payment (check apply): Sactuplanned		• Type of Payment (check all that apply): Retainer One-time fee Commission Contingent fee Deferred		



• Form of Payment (check all that apply): Cash In-kind; specify: Nature Value	Other; specify:	-		
Brief description of services performed officer(s), employees(s) or member(s) considered (Attach Considered). (Attach Considered)		ated in No. 11:		
15. Continuation Sheet(s) SF-LLL-A attached: Yes No				
16. Information requested through this form is authorized by Title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: Steve Print Name: Steve Title: Bid Coo Telephone No: 530			
Federal Use Only:		Authorized for local reproduction Standard Form - LLL		

INSTRUCTIONS FOR COMPLETION OF SF LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all sections that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

- 1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
- 2. Identify the status of the covered Federal action.
- Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the
 information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last
 previously submitted report by this reporting entity for this covered Federal action.
- 4. Enter the full name, address, city, state, and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants, and contract awards under grants.
- If the organization filing the report in No. 4 checks "Subawardee," then enter the full name, address, city, state, and zip code
 of the prime Federal recipient. Include Congressional District, if known.
- Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below
 agency name, if known. For example, Department of Transportation, United States Coast Guard.
- 7. Enter the Federal program name or description for the covered Federal action (No. 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
- 8. Enter the most appropriate Federal identifying number available for the Federal action identified in No. 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
- For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in No. 4 or 5.
- 10. (a) Enter the full name, address, city, state, and zip code of the lobbying entity engaged by the reporting entity identified in No. 4 to influence the covered Federal action.
 - (b) Enter the full names of the individual(s) performing services, and include full address if different from No. 10(a). Enter Last Name, First Name, and Middle Initial (MI).
- 11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (No. 4) to the lobbying entity (No. 10).
- 12. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
- 13. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
- 14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
- 15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.
- 16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503

U.S. DEPARTMENT OF AGRICULTURE

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 7 CFR part 3017, Section 3017.510, Participants' responsibilities. The regulations were published as Part IV of the January 30, 1989, <u>Federal Register</u> (pages 4722-4733). Copies of the regulations may be obtained by contacting the Department of Agriculture agency with which this transaction originated.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Marysulle Dint unified school District

Organization Name				PR/Award Number	or Project (vain
Steven P.	Schwartz,	Bid	Coordinator		
Name(s) and Title(s) of	Authorized Representative(s)				
	- A				
Strt	Schul			may 7,	2019
Signature(s)					Dat



Instructions for Certification

- 1. By signing and submitting this form, the prospective lower tier participant is providing the certification set out on the reverse side in accordance with these instructions.
- 2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
- 3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- 4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
- 5. The prospective lower tier participant agrees by submitting this form that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
- 6. The prospective lower tier participant further agrees by submitting this form that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transaction," without modification, in all lower tier covered transaction and in all solicitations for lower tier covered transactions.
- 7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
- 8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- 9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

NONCOLLUSION AFFIDAVIT

TO BE EXECUTED BY THE BIDDER AND SUBMITTED WITH BID

STATE OF CALIFORNIA)
County of Butte
County of Butte Temelle Paige , after first being by me duly sworn,
declares that:
the party making the foregoing bid, that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in bid are true; and, further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereof, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Law Law Signature of Bidder
Subscribed and sworn before me by
this day of
(SEAL)
Please see attached juvent 05/07/2019

(Pub. Contract Code 7106)

225

06/02

CALIFORNIA JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

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STATE OF CALIFORNIA }	#		90 90	
COUNTY OF BUTTE				
Subscribed and sworn to (or affirmed) before	ore me on this	day of	Manth	ZQQ Year
by Tennelle Paige	# 2	R		
# 5				
	Name of Signers			
proved to me on the basis of satisfactory e	vidence to be the pe	rson(s) who appear	ed before me.	
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Signature: Signature of Notary Public	2	K. COM NOTARY BU COMM. E)	BITHELL MM. # 2209680 PUBLIC - CALIFORNIA O TTE COUNTY (PIRES AUG. 12, 2021	% :
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Document Date: 05/07/2019				
Number of Pages:		011		
Signer(s) Other Than Named Above:	A		W N	

MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT

Purchasing Department 1919 B Street Marysville, California 95901

REQUEST FOR PRICING (RFP)

TRADE REFERENCES

BID	#_20-1004	
1	Company Lake Tahoe USD Contact Name Susan Giles Address 1021 Al Tahoe Blud.	Tel: SHI- 2850 Fax: WIA Email: W/A City: 5. Lake Take State/Zip: CA 96/50
	Company Seguion Union High School Contact Name Work Decoro Address 480 James Ave.	Tel: 650-369-1411 Fax: WIA Email: WIA City: Reduced City State/Zip: CA 9406
	Company Jefferson School District Contact Name Debbi Rooms Address 475 Darvene way	Tel: 201-839-8751 Fax: WIA Email: WIA City: 17004 State/Zip: OA 9537
AD PH AU AU	ompany name: The Danielsen odress: 435 Southfate Coulone #: 530-895-3187 OTHORIZED AGENT NAME: Steven	FAX#: 530-895-3987 P. Schwartz
EM	IAIL: Steve & dancofoods. com	DATE: MM 7, 2019



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 03/28/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate does not confer rights to the certificate does not confer rights to the certificate does not confer rights.

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Mat	t Da	vis Insurance Agency t Ave.					PHONE (A/C, No, Ext): 530-898-9960 FAX (A/C, No): 530-898-9961					
		CA 95926					E-MAIL ADDRESS: Shelly@mattdavisinsurance.com					
		Davis					ADDRESS					100000000
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INSR LTR		TYPE OF INSURANCE			SUBR			POLICY EFF		LIMIT	S	
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										PERSONAL & ADV INJURY	s	1,000,000
	GEN	YL AGGREGATE LIMIT APPLIES PE	ER:							GENERAL AGGREGATE	s	2,000,000
	X	POLICY PRO-								PRODUCTS - COMP/OP AGG	s	2,000,000
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В	AUT	OMOBILE LIABILITY								COMBINED SINGLE LIMIT (Ea accident)	s	1,000,000
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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 07/02/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER. AND THE CERTIFICATE HOLDER.

REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER. IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s). CONTACT Tara L. Brown PRODUCER 530-895-1010 InterWest Insurance Serv., LLC License #0B01094 P.O. Box 8110 Chico, CA 95927-8110 Tony Pozas PHONE (A/C, No, Ext): 530-895-1010 FAX (A/C, No): 530-895-1313 E-MAIL ADDRESS: tbrown@iwins.com INSURER(S) AFFORDING COVERAGE NAIC # INSURER A: Insurance Co. of the West 27847 INSURED The Danielsen Company, Inc. INSURER B: 435 Southgate Court Chico, CA 95928 INSURER C INSURER D INSURER E INSURER F: CERTIFICATE NUMBER: 01 COVERAGES REVISION NUMBER: 01 THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES, LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. ADDL SUBR TYPE OF INSURANCE POLICY NUMBER LIMITS COMMERCIAL GENERAL LIABILITY EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) CLAIMS-MADE OCCUR \$ MED EXP (Any one person) PERSONAL & ADV INJURY GEN'L AGGREGATE LIMIT APPLIES PER: GENERAL AGGREGATE S PRO-JECT POLICY PRODUCTS - COMP/OP AGG s OTHER: COMBINED SINGLE LIMIT (Ea accident) AUTOMOBILE LIABILITY ANY AUTO BODILY INJURY (Per person) S OWNED AUTOS ONLY SCHEDULED AUTOS BODILY INJURY (Per accident)
PROPERTY DAMAGE
(Per accident) S HIRED AUTOS ONLY NON-OWNED AUTOS ONLY S \$ UMBRELLA LIAB OCCUR EACH OCCURRENCE S **EXCESS LIAB** CLAIMS-MADE AGGREGATE S DED RETENTIONS WORKERS COMPENSATION AND EMPLOYERS' LIABILITY X PER STATUTE WSA503408102 ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) 07/01/2018 07/01/2019 1,000,000 E.L. EACH ACCIDENT 1.000.000 E.L. DISEASE - EA EMPLOYEE If yes, describe under DESCRIPTION OF OPERATIONS below 1,000,000 E.L. DISEASE - POLICY LIMIT DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required) Proof of Insurance only CERTIFICATE HOLDER CANCELLATION YOL0625 SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. County of Yolo 625 Court Street AUTHORIZED REPRESENTATIVE Woodland, CA 95695 Out & Hopen

MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT

Purchasing Department 1919 B Street Marysville, California 95901

REQUEST FOR PRICING (RFP) NON-FOOD SUPPLIES RFP #20-1004

This is a formal request for proposal on **NON-FOOD SUPPLIES** (RFP #20-1004) for the Marysville Joint Unified School District (MJUSD) for the 2019-2020 school year. A RFP packet may be obtained from the MJUSD Purchasing Department website at www.mjusd.com/bid. Please submit pricing on items to be furnished by the vendor on the attached sheets in accordance with all conditions and specifications.

Completed RFP packet shall be delivered or mailed to the attention of: Brian Horn – Purchasing Department, Room 106, 1919 B Street, Marysville, CA 95901 on or before Thursday, May 9, 2019 at 1:30 p.m. It is the responsibility of the vendor to ensure that the RFP is submitted on time and to the authorized agent. The proposals will be opened at said time but not read. Faxed documents are <u>not</u> acceptable and will not be received. The MJUSD reserves the right to reject any or all quotations and to waive any formality of the RFP. Any packets received after the scheduled closing time for receipt will not be accepted and will be returned unopened.

Questions regarding the RFP and/or documents will only be accepted if submitted in writing. Questions can be submitted to Amber Watson by email: awatson@mjusd.com. All questions shall be submitted by email before 9:00am on May 2, 2019.

Original signatures are required on the submitted proposal. The company representative authorized to sign the proposal with accompanying contract obligations and bind the company to all contractual obligations must sign in **blue ink**. The same person who signs the submitted proposal for the vendor must initial corrections made of entries on the RFP forms in blue ink. An authorized officer shall sign the submitted proposal under the correct firm name.

BUY AMERICAN REQUIREMENT

The Buy American provisions are found in the regulations of the National School Lunch Program (NSLP) at 7 CFR 210.21(d) and the School Breakfast Program (SBP) at 7 CFR 220.16(d). The Buy American provision requires participants to purchase, to the maximum extent practicable, domestic commodities or products for use in meals served under the NSLP and SBP. The regulation defines domestic commodity or product as an agricultural commodity that is produced in the United States and a food product that is processed in the United States using substantial agricultural commodities that are produced in the United States. Substantial means that over 51 percent of the final processed product consists of agricultural commodities that was grown domestically. Products from Guam, American Samoa, Virgin Islands, Puerto Rico, and the Northern Mariana Islands are allowed under this provision as territories of the United States.

Two situations which may warrant a waiver to permit purchases of foreign food products are:

- 1) The product is not produced or manufactured in the U.S. in sufficient and reasonable available quantities of a satisfactory quality.
- 2) Competitive bids reveal the costs of a U.S. product are significantly higher than the nondomestic product.



Actions that districts/sponsors can take to comply with the Buy American requirements are:

- Including a Buy American clause in all procurement documents (product specifications, bid solicitations, requests for proposal, purchase orders, etc.)
- Monitoring contractor performance
- Requiring suppliers to certify the origin of the product
- Examining the product packaging for identification of the country of origin
- Asking the supplier for specific information about the percentage of U.S. content in the food product

RFP REQUIREMENTS

1. Conditions

Quote prices only if merchandise can be obtained. We reserve the right to increase or decrease the quantities according to need. Quantities are for twelve (12) months, August 1, 2019 through July 31, 2020. The quantities are estimates and provided for information only; it is not guaranteed.

2. Prices

- a. The service period is from August 1, 2019 through July 31, 2020. If awarded vendor, at any time, is unable to honor contract prices on item(s), purchase obligations will not be binding and MJUSD shall have the option to solicit and award new contract for said item(s) from a list of vendors established by the MJUSD. MJUSD shall have the discretion of terminating this contract upon thirty (30) days written notice as set forth in Section: Contractual Obligations #16 of this contract.
- b. Price changes must be based only on the fluctuations for the Sacramento Valley Marketing Area.
- c. A response to any specific item of this bid with terms such as "negotiable," "will negotiate," or similar, will be deemed non-responsive to that specific item.

3. Product Specification

The vendor shall indicate the price for the size, specification and pack quantity stated on the worksheet. If the vendor chooses to price an item that is different than what is stated, it must be indicated by a strikeout and addition of the specific portion size and pack quantity. Vendors must be an authorized dealer for brand/s priced. Should any item requested be patented, or otherwise protected or designated by the particular name of the maker, and the vendor desires to price any item of equal character and quality, he may offer such substitute item by indicating clearly that such substitution is intended and specifying the brand. Such substitution shall be accepted only if deemed by the District to be equal in all respects to that specified and the District provides its written approval. The vendor/s shall bear all costs of demonstrating to the District that the alternate product is equal to that specified. The District's decision regarding whether the alternate product meets the plans or specifications and needs of the District shall be final. If samples are requested by the District for this determination, they shall be submitted in accordance with Section: Contractual Obligations #1, except that they may be submitted after RFP opening.

4. Deliveries

- a. Deliveries shall be made to a single location at the MJUSD Warehouse, unless otherwise arranged with the Director of Nutrition Services.
- b. Warehouse delivery hours are between 7:00am and 3:00pm, closed from 11:00am-12:00pm. Deliveries are made by appointment only.
- c. Should the vendor be unable to make a delivery due to holiday or emergency, arrangements for an alternate delivery day shall be confirmed with the Nutrition Services Department.

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d. Products not meeting the MJUSD quality standards shall be replaced within 24 hours by the vendor at no additional cost.

e. Substitutions shall be rejected unless specific authorization by MJUSD Nutrition

Services is secured in advance.

5. **Point of Delivery**District Warehouse

1919 B St

Marysville 95901

6. No Minimum/Maximum Quantities, Order Charges, or Limitations upon Number of Orders

The District anticipates term requirements for the items as listed in the quantities shown on the bid form. The District, however, does not guarantee orders in these amounts nor shall the District be required to limit its orders to only those figures. This is an indefinite-quantity bid. Bidders shall not specify minimum or maximum quantities or charges for orders. Unlimited orders within the term of the contract shall be allowed to the awarding District at prices quoted.

BASIS OF AWARD

- 1. It is the intent of the Board of Trustees of the Marysville Joint Unified School District to award the RFP on the basis of service, delivery, quality, price, adaptability for school food service use, and products in accordance with the specifications herein. Parties will be assigned a score based on this criterion:
 - Up to 40 points based on price
 - Up to 25 points based on references
 - Up to 15 points based on service and delivery
 - Up to 10 points based on availability of products requested
 - Up to 10 points based on quality/grade
 - Up to 100 total

2. The MJUSD reserves the right to reject any and all quotations and to waive any formality in the bidding.

3. The MJUSD reserved the right to award more than one vendor for the NON-FOOD SUPPLIES RFP; however, only one vendor will be awarded per line item.

CONTRACTUAL OBLIGATIONS IF AWARDED UNDER THIS RFP

1. Samples

Party may be required to submit samples of the RFP items upon request by the Nutrition Services Director. Samples are to be furnished without cost to the school district.

2. Sanitary and Quality Control Requirements

- a. All products to be furnished shall be processed in a plant where a high standard of sanitation is always maintained. The plant must be adequately ventilated and must be above ground level. The successful contractor will be requested to furnish evidence of certificate of sanitation issued by the City and/or County Health Departments.
- b. All cartons must be properly sealed and free from leakage; cases/crates must be clean.
- c. The vendor shall have written procedures in the unlikely event of a product recall and shall provide recall notification, regardless of the level, in writing, through the most expedient method possible. The notices at a minimum shall include a complete product description and/or identification; contract product delivery date; reason for recall; and

disposition instructions. The vendor shall issue replacement product or credit for any product removed or recalled. The District shall have the option of accepting either replacement product or credit in exchange for recalled/removed product.

3. Billing

- a. The vendor shall provide an invoice at time of delivery at each location. The invoice shall fully itemize and show the contract rate for each item furnished and the total charge therefore.
- b. The vendor shall provide a statement at the end of the month to Marysville Joint Unified School District, Attn: Nutrition Services, 1919 B Street, Marysville, CA 95901.
- c. The MJUSD requests that the vendor allow a quarterly audit of the purchased items by the district. A representative appointed by the MJUSD Nutrition Services Director shall conduct the audit.

4. Payment

5. Addenda or Bulletins

Any addenda or bulletins issued during the time of bidding shall form a part of this package issued to suppliers for the preparation of their proposals and shall constitute a part of the contract documents. Any addendums to this RFP will be posted on at www.mjusd.com/bid and is the responsibility of the vendor to check website for addendums.

6. Execution of Contract

Issuance of a purchase order shall evidence the contractual agreement between the vendor/s and the District. The purchase order and the vendor/s acceptance of these RFP instructions and conditions shall constitute the contract documents (see Section #14 below).

7. Default by Bidder

The District shall hold the vendor/s responsible for any damage that may be sustained because of failure or neglect to comply with any terms or conditions listed herein.

If the successful vendor/s fails to furnish or deliver any of the materials, supplies or services listed herein at the prices named and at the time and place herein stated or otherwise fails or neglects to comply with the terms of the bid, the District may, upon thirty (30) days written notice to the vendor/s as set forth at Section #16 of this contract, cancel the contract/purchase order in its entirety or cancel or rescind any or all items affected by such a default, and may, whether or not the contract is cancelled in whole or in part, purchase the materials, supplies or services elsewhere without further notice to the vendor/s. The prices paid by the District at the time such purchases are made shall be considered the prevailing market prices. Any extra cost incurred by such default may be collected by the District from the vendor/s, deducted from any funds due the vendor/s, or the District may seek relief in a court of competent jurisdiction.

8. Modification of Contract

This contract may be supplemented, amended, or modified only by the mutual written agreement of both parties. No supplement, amendment, or modification of this agreement shall be binding unless it is in writing and signed by both parties.

9. Hold Harmless Clause

The successful vendor/s agree/s to indemnify, defend and save harmless the District, its governing board, its officers, agents, and employees from and against any and all claims, demands, losses, defense costs, or liability of any kind or nature which the District, its officers, agents and employees may sustain or incur or which may be imposed upon them for injury to or death of persons, or damage to property as a result of, arising out of, or in the vendor's, its employees', agents' or subcontractor's performance under the terms of this contract, excepting only liability arising out of the sole negligence of the District.

10. Force Majeure Clause

Both the vendor and the District shall be excused from performance thereunder during the time and to the extent that they are prevented from obtaining, delivering, or performing by an act of God, fire, strike, loss or shortage of transportation facilities, lockout or commandeering of materials, products, plants, or facilities by the government, when satisfactory evidence thereof is presented to the other party, provided that it is satisfactorily established that the nonperformance is not due to the fault or neglect of the party not performing.

11. Prevailing Law

In the event of any conflict or ambiguity between these instructions and state or federal law or regulations, the latter shall prevail. Additionally, all equipment to be supplied or services to be performed under the bid proposal shall conform to all applicable requirements of local, state, and federal law.

12. Governing Law and Venue

In the event of litigation, the bid documents, specification and related matters shall be governed by and construed in accordance with the laws of the State of California. Venue shall be with the appropriate state or federal court located in Yuba County.

13. Permits and Licenses

The successful vendor and all of his employees or agent shall secure and maintain in force such licenses and permits as are required by law, in connection with the furnishing of materials, articles or services herein listed. All operations and materials shall be in accordance with the law.

14. Contract Documents

The vendor and the District agree that the Notice to Vendor/s, the Bid Instructions and Conditions, the Specification, and any addenda or bulletins thereto, together with the purchase order, shall constitute the contract documents.

15. Cancellation Notice by Supplier

The MJUSD requires a 30-day advance notice of cancellation of this contractual agreement by the supplier.

16. Cancellation Notice by Marysville Joint Unified School District

MJUSD shall give a 30-day advance notice of cancellation, should any of the following problems occur that would require MJUSD to seek a new supplier: problems with product quality or delivery service, problems with pricing, problems with supply/demand, problems meeting product specifications, problems with cost plus pricing audits.

17. Piggyback Clause

For the term of the contract and any mutually agreed extensions pursuant to this request for bids at the option of the vendor, other school districts and community college districts, any public corporation or agency, including any county, city, town or public corporation or

	agency within the State of California, may purchase identical item(s) at the same price and upon the same terms and conditions pursuant to sections 20118 (K-12) and 20652 (Community Colleges) of the Public Contract Code. Signature Max number of agencies (if applicable): Up to Miles from MJUSD
18.	Bid Extension In accordance with Section 17596 of the Education Code, Marysville Joint Unified School District reserves the right to extend the contract up to a total contract term not to exceed three (3) years, subject to the approval of the vendor (successful bidder).
19.	Emergency Response and Delivery System a. Vendor certifies they have the ability and capacity to provide emergency delivery services for supply orders. Orders that occur during an emergency such as fires, floods, earthquakes or other state or national disasters shall be delivered to the designated site within an eight-hour time frame.
20.	Bid Opening Bid packets will be opened but not read Thursday, May 9, 2019 at 1:30 p.m. Parties that submitted a proposal may request an appointment to review pricing. Contact Amber Watson at the Nutrition Services Office: 530-749-6178.
21.	 Required Documents: Each bidder must return with their proposal a fully executed: a. Suspension and Debarment Certification as required by Federal Regulation (7CFR 3017.110). b. Certification Regarding Lobbying and Disclosure of Lobbying Activities Forms as required by Federal Regulation (7 CFR 3018.110). c. Non-collusion Affidavit as required by Public Contract section 7106. d. List of three customer references for similar products. e. Excel bid form worksheet and hard copy. In addition to a hard copy, an electronic copy of the bid form must also be provided. A disc, USB drive or similar memory device-containing the electronic bid form must be enclosed with documents. f. All documents, including the electronic bid form must be received by the opening date and time: Thursday, May 9, 2019 at 1:30 p.m.
ADDI PHOM AUTI	HORIZED AGENT NAME: ROCAL COLOR OF THE COLOR

Sysco Sacramento, Inc. References

Folsom Cordova Unified School District

Joye McKetty

1965 Birkmont Drive

Rancho Cordova, CA 95742-6407

916-294-9000 x 102270

imketty@fcusd.org

Woodland Joint Unified School District

Spencer Springer

435 6th Street

Woodland, CA 95695

530-406-5955

Spencer.springer@wjusd.org

Del Norte County Unified School District

Deborah Kravitz

301 W Washington Blvd.

Crescent City, CA 95531

707-464-0246

dkravitz@delnorte.k12.ca.us



Marysville Joint Unified School District
Nutrition Services
Price Quote for Delivery of Non-Food Supplies to a single location
August 1, 2019 - July 31, 2020

Supplier: Sysco Sacramento Signature:

Printed Name:

Date: May 8, 2

		ESTIMATED) A C	POOT TOLIGORA	CASE PRICE	COMMENTS
# HE	NON-FOUD SUPPLIES	AININGAL OCAGE	TACK		00	3 10 3/3
S	APRON, WHITE DISPOSABLE BIB FIRE RETARD	15	200	5330873	29.89	STS CLS
SS	BAG, FRENCH FRY PLAIN 4.5X4.5	5	2000	4572491	26.21	ZENITH
SS	BAG. FOIL. MARKED: CHEESEHAMBURGER 6X0.75X6.5	15	1000	9572652	104.71	MCNAIRN
8,5	BAG. FOIL, UNMARKED 6X0.75X6.75	15	1000	4527594	79.63	ZENITH
S S	BAG: PI ASTIC. HI-DEN SADDLE 6.5X7	09	2000	5582457	11.88	HANGARD
8 %	RAG PLASTIC, ZIPPER LOCK, GALLON	25	250	7863634	10.94	SYS CLS
25/2	BAG, PI ASTIC, ZIPPER LOCK, QUART	20	200	7863540	13.16	SYS CLS
800	BOWL, POLYPROPYLENE, 80Z, HEAT SAFE TO 180F	25	200	6879767	39.08	ANCHPKG
6.5	I.ID. POLYPROPYLENE, FITS 80Z, HEAT SAFE TO 180F	25	No Bid	No Bid	No Bid	No Bid
SHO	BOWL, POLYPROPYLENE, 120Z, HEAT SAFE TO 180F	20	250	5267978	38.93	ANCHPKG
2	IID, POLYPROPYLENE, FITS 120Z, HEAT SAFE TO 180F	15	250	5268012	32.91	ANCHPKG
\$12	BOX PIZZA 14"	10	90	4460899	13.78	AREZCLS
S13	CLEANSER, POWDER, DEODERANT W/CHLORINE	2	24	8435178	34.55	COMET C
S14	CONTAINER, POLYPROPLYENE, HINGE, CLEAR, SINGLE COMPARTMENT, HEAT SAFE TO 180F	75	200	8888152	48.9	ЕАВТНСН
\$15	COVER BUN RACK, CLEAR, ROLL, DISPOSABLE	20	20	5854377	11.5	SYS CLS
5.16	CUP. PLASTIC, CLEAR 20Z	ĸ	2400	7790239	22.34	SYS REL
217	IID. PLASTIC, FITS 20Z	ъ	2400	7790795	21.31	SYS IMP
S18	CUP, POLYPROPYLENE, CLEAR 40Z, HEAT SAFE TO 180F	35	2400	7793736	30.52	SYS IMP
S19	LID. POLYPROPYLENE, CLEAR, FITS 40Z, HEAT SAFE TO 180F	10	3000	7064604	51.13	SYS REL
S20	CUP, FOAM, 40Z SQUAT, HEAT SAFE TO 180F	35	1000	4330452	20.1	DART
S21	LID, FITS FOAM 40Z CUP, HEAT SAFE TO 180F	10	1000	4397378	13.47	DART
S22	CUP, FOAM, 80Z, HEAT SAFE TO 180F	25	1000	4088829	22.07	SYSCO
S23	LID, FITS FOAM 8OZ CUP, HEAT SAFE TO 180F	10	1000	4001178	14.27	DART
S24	CUP, POLYPROPYLENE, 80Z, HEAT SAFE TO 180F	20	No Bid	No Bid	No Bid	No Bid
S25	LID, FITS POLYPROPYLENE 80Z CUP, HEAT SAFE TO 180F	10	No Bid	No Bid	No Bid	No Bid
S26	CUP, PAPER, COLD, ~70Z	50	No Bid	No Bid	No Bid	No Bid
S27	CUP, PET, CLEAR, SQUAT, 90Z	15	975	7473299	54.79	
S28	LID, PET, CLEAR, FITS 90Z, W/ SLOT	10	1020	7473461	21.2	SYS IMP
S29	CUP. PLASTIC. PARFAIT SIZE, CLEAR 120Z	10	1000	2665240	127.09	SOLO
830	CUP, PLASTIC, CLEAR, PARFAIT INSERT, 3.5-40Z	10	1000	2666932	52.79	
S31	LID, PLASTIC; FITS PARFAIT 120Z W/ INSERT, NO SLOT	10	1000	5494588	107.1	
S32	FILM, PLASTIC 18" X 2000' / ROLL	09	-	356550	14.08	REYNOLD

S33 FC	FOIL. ALUMINUM HEAVY DUTY, 18"X1000'	85	-	6938336	37.61	SYS CLS
	GLOVE, POLY CST, DISPOSABLE, SMALL	150	2000	8347007	12.1	SYS REL
Т	GLOVE, POLY CST, DISPOSABLE, MEDIUM	300	100CT	8348245	11.56	SYS CLS
Т	GLOVE, POLY CST, DISPOSABLE, LARGE	20	500CT	8348740	12.1	SYS REL
Т	GLOVE, VINYL FOODSERVICE, PWDRFREE, MEDIUM	650	100CT	951998	20.7	SYS REL
Т	GLOVE, VINYL FOODSERVICE, PWDRFREE, LARGE	425	100CT	5478536	70.01	SYS CLS
Т	GLOVE. VINYL FOODSERVICE, PWDRFREE, EXTRA LARGE	110	100CT	952018	20.83	SYS REL
T	HAIR NET	15	144CT	2099341	101.42	SYS CLS
T	ICE MAT/PILLOW	15	1	6752596	148.35	THRMOSF
Т	LINERS. PAPER BAKERY PAN, 16"x24"	160	1000	4950929	36.58	PATPCFC
Т	LINERS. PAPER. PIZZA/SAND WRAP, WHITE, 14"x14"	2	1000	4345666	76.75	ZENITH
Т	LINER PAN, OVENABLE, DEEP, 1/2 PAN SIZE	15	100	1847482	13.59	SYS CLS
1	LINER, PAN, OVENABLE, DEEP, FULL PAN SIZE	100	100	9719816	23.37	HANGARD
1	NAPKINS, DISPENSER 7"X13.5"	5	625	7334706	44.15	SYS CLS
Т	OVEN, MITT, PYROTEX 17"	20	2	3781952	16.23	SYSCO
Г	OVEN, PAN GRABBER, 8.5"x11.5"	160	3	2764108	89.8	SYSCO
Т	PAD SCOUR XHV NYLON 3.5X6	15	20	5793922	13.59	SYSCO
\top	SCOOP PORTION #8	24	1	5012739	6.29	WINCO
П	SCOOP PORTION #10	12	T	4338786	7.63	SYSCO
Г	SCOOP PORTION #12	24	1	5014335	6.23	WINCO
Т	SCOOP PORTION #16	12	1	5014335	6.23	WINCO
Τ	SCOOP PORTION #30	12	1	5014129	6.1	WINCO
Т	SCOOP PORTION #40	12	1	4338778	9.9	SYSCO
Т	SPOODLE PORTION SCOOP, PERFORATED 20Z	12	1	4035119	5.14	VOLLRTH
Т	SPOODLE PORTION SCOOP, SOLID 20Z	12	1	4035127	6.48	VOLLRTH
S58 SF	SPOODLE PORTION SCOOP, PERFORATED 40Z	12	1	5881693	6.82	VOLLRTH
П	SPOODLE PORTION SCOOP, SOLID 40Z	12	1	5881628	12.16	VOLLRTH
П	THERMOMETER, FREEZER/REFR, -40F - 80F	20	2	1954148	8.01	SYSCO
S61 Th	THERMOMETER, OVEN, 100F - 600F	10	1	4049573	3.35	SYSCO
S62 TH	THERMOMETER WIPES	15	200	1261357	10.43	ECOLAB
S63 T(TONGS, PLASTIC, 6"	36	9	4062048	8.51	SYSCO
	TONGS, PLASTIC, 9"	09	- 1	4340451	3.11	CARLISL
П	TOWEL, DISPOSABLE, GREENWHITE 13X20	06	200CT	267849	22.47	SYS CLS
See TF	TRAY, FOAM, 5 COMPARTMENT SCHOOL LUNCH	2500	125	4295360	21.71	SAS CLS
Se7 TF	TRAY, PAPER, RED PLAID, 2.5 LB #250	1500	200	9457987	15.91	MPK FDS
S68 TF	TRAY, PAPER, RED PLAID, 2 LB #200	75	1000	9457888	18.76	MPK FDS
S69 TF	TRAY, PAPER, RED PLAID, 1 LB #100	120	1000	9456849	15.57	MPK FDS
S70 TI	TRAY, PAPER, RED PLAID, 1/2 LB #50	65	1000	9457904	14.06	MPK FDS
S71 U	UNTENSIL PACK, SPORK W/ NAPKIN & STRAW (5-5/8" BLUE)	1500	1000	1657339	11.97	PACKER



NONCOLLUSION AFFIDAVIT

TO BE EXECUTED BY THE BIDDER AND SUBMITTED WITH BID

STATE OF CALIFORNIA)
County of PLAKER
SUSCO SACRAMENTO, after first being by me duly sworn,
declares that:
He or she is Josha KELLY-STROWG of SYSLO SACRAMENTO
the party making the foregoing bid, that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in bid are true; and, further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereof, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Signature of Budder
Subscribed and sworn before me by
this, 20
(SEAL) *See attached
NOTARY PUBLIC

(Pub. Contract Code 7106)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California County of Placer

Subscribed and sworn to (or affirmed) before me on this day of Me 2019, by Joshua Jabez

Foreved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

EMILY G. AGELAKOPOULOS Notary Public - California Placer County Commission # 2275510 My Comm. Expires Jan 19, 2023

Signature Multi Afglalups h.

U.S. DEPARTMENT OF AGRICULTURE

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 7 CFR part 3017, Section 3017.510, Participants' responsibilities. The regulations were published as Part IV of the January 30, 1989, Federal Register (pages 4722-4733). Copies of the regulations may be obtained by contacting the Department of Agriculture agency with which this transaction originated.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Organization Name			PR/A ward Number or Project Nam
Logy Smar	DIR	Procuram SALES	

(6/13/4)
Signature(s)
Da

24/

California Department of Education School Nutrition Programs Unit Child Nutrition and Food Distribution Division April 1998 Approved by OMB 0348-0046

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352 (See reverse for public burden disclosure)

1.Type of Federal Action:	2. Status o	f Federal Action:	deral Action: 3. Report Type:	
 a. Contract b. Grant c. Cooperative	a. Bid/of b. Initial c. Post-a		a. Initial filing b. Material change FOR MATERIAL CHANG Year: Quarter: _	E ONLY:
3. Name and Address of Re Entity:	eporting	• If Reporting Entit and Address of Prin	y in No. 4 is Subawardee, Entene:	er Name
Prime Subawardee Tier, if known Congressional District, if known:		Congressional District, if known:		
• Federal Department/Agend		• Federal Program	Name/Description:	
	NA	CFDA Number, if a	pplicable:	MA
• Federal Action Number, if	known:	• Award Amount, i	f known:	NA
• a. Name and Address of Lentity (if individual, last name, firs MI):		10. b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):		
	(attach C	ontinuation Sheet(s) if necessary)		
Amount of Payment (check apply): Sactuplanned		• Type of Payment (check all that apply): Retainer One-time fee Commission Contingent fee Deferred		

Form of Payment (check all that apply): Cash In-kind; specify: Nature Value Brief description of services performed or to be performed and date(s) of service, including officer(s), employees(s) or member(s) contacted, for payment indicated in No. 11:				
(Attach Continuation Sheet(s) SF-LLL-A, if necessary) 15. Continuation Sheet(s) SF-LLL-A attached: Yes No				
16. Information requested through this form is authorized by Title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: 224 Print Name: 224 Title: D12 P206 Telephone No: 916	SMART 1210 SAMES) 569-7210 Date: 6/15/19		
Federal Use Only:		Authorized for local reproduction Standard Form - LLL		

MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT

Purchasing Department 1919 B Street Marysville, California 95901

REQUEST FOR PRICING (RFP)

TRADE REFERENCES

BID# RFP#20-1003
1. Company Folsom Cardova Tel: 9110-294-9920 Contact Name Jage McKetty Email: MKetty & facusal. Address 19105 Birkmont Dr. City: Ranch State/Zip: 95742 Cardova
2. Company Woodland USD Tel: 530-400-5 Fax: Contact Name Spencer Springer Email: 3 pencer Springer Owiges, org Address 435 with 5+reet City: Woodland State/Zip: 95075
3. Company Del Morte USD Tel: 707-464-02 Fax: Contact Name Deborah Kravitz Email: Akravitze delnorte, KI2, ca, US Address 301 W. Washington City: Crescont State/Zip: 95531 Blvd City
COMPANY NAME: Septe Sacramento ADDRESS: 7062 Pacific Avenue PHONE #: 916-5169-1033 FAX #: 877-571-1274 AUTHORIZED AGENT NAME: Ken Riley AUTHORIZED AGENT SIGNATURE: Run Ruley AUTHORIZED AGENT SIGNATURE: Run Ruley
EMAIL: riley Perri Bsac Supco Con DATE: U 14/19

RFP# 20-1005 K-12 Menu Planning & Back Office Software Nutrition Services Department Marysville Joint Unified School District

Nutrition Services Department Attention: Amber Watson 1919 B Street Marysville, CA 95901 awatson@mjusd.com 530-749-6178

REQUEST FOR PROPOSAL

May 15, 2019

DATE:

DESCRIPTION:	The Marysville Joint Unified School District is requesting proposals for supplying software training, and ongoing technical support for Back Office K-12 food service software for their K-12 schools located in Yuba County. The Nutrition Services Department's goal i procuring food service software products is to increase efficiency and accountability throughout its operation.			
RFP OPENING DATE:	May 29, 2019 at 3:00pm			
CONTACT:	Amber Watson, Director of Nutrition Services <u>awatson@mjusd.com</u> 530-749-6178			
Questions regarding the RFP and/or documents will only be accepted if submitted in writing. Questions can be submitted to Amber Watson by email: awatson@mjusd.com . All questions shall be submitted by email before 9:00am on May 29, 2019.				
******	***********************	k		
DELIVERY DATE	TERMS			
VENDOR/CONTRACTO	REMS LINA			
ADDRESS 2528	INDEPENDENCE BUYD			
Whish	INCTON, NC 28412			
THE UNDERSIGNED HEREBY AGREES that he/she will fulfill the obligations contained herein in accordance with all terms, conditions, and specifications set forth; and that he/she will furnish all required products in strict conformity with these documents, for the stated prices as payment in full. AUTH SIGNATURE: DATE DAT				
AUTH. SIGNATURE (PR	INT OR TYPE): WITH I) NEVSAN	e.		
	$\gamma u z$			

AMENDMENT NUMBER 1 TO THE RFP DOCUMENTS Amendment Date: May 16, 2019

RFP #20-1005 K-12 Menu Planning and Back Office Software

- A. This Amendment shall be considered part of the bid documents for the above-mentioned project as though it had been issued at the same time and shall be incorporated integrally therewith. Where provisions of the following supplementary data differ from those of the original bid documents, this Amendment shall govern and take precedence. BIDDERS MUST SIGN THE AMENDMENT AND SUBMIT IT WITH THEIR BIDS.
- B. Bidders are hereby notified that they shall make any necessary adjustments in their estimates as a result of this Amendment. It will be construed that each bidder's proposal is submitted with full knowledge of all modifications and supplemental data specified herein.

Except as described below, the original bid document remains unchanged. The bid documents are modified and/or clarified, as follows:

I. The deadline to submit questions has been changed to 9:00am on May 23, 2019.

ACKNOWLEDGEMENT OF AMENDMENT:	
Company Name EHS LINQ	
Contact Person JOHN NELSON	į
Signature D / L	-)
Date 5/20/2019	

EMS LINQ

Connecting the K-12 Community

2528 Independence Blvd Suite 200 Wilmington, NC 28412

Phone: 800.541.8999 Fax: 910.799.5427

Email: jverdusco@thinklinq.com

Customer Contact Amber Watson 5307496178

awatson@mjusd.com

Quote #: Start Date: Q-06081-1

7/1/2019

Bill To Marysville Joint Unified SD 1919 B Street Marysville, CA 95901

SALESPERSON	EMAIL.	SERVICE PERIOD	PAYMENT METHOD
Joe Verdusco	jverdusco@thinklinq.com	12 months	Net 10

Terms & Conditions

	Plus Annual Software iption	To include Menus and Nutritional, Inventory and Pro API	duction Reports w	vith an Aeries
QTY	PRODUCT		UNIT PRICE	EXTENDED
15	Inventory - Annual Subscription	on - V10	\$250.00	\$3,750.00
15	Production Records - Annual	\$100.00	\$1,380.00	
15	Menus & Nutrient Analysis - Annual Subscription - V10		\$3,562.50	\$3,562.50
1	API Aeries - Annual Subsciption - V9		\$0.00	\$0.00
		Meals Plus Annual Software Suscription	Original Total:	\$8,812.50
		Meals Plus Annual Software Suscription	on Grand Total:	\$8,692.50

Implementation and Training		Onsite Training available for \$1,200.00 per day Travel costs \$1,095.00 per trainer		
QTY PRODUCT			UNIT PRICE	EXTENDED
15	Remote Training - Food Service - Hourly		\$125.00	\$1,875.00
		Implementation and Training (Original Total:	\$1,875.00
		Implementation and Training	g Grand Total:	\$1,875.00

Tax:	\$0.00
Shipping:	
Grand Total:	\$10,567.50

Additional Comments

Quote includes ISITE website upgrade to include Interactive Menus at no additional cost

Q-06081**-**1 ©2019 EMS LINQ, Inc. All rights reserved. Page 2 of 3

NONCOLLUSION AFFIDAVIT

TO BE EXECUTED BY THE BIDDER AND SUBMITTED WITH BID

STATE OF CALIFORNIA)
County of Olaye
John O. Nolson, after first being by me duly sworn,
declares that:
He or she is Veckerson of Ens LING
the party making the foregoing bid, that the bid is not made
in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in bid are true; and, further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereof, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Signature of Bidder
Subscribed and sworn before me by Nick RT Dollio
this 30 day of May 2019
(SEAL)
Please see attached California Jurat with affiant statement NOTARY PUBLIC
(Pub. Contract Code 7106) # 5,30.14
06/02

CALIFORNIA JURAT WITH AFFIANT STATEMENT

TO SECOND SE	BEEN NEW NEW NEW NEW NEW NEW NEW NEW NEW
See Attached Document (Notary to cross out line) See Statement Below (Lines 1–6 to be completed	s 1–6 below) only by document signer[s], not Notary)
2	
3	
4	
5	
6 Signature of Document Signer No. 1	Signature of Document Signer No. 2 (if any)
A notary public or other officer completing this certificate v to which this certificate is attached, and not the truthfulne	verifies only the identity of the individual who signed the document ess. accuracy, or validity of that document.
State of California	Subscribed and sworn to (or affirmed) before me
County of Oscinge	on this 30 day of May Month Year
	(1) John D. Nelson
NICK R.J. DELELIO	(and (2))
Notary Public - California Orange County Commission # 2262703	Name(s) of Signer(s)
My Comm. Expires Oct 14, 2022	proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.
Place Notary Seal and/or Stamp Above	Signature Signature of Notary Public
	PTIONAL —
	in deter alteration of the document or
fraudulent reattachment of th	nis form to an unintended document.
Description of Attached Document	****
Title or Type of Document: 5.30.10	1 Non Collusion Attidavit
Document Date: 5.30.19	Number of Pages:
Signer(s) Other Than Named Above:	
• , ,	

©2017 National Notary Association

249

作给你的"她她她就是她的我们的我们的我们的我们的我们就是她的她,她就是她,她就是我们的我们的我们的她,她就是我们的我们的我们的我们的人,我们就是我们的人,我们

U.S. DEPARTMENT OF AGRICULTURE

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 7 CFR part 3017, Section 3017.510, Participants' responsibilities. The regulations were published as Part IV of the January 30, 1989, Federal Register (pages 4722-4733). Copies of the regulations may be obtained by contacting the Department of Agriculture agency with which this transaction originated.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Organization Name

Organization Name

Organization Name

PR/A ward Number or Project Name

PR/A ward Number or Project Name

Ame(s) and Title(s) of Authorized Representative(s)

Signature(s)

5/2012012



DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352 (See reverse for public burden disclosure)

1.Type of Federal Action:	2. Status of Federal Action:		3. Report Type:
a. Contract b. Grant c. Cooperative Agreement d. Loan e. Loan Guarantee f. Loan Insurance	a. Bid/offer/application b. Initial award c. Post-award		a. Initial filing b. Material change FOR MATERIAL CHANGE ONLY: Year: Quarter:
3. Name and Address of Re Entity:	porting	• If Reporting Entit and Address of Prin	y in No. 4 is Subawardee, Enter Name ne:
Prime Subawardee Tier, if known Congressional District, if known:		Congressional Distr	ict, if known:
Federal Department/Agency:		• Federal Program Name/Description:	
		CFDA Number, if applicable:	
• Federal Action Number, if known:		• Award Amount, if known: \$	
• a. Name and Address of Lobbying Entity (if individual, last name, first name, MI):		10. b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):	
(attach Continuation Sheet(s) if necessary)			f necessary)
• Amount of Payment (check all that apply): \$ actual planned		• Type of Payment Retainer One-time fee Commission Contingent fee Deferred	(check all that apply):



• Form of Payment (check all that apply): Cash In-kind; specify: Nature Value	Other; specify:		
Brief description of services performed or to be performed and date(s) of service, including officer(s), employees(s) or member(s) contacted, for payment indicated in No. 11: (Attach Continuation Sheet(s) SF-LLL-A, if necessary)			
15. Continuation Sheet(s) SF-LLL-A attached: Yes No			
16. Information requested through this form is authorized by Title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature The Dono of Newson Print Name: John of Newson Title: VICE PIZZS DENT SAIZS Telephone No: (800)541-8999 Date: 5/20/20		
Federal Use Only:	Authorized for local reproduction Standard Form - LLL		

MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT

Purchasing Department 1919 B Street Marysville, California 95901

REQUEST FOR PRICING (RFP)

TRADE REFERENCES

BII	0# <u>20-1005</u>		
1.	Company REDLANDS USD Contact Name BETTY CROCKER Address 250 CHURCH STREET	Tel: 909.307.5346Fax: Email: BETTY - CROCK-ERZ PREDLANDS. HIZ CA.U.S. City: PCDLANDS State/Zip: CA 92374	
2.	Company PAIM SPRINGS USD Contact Name STEPHANIE BRUCE Address 150 DISTRICE CENTER	Tel: 760.322. 417 Fax: Email: SBRUCE PSUSD. US City: Palm Sprenes State/Zip: CA GRUGH	
3.	Company CAPISTRANO USD Contact Name KRISTIN HILLEMAN Address 32972 CAILE PERFECTD	Tel: 949,234,9501 Fax:	
C	OMPANY NAME: EMS LINQ		
ADDRESS: 2528 INDEPENDENCE BUD			
PHONE #: 800-541-8999 FAX #: 910-799-5427			
AUTHORIZED AGENT NAME: JOHN NEUSON			
AUTHORIZED AGENT SIGNATURE:			
E	MAIL: JAELSON DLING. COLD	DATE: 5/20/2019	



Services Agreement Reinstatement

Name of Employer: Marysville Joint Unified School District

The Services Agreement for the fiscal year Jul 1, 2018 – Jun 30, 2019 entered into by your organization and U.S. OMNI is hereby reinstated and amended for the fiscal year Jul 1, 2019 -Jun 30, 2020 with the following fee schedule below:

FEE SCHEDULE FOR 2019-2020 YEAR

<u>Description</u>	No. of Accounts	Rate	Annual Amount
403(b) Accounts*	214	37.00	\$7918
457(b) Accounts	3	37.00	\$111
Total 2019-2020			\$ 8029

*Includes 403(b) ROTH Accounts

CA-5638

EMPLOYER:		OMNI	FINANCIAL GROUP, INC. d/b/a U.S. OMN
Ву:	Michael Hobson	Name	Mabril Bill for
Title: Asst.Supt.	of Zuaners Savvices	By:	Robert F. McLean, President
Date:		Date:	May 24, 2019
PLEASE RETURN A SIGNE	ED COPY BY JULY 1, 2019		

Business Services Department Approval:

Phone: (585) 436-OMNI • FAX: (585) 436-3633 • Toll Free: (877) 544-OMNI • www.omni403b.com

INTERQUEST DETECTION CANINES.

of North Valley Counties

3690 Keefer Road Chico, CA 95973 Office (530) 889-3197 Fax (530) 899-3197

Interquest Detection Canines® Of North Valley Counties (INTERQUEST)

Marysville High School (The SCHOOL)

This shall serve as an agreement by and between Interquest Detection Canines® of North Valley Counties and the SCHOOL for substance awareness and detection services for the period of August 2019 through June 2020

It is understood that the SCHOOL has established and communicated a policy clearly defining contraband as all drugs of abuse (in the broadest terms), alcoholic beverages, firearms and ammunition, prescription and over-the-counter medication, and that this policy has been disseminated to all campus locations. Violations are considered inimical to the welfare of students and contrary to the SCHOOL'S desire to foster an atmosphere conducive to safety and education.

INTERQUEST shall provide contraband inspection services utilizing non-aggressive contraband detection canines. Such inspections may be conducted on an unannounced basis under the auspices and direction of the SCHOOL administration with INTERQUEST acting as an agent of the SCHOOL while conducting such inspections. Communal areas, lockers, gym areas, parking lots (automobiles), grounds, and other select areas as directed by SCHOOL officials, shall be subject to inspection. Contraband detected on SCHOOL property is the responsibility of the SCHOOL. Suspected drugs of abuse may be field-tested to provide preliminary or presumptive identification of the drug. These tests will be provided upon request at our current published rates.

INTERQUEST agrees to provide $\underline{10}$ visits for the contract period. The SCHOOL may increase the total number of visits by notifying INTERQUEST in writing. Each visit will be \$ 355/ visit. DA required court testimony on behalf of the SCHOOL will be charged at the same rate. INTERQUEST will invoice for service on a monthly basis at the conclusion of the service month. The SCHOOL agrees to pay for services within thirty (30) days of receipt of such invoice.

INTERQUEST will schedule SCHOOL visits in conjunction with days designated by the SCHOOL as appropriate for visits. The SCHOOL will provide a school calendar with inappropriate dates for service noted. This calendar will serve as an addendum to the Agreement. All other dates will be considered acceptable for visits. SCHOOL will be responsible for payment for any visit made on any day other than those days noted as unacceptable on the attached school calendar.

INTERQUEST is licensed and registered by the U.S. Department of Justice, Drug Enforcement Administration, and regulatory commissions as required.

INTERQUEST DETECTION CANINES® OF NORTH VALLEY COUNTIES

FOR THE SCHOOL:

Terry Boque President, Generál Partner

Michael R. Hodson

Asst. Supt. of Business Services

Please return one (1) copy of this Agreement and your SCHOOL calendar & Bell Schedule in the enclosed envelope. Retain the other copy for school files. The 10 Visits will be provided to Marysville HS & Community

Day school together considered as one location

"the recognized leader in detection canines nationwide

Business Services Department

Approval: W

Date: 5 · 28 · 19

e-mail: interquestnvc@aol.com

website: www.interque



ATTORNEYS

Email: pgant@kblegal.us

May 23, 2019

VIA ELECTRONIC MAIL

Dr. Gay Starkey, Superintendent Marysville Joint Unified School District 1919 B Street Marysville, CA 95901 gstarkey@mjusd.k12.ca.us

Re:

Kingsley Bogard LLP

Billing Rates for Fiscal Year 2019/2020

Dear Dr. Starkey:

Set forth below are Kingsley Bogard's hourly billing rates that will be effective July 1, 2019 for the fiscal year 2019/2020.

Partner	\$295 - \$315
Senior Associate	\$280
Associate	\$200 - \$260
Paralegal	\$140 - \$165
Of Counsel	\$295

We value Marysville Joint Unified School District's business. If you require further information, please contact me.

Very truly yours,

KINGSLEY BOGARD LLP

PAUL R. GANT

Business Services Department

Approval: WA

Date: 5.28.19

PRG:tc Enclosure



ATTORNEYS

ACKNOWLEDGMENT OF 2019/2020 FISCAL YEAR LEGAL SERVICES BILLING RATES

 Partner
 \$295 - \$315

 Senior Associate
 \$280

 Associate
 \$200 - \$260

 Paralegal
 \$140 - \$165

 Of Counsel
 \$295

Please acknowledge receipt of Kingsley Bogard's 2019/2020 fiscal year billing rates for legal services by signing and returning this form to:

Paul R. Gant Kingsley Bogard LLP 600 Coolidge Drive, Suite 160 Folsom, CA 95630 pgant@kblegal.us

FOR: Marysville Joint Unified School District

Date: ______, 2019

Signature: ______

Name: Michael Hockon

Title: Asst. Supt. of Busness Sevuices



May 16, 2019

Dear Marysville Joint Unified School District Board,

We greatly appreciate your considering a collaboration with us to provide Ella students a unique and enriched opportunity.

This letter provides a brief overview of the student benefits relating to the Olivehurst Public Utility Department (OPUD) Education Project. It is fully funded by the State Department of Water Resources, via Proposition 1 bond funds through the Yuba Water Agency. The Project itself is managed by OPUD and staffed by Burdick & Company.

This project seeks to educate children about their drinking water: where it comes from, that it is safe to drink, and to empower our next generation of youth leaders to build a future that is sustainable, healthy, prosperous and equitable. All of the Project-developed competencies and components align closely with the California State and Next Generation Science Standards, improving student performance and relevance to school.

The <u>core competences</u> that we will develop, and which will benefit our youth include:

- Environmental Literacy: Students will develop the capacity to act individually and with others to support ecologically-sound decisions and awareness for the community.
- Critical Thinking: Students will be able to apply their thinking in multiple contexts and demonstrate their understanding of water and ecosystems.
- **Empirical Reasoning**: Students will deepen their scientific and investigative thinking and evaluate ethical implications of the use of water sources and systems.
- **Presentation Skills**: Students will develop positive self-concept, engage in community leadership, develop awareness of and enhance their overall leadership skills.
- **Personal Growth and Well-Being**: Students will demonstrate a healthy and confident disposition towards their local environment, community and classmates.

We will address these core competencies by providing the following <u>program components</u>:

• Salmon Run Field Trip Experience: In this field trip, students will have a hands-on science learning experience exploring and investigating the river and its endangered fish population.







Business Services Department

Approval: W4

Memorandum of Understanding

Olivehurst Public Utility Department Water Education Outreach Program

Ella Elementary School March 2019 - June 2020

Introduction/Overview:

As part of the State of California's bond-funded "Disadvantaged Community Involvement Program (DACI), grants have been awarded to each of the Department of Water Resources (DWR)'s ten Funding Areas (FA) which compromise the entire state. These DWR-designated FA include all of parts of the 44 Integrated Regional Water planning areas (IRWM). The SFRA includes all or part six IRWMs. Olivehurst is within the Sacramento River Funding Area (SFRA) and the Yuba IRWM. The DACI grant for the SFRA is being administered by the Yuba Water Agency (YWA) and is being managed by the staff of Burdick & Company (B&C). The Olivehurst Water Education Outreach Program has been jointly initiated by OPUD and B&C, at the direction of the Subcommittee which provides technical guidance and direction to the consulting staff.

This Memorandum of Understanding (MOU) seeks to formalize the work plan and approach for implementing the OPUD Water Education Outreach Program.

Goal:

The overarching goal of the OPUD Water Education Outreach Program is to:

Educate children about their drinking water and where it comes from, as well as increase their environmental literacy.

The Initiative will accomplish this goal by:

- **A.** Providing diverse, collaboratively-designed and high-quality learning experiences and materials inside and outside the classroom to support student's increased water knowledge and environmental literacy.
- **B.** Ensuring that these activities create a variety of water education experiences with their local river and help students in answering the questions: Where does my water come from? Why should I conserve it? and Is safe to drink?

Objectives of this Project:

- Improve student learning, particularly in the areas of water access, availability, conservation and eco-systems.
- Help children in the OPUD service area understand the water cycle, the concept of watersheds and water-dependent ecosystems, and how their own decisions affect how water is used as well as the collateral effects of their actions on natural systems.



- Educate young water consumers, while providing them with meaningful and enriching experiences relating to water.
- Support local children in becoming informed current, and future, customers in the communities where they will live and thrive in the future.
- Inspire our next generation of youth, to be aware and knowledgeable when it comes to the water they drink and how it gets to them.
- Provide deep learning experiences, with the use of a Water-Related Field Trip, Experiment Boxes, a Water Skit, a Water Day, and a Water Ambassador Day at OPUD board meeting to engage students and families alike, activating the local community with the Olivehurst Public Utility Department.

Purpose of the Memorandum of Understanding:

The purpose of this Memorandum of Understanding (MOU) is two-fold:

- > To provide students and staff at Ella Elementary School with a comprehensive understanding of the support that the OPUD Education Outreach Team will provide Ella Elementary School for the 2019-2020 school year.
- > To affirm that the OPUD Education Outreach Support Team will work directly and collaboratively with the Ella Elementary School Principal and Teachers to develop a set of activities, education materials and in-classroom experiences that meet the goal of the Initiative, while respecting the need and ability of the school to design the program.

This MOU ensures that both the Ella Elementary School and the OPUD Education Outreach Team have common expectations about the outcomes of the work, as well as their respective roles and responsibilities. This is an informal way of confirming that the School and its staff will be working collaboratively with the OPUD Education Outreach Team for the upcoming school year. Further, it affirms that the OPUD Education Outreach Team will be provided scheduled access to school leadership, teachers and 4th grade students for the upcoming year.

Commitments by Outreach Support Team:

- Co-design lessons and units with teachers that meet core standards, integrate hands-on learning experiences culminating in a school-wide Water Day.
- Create and provide Experiment Boxes, that include everything needed to conduct water-related experiments in the classroom.
- Partner with SYRCL and YWA to engage students in a Salmon Run: a hands-on experience that connects youth to the Yuba River environment and ecosystems.
- Conduct Water Skit assembly, complete with learning activities, local resource support and alignment to school learning goals.
- Connect student 'Water Ambassadors' and their parents to OPUD board through OPUD Board meeting where students showcase what they've learned.
- Installation of water refilling stations in your school.

School Commitments:

 A focus on improving students understanding and learning with water access, environmental literacy and water knowledge.

- Provide a team of teachers and necessary support staff, as required, to commit to the project. The school's project team should include at least one senior leader to sponsor the work and teacher. The team commits to:
 - Schedule and attend on-boarding session and subsequent project meetings to co-develop content, field trips, and experiment boxes;
 - ✓ Work with Outreach Team members to facilitate and organize a Water Skit, and the Salmon Run Trip.

District Name: Manguille Joint Unified School District
Your Name: Michael Hodson
Title: ASST. Supt. of Business Services
Signature:
Date:
Daniel C. C.
Burdick & Co.
Name: Katie Burdick
Title: Director
Later Burdech
Signature:
Date:5/19/19

26/



Marysville Joint USD Board Policy

Student Suspension And Expulsion/Due Process

BP 5144 Students

The Board of Education of the Marysville Joint Unified School District desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, coupled with effective classroom management and parent involvement can minimize the need for discipline.

When student misconduct occurs, staff shall attempt to identify and address the cause of the student's behavior and determine the appropriate discipline to be implemented. At all times, the safety of students and staff, and the maintenance of an orderly school environment shall be priorities when determining appropriate discipline. Staff shall use preventative measures and positive conflict resolution techniques whenever possible, depending on the frequency and seriousness of the violation. Continually disruptive students may be assigned to alternative programs or be subject to removal from school.

Maintaining an environment which promotes learning and protects the health, safety, and welfare of all students may require the suspension or expulsion of a student from regular classroom instruction.

Students shall be suspended and/or expelled in accordance with state and federal laws, Administrative Regulations, and the "Student Conduct Code."

Staff shall enforce disciplinary rules fairly, uniformly, consistently and without discrimination. The Superintendent shall provide professional development as necessary to assist staff in developing classroom management skills and implementing effective disciplinary techniques.

The Superintendent is authorized to promulgate regulations that are necessary to further the purposes of this policy. Each principal shall annually inform all students and parents/guardians of the District's discipline rules and procedures and of the availability of all district policies and regulations dealing with student suspension and expulsion.

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

1981 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35146 Closed sessions (re suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48660-48667 Community day schools

48900-48927 Suspension and expulsion

48950 Speech and other communication

49073-49079 Privacy of student records

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razors or stun guns

868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

7151 Gun free schools

COURT DEducation CodeISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of

Education and Kenneth H., (2001) 85 Cal. App. 4th 1321

Garcia v. Los Angeles Board of Education (1991) 123 Cal. App.3d 807

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 146 (2001)

80 Ops.Cal.Atty.Gen. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

Management Resources:

WEB SITES

CSBA: http://www.csba.org

California Attorney General's Office: http://www.caag.state.ca.us California Department of Education: http://www.cde.ca.gov

U.S. Department of Education, Office of Safe and Drug-Free Schools:

http://www.ed.gov/about/offices/list/osdfs/index.html

Policy MARYSVILLE JT. UNIFIED SCHOOL DISTRICT adopted: August 25, 2009 Marysville, California



Marysville Joint USD

Suspension and Expulsion/Due Process

BP 5144.1 **Students**

The Governing Board desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

(cf. 5131 - Conduct) (cf. 5131.1 - Bus Conduct) (cf. 5131.2 - Bullying)

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law, in this policy, and in the accompanying administrative regulation.

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring within any district school or another school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

- 1. While on school grounds
- 2. While going to or coming from school
- 3. During the lunch period, whether on or off the school campus

(cf. 5112.5 - Open/Closed Campus)

4. During, going to, or coming from a school-sponsored activity

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Appropriate Use of Suspension Authority

Except when a student's act violates Education Code 48900(a)-(e), as listed in items #1-5 under

"Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative regulation, or when his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5, 48900.6)

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(cf. 5138 - Conflict Resolution/Peer Mediation)
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(cf. 5144 - Discipline)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.

No student in grades K-3 may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

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(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Chronic Absence and Truancy)
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On-Campus Suspension

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

Authority to Expel

A student may be expelled only by the Board. (Education Code 48918(j))

As required by law, the Superintendent or principal shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code 48915)

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated

employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence

(cf. 5131.7 - Weapons and Dangerous Instruments)

- 2. Selling or otherwise furnishing a firearm
- 3. Brandishing a knife at another person
- 4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
- 5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
- 6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12," the Superintendent or principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code 48915(b) and (e))

- 1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
- 2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

A vote to expel a student shall be taken in an open session of a Board meeting.

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code 48917)

No student in grades K-3 may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

No child enrolled in a preschool program shall be expelled except under limited circumstances as specified in AR 5148.3 - Preschool/Early Childhood Education.

(cf. 5148.3 - Preschool/Early Childhood Education)

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5, 48918)

(cf. 5119 - Students Expelled from Other Districts) (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall maintain outcome data related to student suspensions and expulsions in accordance with Education Code 48900.8 and 48916.1, including, but not limited to, the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period. For any expulsion that involves the possession of a firearm, such data shall include the name of the school and the type of firearm involved, as required pursuant to 20 USC 7961. Suspension and expulsion data shall be reported to the Board annually and to the California Department of Education when so required.

In presenting the report to the Board, the Superintendent or designee shall disaggregate data on suspensions and expulsions by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. Based on the data, the Board shall address any identified disparities in the imposition of student discipline and shall determine whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

(cf. 0460 - Local Control and Accountability Plan)

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981-1981.5 Enrollment of students in community school

8239.1 Prohibition against expulsion of preschool student

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

35146 Closed sessions (regarding suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48645.5 Readmission; contact with juvenile justice system

48660-48666 Community day schools

48853.5 Foster youth



48900-48927 Suspension and expulsion

48950 Speech and other communication

48980 Parental notifications

49073-49079 Privacy of student records

52052 Numerically significant student subgroups

52060-52077 Local control and accountability plan

64000-64001 Consolidated application

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

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1985-1997 Subpoenas; means of production

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245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

417.27 Laser pointers

422.55 Hate crime defined

422.6 Interference with exercise of civil rights

422.7 Aggravating factors for punishment

422.75 Enhanced penalties for hate crimes

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razors, or stun guns

868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

1415(K) Placement in alternative educational setting

7961 Gun-free schools

UNITED STATES CODE, TITLE 42

11432-11435 Education of homeless children and youths

COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of

Education and Kenneth H. (2001) 85 Cal. App. 4th 1321

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 118

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ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 146 (2001)

80 Ops.Cal.Atty.Gen. 348 (1997)

80 Ops.Cal.Atty.Gen. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

Management Resources:

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014

WEB SITES

CSBA: http://www.csba.org

California Attorney General's Office: http://www.oag.ca.gov California Department of Education: http://www.cde.ca.gov

U.S. Department of Education, Office for Civil Rights:

http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf

U.S. Department of Education, Office of Safe and Healthy Students:

http://www2.ed.gov/about/offices/list/oese/oshs

Policy MARYSVILLE JT. UNIFIED SCHOOL DISTRICT

Adopted: August 25, 2019

(Agendized for Board approval): June 25, 2019



Marysville Joint USD

Administrative Regulation

Suspension And Expulsion/Due Process

AR 5144.1 **Students**

I. Overview

A. Introduction

The provisions of this Administrative Regulation have been developed in order to specifically describe and implement the pupil discipline policies of the Marysville Joint Unified School District. As such, these regulations are intended to fully conform with all California laws and regulations pertaining to the discipline of pupils in the public schools.

- B. Definitions
- 1. Suspension
- a. Suspension is defined as removal of a student from ongoing instruction for adjustment purposes. (Education Code 48925(d))
- b. Suspension does not mean:
- (1) Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Board of Education for students of the same grade level; (Education Code 48925(d)(1))
- (2) Referral to a certificated employee designated by the Principal to advise students; (Education Code 48925(d)(2))
- (3) Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the Principal or the Principal's designee. Removal from a particular class shall not occur more than once every five school days. (Education Code 48925(d)(3))
- (4) In-school suspension as contained in Education Code 48911.1.
- 2. Expulsion

Expulsion is defined as removal of a student from (1) the immediate supervision and control, or (2) the general supervision, of school personnel, as those terms are used in Education Code 46300. (Education Code 48925(b)) Expulsion is an administrative remedy designed to

promote pupil safety. (Fremont Union High School District v. Santa Clara County Board of Education (1991) 235 Cal.App.3d 1182)

3. Administrative Transfer

Administrative Transfer means the reassignment of a student to another school site within the district. Administrative Transfer will only occur upon approval of both the transferring site administrator and the receiving site administrator.

4. School Day

A school day is defined as a day on which the schools of the district are in session or weekdays during the summer recess. (Education Code 48925(c))

5. School Year

The school year begins the first day of July and ends the last day of June. (Education Code 37200)

6. Day

A day is a calendar day. (Education Code 48925(a))

7. Student Conduct Code

The Student Conduct Code is a document which is issued by the district. It is intended to inform students and parents about school rules and the consequences for certain behaviors.

8. Designee

- a. Throughout this Regulation, unless prohibited by law, the employee authorized to act on behalf of the district shall include his/her designee (e.g., the "designee" of the Principal or the "designee" of the Superintendent).
- b. A "Principal's designee" is any one or more administrators at that school site specifically designated by the Principal, in writing, to assist with the discipline of students. If there is no other administrator at that school site, one and only one other certificated person at the school site may be specifically designated by the Principal, in writing to the Superintendent, as a designee to assist with student discipline.
- c. When both the Principal and the designee are absent from the school site, an additional person may be designated by the Principal.
- d. The names of all persons designated as "Principal's designee" shall be on file in the Superintendent's office.

9. Parent

This term includes a pupil's guardian or legal counsel. This term also includes pupils over the age of 18.

10. Board

This term means the Board of the Marysville Joint Unified School District.

11. County Office

This term means the Yuba County Office of Education.

12. Director of Student Discipline

This term refers to the district's administrator responsible for processing student suspensions and expulsions.

13. Individual with Exceptional Needs

Individual with Exceptional Needs means an individual who satisfies all of the following:

- a. Has been identified by an IEP team as a child with a disability as that phrase is described in the Individuals with Disabilities in Education Act (Education Code 56026) who by reason thereof, needs special education and related services.
- b. The individual's impairment requires instruction, services, or both which cannot be provided without modification of the regular school program. (Education Code 56026(c))
- c. The individual falls within one of the following age categories:
- (1) Younger than three years of age and identified by the district, special education local plan area, or the county office as requiring intensive special education and services, as defined by the State Board of Education.
- (2) Between the ages of three and five, and identified by the district, the special education local plan area, or the County Office pursuant to 56441.11;
- (3) Between the ages of five and eighteen, inclusive;
- (4) Between the ages of 19 and 21 who is enrolled in, or eligible for, a special education program prior to his/her 19th birthday and who hasn't completed his/her prescribed course of study or who has not met proficiency standards.

14. Individual with a Handicap

This term (often used interchangeably with the term "individual with a disability") refers to a person who suffers from a physical or mental impairment, has a record of such impairment, or is regarded as having such an impairment, which affects one or more major life activities. Students meeting this definition, even though they may not qualify for special education services or supports under the Individuals with Disabilities in Education Act (IDEA), nonetheless may require modifications, accommodations, or special services or supports to obtain equal access to a free appropriate public education. (504 of the Rehabilitation Act of 1973)

- C. General Provisions
- 1. Grounds for Suspension/Expulsion
- a. A student, including an individual with exceptional needs, shall be subject to suspension/expulsion for the causes set forth in the Education Code. This specifically includes, but is not limited to, 48900, 48915, 48900.2, 48900.3, 48900.4, 48900.7, 48901 and 48901.5.
- b. A pupil enrolled in kindergarten or any grades 1 to 3 inclusive shall not be suspended for any of the acts enumerated in California Education Code 48900(k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school offices or other school personnel engaged in the performance of their duties. Pupils enrolled in kindergarten or any grades 1 to 12, inclusive, shall not be recommended for expulsion for violating California Education Code 48900(k).
- c. The district has developed a Student Conduct Code which more specifically lists the grounds for discipline and the range of consequences that may be imposed. This Student Conduct Code is regularly reviewed by district staff and is provided to all students at the beginning of each school year.
- 2. Related to School Activity or School Attendance
- a. No student shall be suspended /expelled unless the act is related to school activity or school attendance.
- b. Related to school activity or attendance includes by way of illustration and not limitation actions that occur:
- (1) While on school grounds; or
- (2) While going to or coming from school; or
- (3) During lunch period, whether on or off the campus; or
- (4) During, or while going to or coming from, a school-sponsored activity. (Education Code 48900(s))

Pursuant to the above definition, the district will impose discipline for prohibited conduct

which occurs on any school or district grounds or facilities regardless of when the conduct occurs. The district will impose discipline for such conduct even where it occurs outside of school hours and/or outside of school-sponsored activities.

- 3. Notification of Law Enforcement
- a. The Principal shall, prior to the suspension/expulsion of any student, notify the local law enforcement agency of any student conduct that may have violated:
- (1) Penal Code 245 (assault with a deadly weapon or force likely to cause great bodily harm). (Education Code 48902(a)); or
- (2) Penal Code 629.9 or 626.10 (Education Code 48902(c))
- b. The Principal shall notify the local law enforcement agency within one school day after suspension/expulsion for any act the student committed that may have violated the drug and alcohol prohibitions in Education Code 48900.
- c. Whenever an employee is attacked, assaulted, or physically threatened by a student, it shall be the duty of that employee, and the duty of any person supervising the employee who has knowledge of such incident, to promptly report the occurrence to the appropriate law enforcement agency. Failure to do so is a misdemeanor. (Education Code 44014)
- d. The principal may report "hazing" to law enforcement. Hazing is a misdemeanor, punishable by a fine and/or imprisonment. It is as defined as engaging or participating in any method of initiation or pre-initiation into a student organization or pastime or amusement engaged in with respect to such an organization which causes, or is likely to cause, bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm to another student. (Education Code 32050, 32051)

II. Suspension

A. General Provisions

Suspension is typically imposed only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5) When feasible, alternatives to suspension should be imposed against students who are tardy, truant, or otherwise absent from school activities. (Education Code 48900(w)) Additional requirements may apply for students identified with exceptional needs.

1. Authority to Suspend

Only certain individuals may suspend a student from class or school. These are the:

a. Student's Teacher (Education Code 48910);

- b. Superintendent (Education Code 48911);
- c. Principal (Education Code 48911);
- 2. Duration
- a. The total number of days for which a student may be suspended from school shall not exceed 20 school days in any school year. (Education Code 48903)
- b. Exceptions to the 20 school day limit:
- (1) When for purposes of adjustment, a student enrolls in, or is transferred to, another regular school, an opportunity school or class, or a continuation education school or class. In these instances, the student may not be suspended for more than 30 school days in any school year. (Education Code 48903)
- (2) When suspension for a period not longer than the balance of the semester from a continuation school is being processed by the district (Education Code 48912.5)
- 3. Homework and Tests

Any student who is suspended shall be required to complete any assignments and tests missed during the days of suspension (Education Code 48913)

- B. Suspension by Teacher
- 1. Duration

A teacher may suspend a student from his/her class as follows:

- a. Secondary teachers may suspend a student from class for the remainder of the period, and for that period the following day.
- b. Secondary teachers may suspend students they have enrolled in multiple periods for the remainder of those periods that day and for those periods the following school day.
- c. Elementary teachers may suspend students from self-contained classrooms for the remainder of the day and for the following day.
- d. Elementary teachers teaching in non-self-contained classes may suspend a student for the remainder of the period and that period the following day. (Education Code 48910(a))
- e. Teacher suspension from a particular class shall not occur more than once every five school (instructional) days. (Education Code 48925(d)(3))
- 2. Procedure

a. Report

The teacher shall immediately report the suspension to the Principal and send the student to the Principal for appropriate action. (Education Code 48910(a))

b. Conference

As soon as possible, the teacher shall ask the parent of the student to attend a parent-teacher conference regarding the suspension. Whenever practical, a school counselor or school psychologist shall attend the conference. A school administrator shall attend the conference at the request of the teacher or parent. (Education Code 48910(a))

c. Return to Class

- (1) During the period of suspension, the student shall not be returned to the class from which he/she was suspended without the concurrence of the teacher of the class and the Principal. (Education Code 48910(a))
- (2) During the period of suspension, a student suspended for a class shall not be placed in another regular class. However, if the student is assigned to more than one class per day, this shall apply only to other regular classes scheduled at the same time as the class from which the student was suspended. (Education Code 48910(b))

d. Suspension from School

The teacher may also refer a student to the Principal for consideration of suspension from school for causes set forth in the Education Code. (Education Code 48910(c))

3. Parental Attendance in Student's Class

- a. The parent of a student suspended by a teacher for commission of an act set forth in Education Code 48900(i) and/or (k), may be required to attend a portion of a school day in the classroom from which his/her child/ward was suspended. The attendance which may be required of parents pursuant to this section shall be limited to the class from which the student was suspended. (Education Code 48900.1)
- b. The Principal shall send written notice to the parent that his/her attendance is required. The notice shall also:
- (1) Tell the parent when his/her presence is expected and by what means he/she may arrange any reasonably necessary change;
- (2) Describe the protections afforded to the parent as an employee under Labor Code 230.7. The notice should advise:

No employer shall discharge or in any way discriminate against an employee who takes time off work to attend class when requested by a school pursuant to Education Code 48900.1, provided the employee gives the employer reasonable advance notice that he/she is requested to appear in school. Any employee who is discharged or in any way discriminated against is entitled to reinstatement and reimbursement for lost wages and work benefits.

- c. The teacher shall remind the parent to meet with the Principal after completing the classroom visit and before leaving the school premises.
- C. Suspension by Principal, Principal's Designee or Superintendent

1. Duration

The principal of the school, principal's designee, or the superintendent of schools may suspend a pupil from the school for any of the reasons from school for no more than five consecutive school days. (Education Code 48911(a))

2. Procedure

a. Student Conference before Suspension

Suspension by the Principal, Principal's Designee or the Superintendent shall be preceded by an informal conference with the student before suspension. Whenever practical, this conference should include the teacher, supervisor or school employee who referred the student to the Principal. (Education Code 48911(b))

b. Conference Requirements

At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her. The student shall also be given the opportunity to present his/her version and evidence in his/her defense. (Education Code 48911(b))

3. Procedure in Emergency Situations

The Principal, Principal's Designee, or the Superintendent may suspend a student without affording the student an opportunity for a conference only if they determine that an emergency situation exists. The term "emergency situation," as used in this section, means a situation determined to constitute a clear and present danger to the lives, safety or health of students or school personnel. (Education Code 48911(c))

a. Notice

If a student is suspended without a conference prior to the suspension, the parent and student shall be notified of the student's right to a conference, and the student's right to return to school for the purpose of a conference. (Education Code 48911(c))

b. Conference

The conference shall be held within two school days unless the student waives this right or is physically unable to attend for any reason. The conference shall then be held as soon as the student is physically able to return to school for the conference. (Education Code 48911(c))

4. Suspension Notice Requirements

a. Contact Parent

At the time of suspension, a school employee shall make a reasonable effort to contact the student's parent in person or by telephone. (Education Code 48911(d))

b. Written Notice to Parent

Whenever a student is suspended from school, the parent shall be notified in writing of the suspension. The notice shall, insofar as is practicable, be in the primary language of the student's parent or guardian. (Education Code 48911(d))

c. Conference with Parent

The Principal, Principal's Designee or the Superintendent may request the parent of the suspended student to attend a meeting to discuss the causes, the duration, the school policy involved, and other pertinent matters.

- (1) No penalties may be imposed on a student for failure of the student's parent to attend a conference with school officials.
- (2) Reinstatement of the suspended student shall not be contingent upon attendance by the student's parent or guardian at such conference. (Education Code 48911(f))
- d. Notice to Director of Student Discipline and Superintendent

A Principal shall report the suspension of each student, including the cause, to the Director of Student Discipline, who shall report the same to the Superintendent. (Education Code 48911(e))

D. Suspension by the Board

1. Duration

The Board may suspend a pupil from school for any of the acts enumerated in Education Code 48900 for not more than 20 days. (Education Code 48912(a))

2. Students in Continuation School

The Board has the authority to suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester for violation of any of the acts enumerated in Education Code 48900. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

3. Procedure

a. Closed Session

When the Board is considering the suspension of a student (as with all disciplinary actions against a student), the Board will hold a closed session hearing unless a hearing open to the public is requested by the parent. (Education Code 48912)

b. Written Notice

Prior written notice of the closed session hearing must be provided to the parent. (Education Code 48912(c))

E. Individuals with Exceptional Needs

1. Definitions

a. Student

As used in this section, "student" means an Individual with Exceptional Needs.

b. Hearing Officer

As used in this section, "Hearing Officer" means an officer appointed by the California Special Education Hearing Office.

2. Authority of School Personnel

a. Ten Consecutive Days

In general school personnel may suspend a student for up to 10 consecutive school days to the extent such suspension would be applied to a student without disabilities. (34 CFR 300.530)

(1) Exception

Where a student has experienced a series of separate suspensions in a school year that cumulatively add up to more than ten days, the "pattern" of such suspensions may establish a disciplinary change of placement warranting procedural protections for the student. Such a pattern may be evidenced by the length of each removal, the total amount of time the student is removed, and the proximity of the removals to each other. (34CFR 300.536)



b. Up to 45 Days

School personnel may place a student in an interim setting for up to 45 days, to the extent such suspension would be applied to a student without a disability, if:

- (1) The student carries a weapon to or possesses a weapon at school, on school premises, or to a school function; or
- (2) The student knowingly possesses/uses illegal drugs or sells/solicits the sale of a controlled substance while at school or at a school function. (34 CFR 300.530); or
- (3) Has inflicted serious bodily injury upon another person on school premises, or at a school function.

3. IEP Team Meeting

Either before discipline is imposed or not later than 10 days after school personnel have imposed discipline, the IEP Team shall meet to determine whether the behavior was or was not a manifestation of the child's disability. (34 CFR 300.530)

4. Interim setting

Where a child is to be placed in an interim setting, the interim setting is determined by the IEP Team and shall:

- a. Enable the student to continue to participate in the general curriculum;
- b. Continue to provide those services and modifications, including those described in the student's current IEP, that will enable the student to meet the goals set out in that IEP;
- c. Include services and modifications designed to address the behavior that resulted in the discipline so that it does not recur. (34 CFR 300.530, 531)

5. Parent Appeal of Interim Setting

- a. If a parent requests a hearing before a Hearing Officer to challenge the student's placement in an interim setting pursuant to II.E.2.b. above, the district shall arrange an expedited hearing. (34 CFR 300.532)
- b. In reviewing a decision of school personnel to place the student in an interim setting for up to 45 days (II.E.2.b.), the Hearing Officer shall:
- (1) Determine whether the district has demonstrated by substantial evidence that maintaining the current placement of such student is substantially likely to result in injury to the student or to others;

- (2) Consider the appropriateness of the student's current placement;
- (3) Consider whether the district has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services;
- (4) Determine whether the interim setting meets the requirements of paragraph II.E.4. (34 CFR 300.530, 532)
- 6. Manifestation Determination
- a. When Required:

A manifestation determination is required if a disciplinary action is contemplated which:

- (1) Involves placement in an interim setting (See II.E.2, and 4 above); or
- (2) Involves a change of placement, either because a removal for more than 10 days is proposed, or there is a pattern of removals (as described above) for a student who has engaged in behavior that violated any rule or code of conduct of the district which is applicable to all students;
- b. Notice to Parents

Not later than the date on which the decision to take disciplinary action is made, the parents shall be notified of that decision and of Federal procedural safeguards. (34 CFR 300.504)

- (1) The procedural safeguard notice shall be written in the native language of the parents, unless it is clearly not feasible to do so, and written in an easily understandable manner.
- (2) The following shall be addressed in the notice:
- (a) Independent education evaluation;
- (b) Prior written notice;
- (c) Parental consent;
- (d) Access to educational records;
- (e) Opportunity to present complaints;
- (f) The child's placement during pendency of due process proceedings;
- (g) Procedures for students who are subject to placement in an interim alternative educational setting;

- (h) Requirements for unilateral placement by parents of children in private schools at public expense;
- (i) Mediation;
- (j) Due process hearings, including requirements for disclosure of evaluation results and recommendations;
- (k) State-level appeals;
- (l) Civil actions;
- (m) Attorneys' fees.
- (n) California State complaint procedures including a description of how to file a complaint and the timelines under those procedures. (34 CFR 300.504; 34 CFR 300.660-300.622)
- (3) The notice shall specify that the IEP Team meeting may be held without the parent's participation unless the parent requests a postponement. (34 CFR 300.322)
- (4) The district shall notify the parents, in writing, if they intend to conduct an assessment of the student. (34 CFR 300.504)
- c. Time for Review

Immediately, if possible, but within 10 school days of the decision to take disciplinary action, a review shall be conducted of the relationship between the student's disability and the behavior subject to the disciplinary action. (34 CFR 300.530)

d. Scope of Review

Only if the IEP Team considers the items set forth below may it determine that the behavior of the student was not a manifestation of the student's disability:

- (1) First, in relationship to the behavior subject to the disciplinary action, the IEP Team must consider all relevant information, including:
- (a) Evaluation and diagnostic results, including such results or other relevant information supplied by the parents of the student; and
- (b) Observations of the student; and
- (c) The student's IEP placement; and

- (d) The student's health and discipline records.
- (2) Second, in relationship to the behavior subject to disciplinary action, the IEP Team must determine:
- (a) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- (b) If the conduct in question was the direct result of the LEA's failure to implement the IEP. (34 CFR 300.530)
- 7. Determination That the Behavior Was a Manifestation of the Disability

If the IEP team finds that the behavior of the student was a manifestation of the student's disability, the student may not be disciplined or recommended for expulsion.

8. Determination That the Behavior Was Not a Manifestation of the Disability

If the IEP Team finds that the behavior of the student was not a manifestation of the student's disability, the student may be disciplined to the extent that a student without disabilities would be disciplined, including expulsion. (34 CFR 300.524) See section III. D. regarding Expulsion of Individuals with Exceptional Needs.

- 9. Parent Appeal of Manifestation Determination
- a. Hearing Before the Special Education Hearing Officer
- (1) If a parent requests a hearing before a Hearing Officer to challenge the determination that the student's behavior was not a manifestation of the student's disability, the district shall arrange for an expedited hearing (34 CFR 300.532)
- (2) The Hearing Officer shall determine whether the district has demonstrated that the student's behavior was not a manifestation of the student's disability in accordance with II.E.6.d. above.
- 10. Placement of Student During Parent Appeals

Unless the parent and the district agree otherwise, the student shall remain in the interim setting pending:

- (1) The decision of the Hearing Officer; or
- (2) Until the expiration of the time period provided for in II.E.2.b., whichever occurs first. (34 CFR 300.533)
- 11. Students Not Yet Determined Eligible for Special Education and Related Services

a. Limited Rights

A student not previously determined eligible for special education and related services, and who has engaged in behavior that violated a rule of the district, may assert the protections provided for individuals with exceptional needs set forth in this Administrative Rule only if the district had prior knowledge that the student was a student with a disability before the occurrence of the behavior that precipitated the disciplinary action. (34 CFR 300.534)

b. Basis for District Prior Knowledge

The district shall be deemed to have prior knowledge that a student is a student with a disability if:

- (1) The parent of the student had previously expressed concern in writing to personnel of the district that the student is in need of special education and related services (unless the parent is illiterate or has a disability that prevents writing); or
- (2) Prior behavior or performance of the student demonstrates the need for such services; or
- (3) The parent of the student has previously requested an evaluation of the student pursuant to section 34 CFR 300.300 through 300.311; or
- (4) The teacher of the student, or other personnel of the district, has previously expressed concern about the behavior or performance of the student to the Director of Special Education Services or to other personnel of the district. (34 CFR 300.534)
- c. Result if No Prior Knowledge
- (1) If the district does not have prior knowledge that a student is a student with a disability before taking disciplinary measures against the student, the student may be subjected to the same discipline as are students without disabilities who engaged in comparable behaviors.
- (2) If parents request an evaluation of the student when the student is suspended/expelled:
- (a) An expedited evaluation shall be conducted.
- (b) Pending the results of the evaluation, the student shall remain in the educational placement determined by school authorities.
- (c) If the student is determined by the district to be a student with a disability, the district shall provide special education and related services in accordance with State and Federal law. (34 CFR 300.534)
- F. Individuals with a Handicap

1. Protections Related to Discipline

A handicapped or disabled student who qualifies for services under Section 504 of the Rehabilitation Act of 1973 is entitled to certain procedural protections when the district proposes to discipline the student by removing him or her from school for more than ten consecutive days, or where there have been a series of removals totaling more than ten days in a school year that constitute a "pattern" of disciplinary change of placement.

2. Evaluation Required

Such a student must be evaluated by the team that determined the student's Section 504 eligibility to ensure that the student's plan is appropriate and that all accommodations, modifications, services and supports are being properly implemented. (34 CFR 104.35)

3. Manifestation Determination

The team must also determine whether the student's misconduct was a manifestation of the disability. If the district determines that the handicap or disability caused the misconduct, the district may:

- a. With regard to students who commit weapons or drug offenses, place the student in an alternative interim education placement for up 45 days, or
- b. Change the student's placement if necessary to insure that the student receives a free appropriate public education, but, absent special circumstances, not for solely disciplinary reasons.

4. Basis of Knowledge

As with students entitled to protections under IDEA, a student who has not previously been determined eligible under Section 504 may be entitled to assert the procedural protections of the Act if the district had a prior "basis of knowledge" that the student was eligible under Section 504, but failed to act.

5 Misconduct Related to the Use of Alcohol

Students who are disciplined for misconduct related to use of alcohol may be disciplined the same as other students regardless of whether such alcohol use and related misconduct is a manifestation of handicap or disability.

G. Administrative Transfer

1. Duration

A student who is administratively transferred shall remain at the alternative site for, at least the remainder of the school year in which he/she was suspended, except in the case of



temporary placement pending expulsion panel hearing.

2. Rehabilitation Plan

The student shall be assigned to an appropriate rehabilitation program as determined by the Director for Student Discipline. The student shall be permitted to transfer back to his/her original site only when he/she has successfully completed the rehabilitation program

3. Transportation

No transportation is provided to the alternative site.

4. Appeal

- a. When a transfer has been imposed by the district at the request of the Principal, the parent shall have the right to request a meeting with the Director for Student Discipline.
- b. The meeting shall be held within five school days of the time such request is received.
- c. The review by the Director for Student Discipline shall be limited to the following questions:
- (1) Whether the offense was one for which the student could be transferred.
- (2) Whether procedural requirements were complied with by the district.
- H. Appeal of Suspension
- 1. Meeting with Principal
- a. When a suspension is ordered by a teacher, the student's parent shall have the right to meet with the Principal to discuss:
- (1) The cause and duration of the suspension;
- (2) Relevant school policy, Board Policy and Education Code sections;
- (3) Other matters pertinent to the suspension.
- b. The meeting shall be held within three school days of the time such request is received. (Education Code 48914)
- 2. Meeting with Director for Student Discipline
- a. Procedure



- (1) When a suspension has been ordered by a Principal, or after a parent has met with the Principal following a teacher suspension, the parent shall have the right to request a meeting with the Director for Student Discipline.
- (2) The meeting shall be held within five school days of the time such request is received.
- (3) The review by the appropriate Director for Student Discipline shall be limited to the following questions:
- (a) Whether the offense committed was one for which the student could be suspended.
- (b) Whether procedural requirements were complied with by school personnel.
- b. Findings of the Director for Student Discipline
- (1) If the Director for Student Discipline determines that no offense was committed for which the student could be suspended, all records and documentation regarding the disciplinary proceedings and suspension shall immediately be destroyed, and no information regarding the meeting shall be placed in the student's permanent record on file or communicated to any person not directly involved in the disciplinary proceedings.
- (2) If procedural requirements are found not to have been met, the Director for Student Discipline must reverse the suspension and remand the matter to the Principal for correction of the procedural error.
- (3) If the Director for Student Discipline finds that all procedural requirements were met, and that an offense for which the student may be suspended was committed, the suspension cannot be reversed or altered.
- (4) The Director for Student Discipline shall render his/her decision within two school days.
- (5) The decision of the Director for Student Discipline regarding any appealed suspension shall be final and binding.

III. Expulsion

A. Procedure for Expulsion

The act of expulsion is a very serious matter. The final decision to expel a student rests with the Board. In order that students and their parents are treated fairly and in accordance with their rights under the law, each of the following steps shall take place in cases where expulsion is being recommended.

With regard to students with previously identified exceptional needs, see section III.D. for additional prerequisites.



1. Report Sent to the Director for Student Discipline

A recommendation for expulsion shall be delivered, with supporting data, to the Director for Student Discipline. The recommendation shall include:

- a. Identifying information regarding the student and his/her parents;
- b. Recommendation for expulsion which includes an investigation report.
- c. A chronological log of the violations and, if appropriate, actions previously taken by the school in an attempt to remedy the problem;
- d. Records of previous suspensions, parent conferences etc.;
- e. General school records; and
- f. Special education data, if applicable.
- 2. Extension of Suspension
- a. Expulsion Recommended

Where expulsion from any school, or suspension for the balance of the semester from a continuation school, is being processed by the district, the suspension may be extended until such time as the Board has rendered a decision regarding the action. Any such extension shall be in writing. (Education Code 48911(g))

b. Meeting

Prior to extending the suspension, the Superintendent or his/her designee must have a meeting in which the student and the student's parent are invited to participate. (Education Code 48911(g))

c. Findings

After considering the issues presented by the student and the student's parent, the Superintendent or his/her designee can extend the suspension if it is determined that the student's presence at the school, or in an alternative school placement, would cause:

- (1) A danger to persons or property; or
- (2) A threat of disrupting the instructional process. (Education Code 48911(g))
- d. Parents Request Meeting

If the student or the student's parent has requested a meeting to challenge the original

suspension, the purpose of the meeting shall be to decide upon the extension of the suspension order under this section and may be held in conjunction with the initial meeting on the merits of the suspension. (Education Code 48911(g))

- 3. Written Notice of Hearing
- a. The Director for Student Discipline shall send an expulsion hearing notice to the student and his/her parent at least ten (10) calendar days prior to the date of the hearing. (Education Code 48918(b))
- b. The written expulsion hearing notice shall include (Education Code 48918(b)):
- (1) The date and place of the hearing (set by the Director for Student Discipline);
- (2) A statement of the specific facts and charges against the student;
- (3) A copy of the district's disciplinary rules which relate to the alleged violation;
- (4) Notice that the parent and student must, upon enrolling in a new school district, inform the new school district of the student's status with the Marysville Joint Unified School District.
- (5) A statement of the student's/parent's rights. These include the right to:
- (a) Appear in person or to employ and be represented by legal counsel (though such representation is not required);
- (b) Inspect and obtain copies of all the documents to be used at the hearing;
- (c) Confront and question all witnesses who testify at the hearing;
- (d) Question all evidence presented;
- (e) Present oral and documentary evidence on the student's behalf, including witnesses;
- (f) Request a public hearing in writing at least five calendar days before the date of the hearing;
- (g) Request at least one postponement of the hearing for a maximum of 30 calendar days.
- 4. Time of Hearing

Unless a parent requests an extension of time, the hearing shall be held within 30 days after the date that the principal or Superintendent determines that the pupil has committed an expellable offense. (Education Code 48918(a))

5. Representation by Legal Counsel

Notice of a parent's intent to be represented by legal counsel shall be provided to the district at least five school days prior to the expulsion hearing.

6. Postponement of the Expulsion Hearing

The time period for holding the expulsion hearing may, for good cause, be extended for an additional five school days. Reasons for this postponement shall be included as a part of the record at the time the expulsion hearing is conducted. (Education Code 48918(a))

B. Marysville Joint Unified School District Discipline Review Panel (MDRP)

1. MDRP's Purpose

The MDRP shall conduct the expulsion hearing and make a recommendation to the Board regarding expulsion. The MRDP's recommendation will be presented to the Board by the Director for Student Discipline. Final action to expel a student shall be taken only by the Board in a public session.

2. Panel Members

The MDRP shall consist of at least three impartial certificated employees of the district. No MDRP member shall be a member of the Board or employed on the staff of the school in which the student is enrolled. Panel members shall be selected by the district's Director for Student Discipline. (Education Code 48918(a))

3. Hearing Conducted in Closed Session

- a. The MDRP hearing shall be closed to the public unless the student or the student's parent requests in writing at least five calendar days prior to the date of the hearing that the hearing be conducted at a public meeting. (Education Code 48918(b))
- b. Regardless of whether the expulsion hearing is conducted at a closed or public session, the MDRP shall meet in closed session for the purpose of deliberating and determining whether the student should be recommended for expulsion to the Board. (Education Code 48918(c))
- c. If the MDRP admits any non-member to a closed deliberation session, other than an impartial legal counsel, representatives for the student (the parent, the student, and legal counsel for the student) and representatives for the district shall also be allowed to be in attendance. (Education Code 48918(c))

4. Hearing Record

The expulsion hearing shall be recorded by the district. The record may be maintained by any means, including an electronic record, so long as a reasonably accurate and complete written transcription of the proceedings can be prepared. (Education Code 48918(g))

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5. Rules of Evidence

- a. Technical rules of evidence shall not apply to the expulsion hearing. However, only relevant evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs will be admitted and given probative effect. (Education Code 48918(h))
- b. With very limited exceptions, the evidence to expel a student cannot be based solely upon hearsay. (Education Code 48918(f))
- c. The MDRP may, upon a finding that good cause exists, determine that the disclosure of the identity of a witness and the testimony of that witness at the hearing would subject the witness to an unreasonable risk of harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations which shall be examined only by the MDRP and the Board. Copies of these sworn declarations, which are edited in such a manner as to delete the name and identity of the witness, shall be made available to the student. (Education Code 48918(i)(3))

6. Decision

- a. The MDRP's recommendation shall be based solely upon evidence presented at the hearing. (Education Code 48918(f))
- b. The MDRP hearing shall be completed within five school days of commencement or, if this is not practicable, without unnecessary delay.
- c. Within three school days following the close of the hearing, the MDRP shall determine whether to recommend expulsion to the Board. (Education Code 48918(e))
- d. Within two school days of the decision of the MDRP, the Director for Student Discipline shall provide written notice to the student and his/her parent of the MDRP's recommendation.
- e. Recommendation Not to Expel
- (1) If the recommended decision is not to expel, the proceedings are terminated, and the student shall be immediately reinstated to a classroom, rehabilitation program, or a combination of programs. (Education Code 48918(e))
- (2) Placement in one or more of these programs shall be made by the Superintendent after consultation with school district personnel, including the student's teachers, and the student's parent or guardian. (Education Code 48918(e))
- (3) The decision of the MDRP not to recommend expulsion to the Board shall be final. (Education Code 48918(e))
- f. Recommendation to Expel

To recommend expulsion to the Board, the MDRP must find that the student engaged in conduct:

- (1) Described in Education Code 48915(c) which requires expulsion; or
- (2) Described in Education Code 48900, 48900.2, 48900.3 and 48900.4 and either:
- (a) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct; or
- (b) Due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others.
- g. Findings of Fact (Education Code 48918(f))
- (1) The MDRP shall prepare findings of fact in support of their recommendation and submit these findings to the Director for Student Discipline who will present them to the Board.
- (2) The MDRP's decision shall be supported by substantial evidence showing the student committed the expellable act.
- h. Suspension of Expulsion Order
- (1) The MDRP may also recommend to the Board that, after ordering expulsion, suspension of the enforcement of that expulsion order may be appropriate (See III.E.).
- (2) However, the final decision to suspend enforcement of any expulsion order, and the attendant conditions, shall be within the sole discretion of the Board. The Board shall not be bound by any MDRP recommendation to suspend an expulsion order.

C. Board Action

The Director for Student Discipline shall submit to the Board the MDRP's findings of fact in support of a recommendation to expel.

- 1. Deliberations
- a. The Board will meet in closed session to consider the MDRP's recommendation to expel and to deliberate whether to accept the recommendation.
- b. Except to argue for the right to present supplementary evidence, the parent of the student, the student, and legal counsel for the student may not be present during the deliberations of the Board.
- 2. Supplementary Evidence

- a. A supplementary hearing will be held before the MDRP only if the Board finds that:
- (1) The evidence suggested by the parents could not reasonably have been discovered prior to the MDRP hearing; and
- (2) A supplementary hearing should be held before MDRP to admit such evidence.
- b. The parent must provide the Director for Student Discipline with notice of their desire/need to appear before the Board for such limited purpose, at least three school days before the date of the Board meeting. Absent a timely written request, a parent shall have no right to appear at the closed Board meeting in which it deliberates regarding whether to expel the student.
- c. The final action by the Board regarding whether to expel the student shall take place in open session. (Education Code 48918 (j))
- d. The parent must notify the Director for Student Discipline if they will be represented by legal counsel at least three school days prior to the meeting scheduled for the Board's deliberations. In such case, the Board may have district legal counsel present.
- e. Appearance of legal counsel representing the parent or student, without prior written notice to the Director for Student Discipline, will result in a refusal to allow the legal counsel to address the Board.
- f. Any supplementary hearing shall be held according to the same rules and procedures as the original MDRP hearing. Absent a written request by the student's parent for a postponement of the Board's decision, the hearing shall not affect the time period required for the Board to render an expulsion decision pursuant to Education Code 48918
- g. The Board may determine that holding a supplementary hearing is good cause to extend the original 30 day period in which an expulsion hearing is to be held, and extend the time period by five school days. (Education Code 48918)

3. Decision of the Board

a. The Board's decision to expel, or not to expel, shall be made within 40 school days from the student's removal from school attendance. (Education Code 48918)

An exception to the 40 day limit shall be made if the student requests, in writing that the decision be postponed. Requests for postponement shall be for a period of not more than 30 calendar days. Additional postponement requests may be granted at the discretion of the Board.

b. Board adoption of a recommendation to expel shall be based upon a review of the findings of fact and recommendation submitted by the MDRP and upon the results of any supplementary hearing which has been ordered.

4. Written Notice of Expulsion

Written notice of the decision to expel, or a decision to expel combined with a suspension of the expulsion order, shall be sent to the student or the student's parent by the Superintendent. The decision shall include notice of:

- a. The right to appeal the expulsion order to the County Board of Education within 30 days of the Board's vote to expel (Education Code 48918(j));
- b. The parent/student's obligation to disclose the pupil's expulsion upon enrollment in a new school district (Education Code 48918(j));
- c. The program of study to which the pupil is referred during the period of expulsion (Education Code 48918(j));
- d. A description of the program recommended for the pupil. (Education Code 48918(j))
- 5. Maintenance of Records
- a. Record Retention is Required

The Board shall maintain a record of each expulsion, including the cause therefore. Such records shall be non-privileged, public records. (Education Code 48918(k))

b. Records Must be Forwarded

The expulsion order and causes therefore shall be recorded in the student's mandatory interim record and shall be forwarded to any school in which the student subsequently enrolls upon receipt of a request from the admitting school for the student's school records. (Education Code 48918(k))

D. Individuals with Exceptional Needs and Individuals with a Handicap

All procedures set forth under Suspension of Individuals with Exceptional Needs and Individuals with a Handicap (See II.E. and II.F.) must be completed prior to advancing to the procedures for expulsion set forth in this section.

- 1. Determination That Behavior Was Not A Manifestation of Disability
- a. If the manifestation determination review described in section II.E.6., has resulted in a finding that the behavior of the student was not a manifestation of the student's disability, the student may be recommended for expulsion.
- (1) In such a case, relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to student

without disabilities.

- (2) However, a Free Appropriate Public Education (FAPE) is required for all such suspended or expelled students.
- b. If the district initiates procedures to expel, the district shall ensure that the special education and disciplinary records of the student with a disability or handicap are also transmitted for consideration by the MDRP. (34 CFR 300.524)
- 2. Parent Appeal of Manifestation Determination See II.E.9.
- 3. Placement of Student During Parent Appeal of the Manifestation Determination See II.E.10.
- 4. Referral to, and Action by, Law Enforcement and Judicial Authorities

When reporting a crime committed by a student with a disability, the district shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom the district reports the crime. (34 CFR 300.529)

- E. Suspended Expulsion Orders
- 1. Duration

The Board, upon voting to expel a student, may suspend the enforcement of the expulsion order for a period of not more than one calendar year. (Education Code 48917(a))

2. Conditional Suspension of Expulsion Orders

As a condition of suspending the expulsion order, the student can be assigned to a school, class, or program which is deemed appropriate for his/her rehabilitation. (Education Code 48917(a))

- 3. Probationary Status
- a. While the expulsion order is suspended, the pupil is considered to be on probation. The suspension may be revoked if the student (Education Code 48917(d)):
- (1) Commits any of the expellable acts set forth in the Education Code; or
- (2) Violates any school rules; or
- (3) Violates any behavioral contract signed by the student.
- b. The determination as to whether the student has committed such an act or violation shall

be made by the Director for Student Discipline.

- c. The determination shall be made after an informal conference by the Principal, at which the student and his/her parent are invited to attend and present the student's side of the story and to present evidence as to the student's commission or non-commission of the alleged act/violation.
- d. The determination of Director for Student Discipline shall be reported to the Board in writing, whom shall make the final decision of whether to revoke the suspension of the original expulsion order.
- e. Upon revocation of the suspension of an expulsion order by the Board, a student is expelled under the terms of the original order (Education Code 48917(d)).

4. Successful Completion of Rehabilitation

Upon satisfactory completion of the rehabilitation assignment and each of the terms and conditions of the suspended expulsion order of a student, the district shall reinstate the pupil in a school of the district. The Board may also order the expungement of any or all records of the expulsion proceedings. (Education Code 48917(e))

5. No Effect on County Appeal

A decision to expel, and then to suspend imposition of the expulsion order, does not affect the time period and requirements for filing an appeal with the County Board of Education. (Education Code 48917(f))

F. Readmission of Expelled Students

1. Length of Expulsion

An expulsion order shall remain in effect until such time as the Board may order the readmission of a student. (Education Code 48916(a))

- a. At the time an expulsion of a student is ordered, the Board shall set a date (not later than the last day of the semester following the semester in which the expulsion occurred) when the student may apply for readmission to a school maintained by the district. (Education Code 48916(a))
- b. At the time an expulsion of a student is ordered pursuant to Education Code 48915(c), the Board shall set a date of one year from the date the expulsion occurred when the student may apply for readmission to a school maintained by the district. The Board may set an earlier date for readmission on a case-by-case basis. (Education Code 48916(a))
- c. If an expulsion is ordered during summer session or the intercession period of a year-round program, the Board shall set a date, not later than the last day to the semester

following the summer session or intercession period in which the expulsion occurred, when the pupil shall be reviewed for readmission to a school maintained by the district or to the school the pupil last attended. (Education Code 48916(a))

2. Rehabilitation

The Board shall recommend a plan of rehabilitation for the pupil at the time of the expulsion order which may include, but not be limited to, periodic review as well as assessment at the time of review for readmission. The plan may also include recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative service. (Education Code 48916(b))

3. Procedure for Readmission

- a. A description of this readmission procedure shall be made available to the student and his/her parent at the time the expulsion order is entered. (Education Code 48916(c))
- b. Requests for readmission may be submitted by the student or the student's parent to the Director for Student Discipline at the time stated in the Board's expulsion order. (Education Code 48916(c))
- c. An informal hearing shall be scheduled before the Director for Student Discipline. At this hearing, the student and the student's parent must appear and present relevant evidence to document that the student has fully complied with the terms and conditions of the expulsion order and rehabilitation plan. The Director for Student Discipline will consider the evidence presented by the student or the student's parent, as well as any evidence presented by the Principal. As appropriate, other relevant evidence may be considered. (Education Code 48916(c))
- d. Within 30 days of the informal readmission hearing, the Director for Student Discipline will make his/her recommendation to the Board. (Education Code 48916(c))
- e. The Board will make the final decision regarding the student's readmission. The Board shall readmit the pupil, unless the Board makes a finding that (Education Code 48916(c)):
- (1) The pupil has not met the conditions of the rehabilitation plan; or
- (2) Continues to pose a danger to campus safety or to other pupils or employees of the school district.
- f. Notice of the Board's decision will be provided to the student and his/her parent within 10 days of the Board's decision.
- 4. Denial of Readmission

- a. If the Board denies readmission, the notice of decision shall describe the reasons for such denial. (Education Code 48916(e))
- b. The Board shall make a determination either:
- (1) To continue the placement of the pupil in the alternative educational program initially selected for the pupil during the period of the expulsion order; or
- (2) To place the student in another program that may include, but need not be limited to, serving expelled students, including placement in a county community school. (Education Code 48916(d))

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

1981 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35146 Closed sessions (re suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48660-48667 Community day schools

48900-48927 Suspension and expulsion

48950 Speech and other communication

49073-49079 Privacy of student records

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razors or stun guns

868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

7151 Gun free schools

COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H., (2001) 85 Cal.App.4th 1321

Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 146 (2001)

80 Ops.Cal.Atty.Gen. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

Management Resources:

WEB SITES

CSBA: http://www.csba.org

California Attorney General's Office: http://www.caag.state.ca.us

California Department of Education: http://www.cde.ca.gov

U.S. Department of Education, Office of Safe and Drug-Free Schools:

http://www.ed.gov/about/offices/list/osdfs/index.html

Regulation MARYSVILLE JT. UNIFIED SCHOOL DISTRICT

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Marysville Joint USD

Administrative Regulation

Suspension and Expulsion/Due Process

AR 5144.1 **Students**

Definitions

Suspension means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

- 1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level
- 2. Referral to a certificated employee designated by the principal to advise students
- 3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910

Expulsion means removal of a student from the immediate supervision and control or the general supervision of school personnel. (Education Code 48925)

Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, including suspension and expulsion. (Education Code 35291, 48900.1, 48980)

(cf. 5144 - Discipline) (cf. 5145.6 - Parental Notifications)

Grounds for Suspension and Expulsion: Grades K-12

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows:

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code 48900(a) and (t))



2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence (Education Code 48900(b))

(cf. 5131 - Conduct) (cf. 5131.7 - Weapons and Dangerous Instruments)

3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind (Education Code 48900(c))

(cf. 3513.4 - Drug and Alcohol Free Schools) (cf. 5131.6 - Alcohol and Other Drugs)

- 4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as such controlled substance, alcoholic beverage, or intoxicant (Education Code 48900(d))
- 5. Committed or attempted to commit robbery or extortion (Education Code 48900(e))
- 6. Caused or attempted to cause damage to school property or private property (Education Code 48900(f))
- 7. Stole or attempted to steal school property or private property (Education Code 48900(g))
- 8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products (Education Code 48900(h))

(cf. 5131.62 - Tobacco)

- 9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900(i))
- 10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))
- 11. Knowingly received stolen school property or private property (Education Code 48900(1))

12. Possessed an imitation firearm (Education Code 48900(m))

Imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))

- 13. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))
- 14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))
- 15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900(p))
- 16. Engaged in, or attempted to engage in, hazing (Education Code 48900(q))

Hazing means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events. (Education Code 48900(q))

17. Engaged in an act of bullying (Education Code 48900(r))

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or his/her property; cause the student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with his/her academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school. (Education Code 48900(r))

Bullying includes any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 and below in items #1-3 of "Additional Grounds for Suspension and Expulsion: Grades 4-12," that has any of the effects described above on a reasonable student.

Bullying also includes an act of cyber sexual bullying by a student through the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording that depicts a nude, semi-nude, or sexually explicit photograph or other visual recording of an identifiable minor, when such dissemination is to another student or to school personnel by means of an electronic act and has or can be reasonably predicted to have one or more of the

effects of bullying described above. Cyber sexual bullying does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

Electronic act means the creation or transmission originated on or off the school site by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication including, but not limited to: (Education Code 48900(r))

- a. A message, text, sound, video, or image
- b. A post on a social network Internet web site, including, but not limited to, posting to or creating a burn page or creating a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

Reasonable student means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of his/her age, or for a person of his/her age with his/her disability. (Education Code 48900(r))

(cf. 1114 - District-Sponsored Social Media)

(cf. 5131.2 - Bullying)

(cf. 6163.4 - Student Use of Technology)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6164.6 - Identification and Education under Section 504)

- 18. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31 (Education Code 48900(t))
- 19. Made terrorist threats against school officials and/or school property (Education Code 48900.7)

A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

Additional Grounds for Suspension and Expulsion: Grades 4-12

Any student in grades 4-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))

(cf. 5131.4 - Student Disturbances)

A student in grades 4-12 shall be subject to suspension or recommendation for expulsion when it is determined that he/she:

1. Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)

Sexual harassment means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

(cf. 5145.7 - Sexual Harassment)

2. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233 (Education Code 48900.3)

Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)

(cf. 5145.9 - Hate-Motivated Behavior)

3. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment (Education Code 48900.4)

(cf. 5145.3 - Nondiscrimination/Harassment)

Suspension from Class by a Teacher

A teacher may suspend a student, including a grade K-3 student, from class for the remainder of the day and the following day for disruption, willful defiance, or any of the other acts specified in Education Code 48900 and listed as items #1-18 under "Grounds for Suspension and Expulsion: Grades K-12" above. (Education Code 48910)

When suspending a student from class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, he/she shall be appropriately supervised during the class periods from which he/she has been suspended. (Education Code 48910)

As soon as possible after the teacher decides to suspend the student, he/she shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

A student suspended from class shall not be returned to class during the period of the suspension without the approval of the teacher of the class and the principal or designee. (Education Code 48910)

A student suspended from class shall not be placed in another regular class during the period of suspension. However, a student assigned to more than one class per day may continue to attend other regular classes except those held at the same time as the class from which he/she was suspended. (Education Code 48910)

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

Suspension by Superintendent, Principal or Principal's Designee

To implement disciplinary procedures at a school site, the principal may, in writing, designate as the principal's designee another administrator or, if the principal is the only administrator at the school site, a certificated employee. As necessary, the principal may, in writing, also designate another administrator or certificated employee as the secondary designee to assist with disciplinary procedures when the principal and the principal's primary designee are absent from the school site.

The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to have committed any of the acts listed in the Board policy under "Authority to Expel" and for which he/she is required to recommend expulsion. (Education Code 48915(c))

The Superintendent, principal, or designee may impose a suspension for a first offense if he/she determines that the student violated any of items #1-5 listed under "Grounds for Suspension and Expulsion: Grades K-12" above or if the student's presence causes a danger to persons. (Education Code 48900.5)

For all other offenses, a student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

When other means of correction are implemented prior to imposing suspension or supervised suspension upon a student, the Superintendent, principal, or designee shall document the other means of correction used and retain the documentation in the student's record. (Education Code 48900.5)

(cf. 5125 - Student Records)

Length of Suspension

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days. (Education Code 48911)

A student may be suspended from school for not more than 20 school days in any school year. However, if a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class for the purpose of adjustment, he/she may be suspended for not more than 30 school days in a school year. The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903, 48911, 48912)

(cf. 6184 - Continuation Education)

These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion. (Education Code 48911)

Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

1. Informal Conference: Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, including the other means of correction that were attempted before the suspension as required pursuant to Education Code 48900.5, and the evidence against him/her, and shall be given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911)

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference and the conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

2. Administrative Actions: All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)



3. Notice to Parents/Guardians: At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall also be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

In addition, the notice may state the date and time when the student may return to school.

4. Parent/Guardian Conference: Whenever a student is suspended, school officials may request a meeting with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

If school officials request to meet with the parent/guardian, the notice may state that the law requires the parent/guardian to respond to such requests without delay. However, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied reinstatement solely because the parent/guardian failed to attend the conference. (Education Code 48911)

- 5. Extension of Suspension: If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision, provided the following requirements are followed: (Education Code 48911)
- a. The extension of the original period of suspension is preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.
- b. The Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)
- c. If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)

(cf. 6173.1 - Education for Foster Youth)

d. If the student involved is a homeless child or youth, the Superintendent or designee shall notify the district liaison for homeless students. (Education Code 48918.1)

(cf. 6173 - Education for Homeless Children)

In lieu of or in addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct his/her behavior and keep him/her in school.

On-Campus Suspension

A student for whom an expulsion action has not been initiated and who poses no imminent danger or threat to the school, students, or staff may be assigned to on-campus suspension in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

- 1. The on-campus suspension classroom shall be staffed in accordance with law.
- 2. The student shall have access to appropriate counseling services.
- 3. The on-campus suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
- 4. The student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to an on-campus suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification may be made in writing. (Education Code 48911.1)

Superintendent or Principal's Authority to Recommend Expulsion

Unless the Superintendent or principal determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, he/she shall recommend a student's expulsion for any of the following acts: (Education Code 48915)

- 1. Causing serious physical injury to another person, except in self-defense
- 2. Possession of any knife or other dangerous object of no reasonable use to the student
- 3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11058, except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician

- 4. Robbery or extortion
- 5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

In determining whether or not to recommend the expulsion of a student, the Superintendent, principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time. (Education Code 48915)

Student's Right to Expulsion Hearing

Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed the act(s) that form the basis for the expulsion recommendation. (Education Code 48918(a))

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a))

If the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

Stipulated Expulsion

After a determination that a student has committed an expellable offense, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after the student or his/her parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918.

The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian. The stipulation agreement shall include notice of all the rights that the student

is waiving, including the waiving of his/her right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.

A stipulated expulsion agreed to by the student and his/her parent/guardian shall be effective upon approval by the Board.

Rights of Complaining Witness

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

- 1. Receive five days' notice of his/her scheduled testimony at the hearing
- 2. Have up to two adult support persons of his/her choosing present at the hearing at the time he/she testifies
- 3. Have a closed hearing during the time he/she testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

Written Notice of the Expulsion Hearing

Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))

- 1. The date and place of the hearing
- 2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based
- 3. A copy of district disciplinary rules which relate to the alleged violation
- 4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment

This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

(cf. 5119 - Students Expelled from Other Districts)

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a non-attorney adviser

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Non-attorney adviser means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

- 6. The right to inspect and obtain copies of all documents to be used at the hearing
- 7. The opportunity to confront and question all witnesses who testify at the hearing
- 8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses

Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students

If the student facing expulsion is a foster student, the Superintendent or designee shall also send notice of the hearing to the student's attorney and a representative of an appropriate child welfare agency at least 10 days prior to the hearing. (Education Code 48918.1)

If the student facing expulsion is a homeless student, the Superintendent or designee shall also send notice of the hearing to the district liaison for homeless students at least 10 days prior to the hearing. (Education Code 48918.1)

Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing," including the requirement to issue a decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed. (Education Code 48918(a) and (d))

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated and permitted to return to the classroom instructional program from which the referral

was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by his/her parent/guardian, the Superintendent or designee shall consult with the parent/guardian and district staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion. If the hearing officer or administrative panel recommends that the Board expel a student but suspend the enforcement of the expulsion, the student shall not be reinstated and permitted to return to the classroom instructional program from which the referral was made until the Board has ruled on the recommendation. (Education Code 48917, 48918)

Final Action by the Board

Whether the expulsion hearing is conducted in closed or open session by the Board, a hearing officer, or an administrative panel or is waived through the signing of a stipulated expulsion agreement, the final action to expel shall be taken by the Board in public. (Education Code 48918(j))

(cf. 9321.1 - Closed Session Actions and Reports)

The Board's decision is final. If the decision is to not expel, the student shall be reinstated immediately. If the decision is to suspend the enforcement of the expulsion, the student shall be reinstated under the conditions of the suspended expulsion.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for any "mandatory recommendation and mandatory expulsion" act listed in the section "Authority to Expel" in the accompanying Board policy, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's

rehabilitation, which may include: (Education Code 48916)

- 1. Periodic review, as well as assessment at the time of review, for readmission
- 2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

Written Notice to Expel

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

- 1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-12" or "Additional Grounds for Suspension and Expulsion: Grades 4-12" (Education Code 48900.8)
- 2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
- 3. Notice of the right to appeal the expulsion to the County Board (Education Code 48918)
- 4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
- 5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

Decision to Suspend Expulsion Order

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion order, the Board shall take into account the following criteria:

- 1. The student's pattern of behavior
- 2. The seriousness of the misconduct
- 3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program

The suspension of the enforcement of an expulsion shall be governed by the following:

- 1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)
- 2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
- 3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12" or "Additional Grounds for Suspension and Expulsion: Grades 4-12" above or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)
- 4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
- 5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)
- 6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j))
- 7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

Appeal

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion order is suspended and the student is placed on probation. (Education Code 48919)

If the student submits a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board, the district shall provide the student with these documents within 10 school days

following the student's written request. (Education Code 48919)

Notification to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The principal or designee shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance, or of any student acts involving the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate county or district law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind. (Education Code 48902)

Placement During Expulsion

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

- 1. Appropriately prepared to accommodate students who exhibit discipline problems
- 2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at any of these
- 3. Not housed at the school site attended by the student at the time of suspension

(cf. 6158 - Independent Study) (cf. 6185 - Community Day School)

When the placement described above is not available and when the County Superintendent so certifies, students expelled for only acts described in items #6-12 under "Grounds for Suspension and Expulsion: Grades K-12" and items #1-3 under "Additional Grounds for Suspension and Expulsion: Grades 4-12" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. (Education Code 48915)

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)

Readmission After Expulsion

Prior to the date set by the Board for the student's readmission:

- 1. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference, the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
- 2. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session. If a written request for open session is received from the parent/guardian or adult student, it shall be honored to the extent that privacy rights of other students are not violated.
- 3. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
- 4. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
- 5. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school.
- 6. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying admittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

No student shall be denied readmission into the district based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system. (Education Code 48645.5)

Maintenance of Records

The district shall maintain a record of each suspension and expulsion, including its specific cause(s). (Education Code 48900.8)

Expulsion records of any student shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon written request by that school. (Education Code 48918(k))



The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

(cf. 5119 - Students Expelled from Other Districts)

Regulation MARYSVILLE JT> UNIFIED SCHOOL DISTRICT

Approved: August 25, 2009

(Agendized for Board approval): June 25, 2019



Marysville Joint USD

Administrative Regulation

Suspension And Expulsion/Due Process (Students WithDisabilities)

AR 5144.2 **Students**

A student identified as an individual with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA) is subject to the same grounds for suspension and expulsion which apply to students without disabilities.

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been officially identified as a student with disabilities pursuant to IDEA and who has engaged in behavior that violated the district's code of student conduct may assert any of the protections under IDEA only if the district had knowledge that the student is disabled before the behavior that precipitated the disciplinary action occurred. (20 USC 1415(k)(5); 34 CFR 300.534)

The district shall be deemed to have knowledge that the student has a disability if one of the following conditions exists: (20 USC 1415(k)(5); 34 CFR 300.534)

- 1. The parent/guardian has expressed concern to district supervisory or administrative personnel in writing, or to a teacher of the student, that the student is in need of special education or related services.
- 2. The parent/guardian has requested an evaluation of the student for special education pursuant to 34 CFR 300.300-300.311.

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or to other supervisory district personnel about a pattern of behavior demonstrated by the student.

The district would be deemed to not have knowledge that a student is disabled if the parent/guardian has not allowed the student to be evaluated for special education services or has refused services. In addition, the district would be deemed to not have knowledge if the district conducted an evaluation pursuant to 34 CFR 300.300-300.311 and determined that the student was not an individual with a disability. When the district is deemed to not have knowledge of the disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR



300.534)

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (20 USC 1415(k)(5); 34 CFR 300.534)

Suspension

The Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. (Education Code 48903; 34 CFR 300.530)

The district shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under any of the following circumstances: (34 CFR 300.536)

- 1. The removal is for more than 10 consecutive school days.
- 2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
- a. The series of removals total more than 10 school days in a school year.
- b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
- c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

If the removal has been determined to be a change of placement as specified in items #1-2 above, the student's IEP team shall determine the appropriate educational services. (34 CFR 300.530)

Services During Suspension

Any student suspended for more than 10 school days in the same school year shall continue to receive services during the term of the suspension. School personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed as provided in 34 CFR 300.101(a), so as to enable the student to continue to participate in the general education curriculum in another setting and to progress toward meeting the goals as set out in his/her IEP. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

If a student with disabilities is excluded from school bus transportation, the student shall be

provided with an alternative form of transportation at no cost to the student or his/her parent/guardian, provided that transportation is specified in his/her IEP. (Education Code 48915.5)

(cf. 3541.2 - Transportation for Students with Disabilities)

Interim Alternative Educational Placement Due to Dangerous Behavior

The district may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function: (20 USC 1415(k)(1)(G); 34 CFR 300.530)

- 1. Carries or possesses a weapon, as defined in 18 USC 930
- 2. Knowingly possesses or uses illegal drugs
- 3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V
- 4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365

The student's interim alternative educational setting shall be determined by his/her IEP team. (20 USC 1415(k)(1)(G), 34 CFR 300.531)

On the date the decision to take disciplinary action is made, the parents/guardians of the student shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

A student who has been removed from his/her current placement because of dangerous behavior shall receive services to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

Manifestation Determination

The following procedural safeguards shall apply when a student is suspended for more than 10 consecutive school days, when a series of removals of a student constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the district's code of conduct:

1. Notice: On the date the decision to take disciplinary action is made, the parents/guardians of the student shall be notified of the decision and provided the procedural safeguards notice

pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

(cf. 5145.6 - Parental Notifications) (cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

2. Manifestation Determination Review: Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

At the manifestation determination review, the district, the student's parent/guardian, and relevant members of the IEP team (as determined by the district and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following: (20 USC 1415(k)(1)(E); 34 CFR 300.530)

- a. Caused by or had a direct and substantial relationship to the student's disability
- b. A direct result of the district's failure to implement the student's IEP, in which case the district shall take immediate steps to remedy those deficiencies

If the manifestation review team determines that a condition in either #a or #b above was met, the conduct shall then be determined to be a manifestation of the student's disability. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

3. Determination that Behavior is a Manifestation of the Student's Disability: When the conduct has been determined to be a manifestation of the student's disability, the IEP team shall conduct a functional behavioral assessment, unless a functional behavioral assessment had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavior intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and district agree to a change of placement as part of the modification of the behavioral intervention plan. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

4. Determination that Behavior is Not a Manifestation of the Student's Disability: If the manifestation determination review team determines that the student's behavior was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

The student shall receive services to the extent necessary to participate in the general education

curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

(cf. 6158 - Independent Study) (cf. 6185 - Community Day School)

Due Process Appeals

If the parent/guardian disagrees with any district decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The district may request a hearing if the district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b). (20 USC 1415(k)(3); 34 CFR 300.532)

Whenever a hearing is requested as specified above, the parent/guardian or the district shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508 (a)-(c), and 300.510-300.514.

If the student's parent/guardian or the district has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise. (20 USC 1415(k)(4); 34 CFR 300.533)

Readmission

Readmission procedures for students with disabilities shall be the same as those used for all students. Upon readmission, an IEP team meeting shall be convened.

Notification to Law Enforcement Authorities

Prior to the suspension or expulsion of any student with a disability, the principal or designee shall notify appropriate city or county law enforcement authorities of any act of assault with a deadly weapon which may have violated Penal Code 245. (Education Code 48902)

The principal or designee also shall notify appropriate city or county law enforcement authorities of acts by any student with a disability which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a suspension or expulsion of a student with disabilities, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or

other appropriate means, of any act by the student which may violate Education Code 48900(c) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol or intoxicants of any kind. (Education Code 48902)

(cf. 5131.7 - Weapons and Dangerous Instruments)

Report to County Superintendent of Schools

The Superintendent or designee shall report to the County Superintendent when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action. (Education Code 48203)

Legal Reference:

EDUCATION CODE

35146 Closed sessions (re suspensions)

35291 Rules (of governing board)

48203 Reports of severance of attendance of disabled students

48900-48925 Suspension and expulsion

56000 Special education; legislative findings and declarations

56320 Educational needs; requirements

56321 Development or revision of individualized education program

56329 Independent educational assessment

56340-56347 Individual education program teams

56505 State hearing

PENAL CODE

245 Assault with deadly weapon

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act

626.10 Dirks, daggers, knives, razors or stun guns

UNITED STATES CODE, TITLE 18

930 Weapons

1365 Serious bodily injury

UNITED STATES CODE, TITLE 20

1412 State eligibility

1415 Procedural safeguards

UNITED STATES CODE, TITLE 21

812(c) Controlled substances

UNITED STATES CODE, TITLE 29

706 Definitions

794 Rehabilitation Act of 1973, Section 504

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 Evaluation and placement

104.36 Procedural safeguards

300.1-300.818 Assistance to states for the education of students with disabilities, especially:

300.530-300.537 Discipline procedures
COURT DECISIONS
Schaffer v. Weast (2005) 125 S. Ct. 528
Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489
M.P. v. Board of Education of Grossmont Union High School District, (1994) 858 F.Supp. 1044
Honig v. Doe, (1988) 484 U.S. 305

Management Resources:
FEDERAL REGISTER
Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845
WEB SITES
California Department of Education, Special Education: http://www.cde.ca.gov/sp/se
U.S. Department of Education, Office of Special Education Programs:
http://www.ed.gov/about/offices/list/osers/osep/index.html

Regulation MARYSVILLE JT. UNIFIED SCHOOL DISTRICT approved: March 11, 2008 Marysville, California



Marysville Joint USD

Administrative Regulation

Suspension and Expulsion/Due Process (Students with Disabilities)

AR 5144.2

Students

A student identified as an individual with a disability pursuant to the Individuals with Disabilities Education Act (IDEA), 20 USC 1400-1482, is subject to the same grounds and procedures for suspension and expulsion which apply to students without disabilities, except as otherwise specified in this administrative regulation.

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Suspension

The Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. (Education Code 48903; 34 CFR 300.530)

(cf. 6159 - Individualized Education Program)

The Superintendent or designee shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under either of the following circumstances: (34 CFR 300.536)

- 1. The removal is for more than 10 consecutive school days.
- 2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
- a. The series of removals total more than 10 school days in a school year.
- b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
- c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

If a student's removal is determined to be a change of placement as specified in items #1-2 above, or the student is suspended for more than 10 school days in the same school year, the student's IEP team shall determine the appropriate educational services. Such services shall be

designed to enable the student to continue to participate in the general education curriculum in another setting, to progress toward meeting the goals set out in his/her IEP, and to address the student's behavior violation so that it does not recur. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

If the IEP of a student with a disability requires the district to provide the student with transportation, the district shall provide the student with an alternative form of transportation at no cost to him/her or to his/her parent/guardian when he/she is to be excluded from school bus transportation. (Education Code 48915.5)

(cf. 3541.2 - Transportation for Students with Disabilities)

Interim Alternative Educational Placement Due to Dangerous Behavior

The district may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function: (20 USC 1415(k)(1)(G); 34 CFR 300.530)

- 1. Carries or possesses a weapon, as defined in 18 USC 930
- 2. Knowingly possesses or uses illegal drugs
- 3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V
- 4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365

The student's interim alternative educational setting shall be determined by his/her IEP team. (20 USC 1415(k)(1)(G); 34 CFR 300.531)

On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

A student who has been removed from his/her current placement because of dangerous behavior shall receive services, although in another setting, to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

Manifestation Determination

The following procedural safeguards shall apply when a student with a disability is suspended for more than 10 consecutive school days, when a series of removals of a student constitutes a



pattern, or when a change of placement of a student is contemplated due to a violation of the district's code of conduct:

1. Notice: On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

(cf. 5145.6 - Parental Notifications) (cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

2. Manifestation Determination Review: Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

At the manifestation determination review, the district, the student's parent/guardian, and relevant members of the IEP team (as determined by the district and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following: (20 USC 1415(k)(1)(E); 34 CFR 300.530)

- a. Caused by or had a direct and substantial relationship to the student's disability
- b. A direct result of the district's failure to implement the student's IEP, in which case the district shall take immediate steps to remedy those deficiencies

If the manifestation review team determines that either of the above conditions applies, the student's conduct shall then be determined to be a manifestation of his/her disability. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

3. Determination that Behavior is a Manifestation of the Student's Disability: When the student's conduct has been determined to be a manifestation of his/her disability, the IEP team shall conduct a functional behavioral assessment, unless one had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavioral intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and Superintendent or designee agree to a change of placement as part of the modification of the behavioral intervention plan. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

4. Determination that Behavior is Not a Manifestation of the Student's Disability: When it

has been determined that the student's conduct was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. However, the student's IEP team shall determine services necessary to enable him/her to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

As appropriate, the student also shall receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

(cf. 6158 - Independent Study) (cf. 6185 - Community Day School)

Due Process Appeals

If the parent/guardian disagrees with any district decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The district may request a hearing if the district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a due process hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b). (20 USC 1415(k)(3); 34 CFR 300.532)

Whenever a hearing is requested as specified above, the parent/guardian or the district shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508 (a)-(c), and 300.510-300.514.

If the student's parent/guardian or the district has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise. (20 USC 1415(k)(4); 34 CFR 300.533)

Readmission

Readmission procedures for students with disabilities shall be the same as those adopted for students without disabilities. Upon readmission of a student with disabilities, an IEP team meeting shall be convened to review and, as necessary, modify the student's IEP.

Decision Not to Enforce Expulsion Order

The Governing Board's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students. (Education Code 48917)



Notification to Law Enforcement Authorities

Law enforcement notification requirements involving students with disabilities shall be the same as those specified for all students in AR 5144.1 - Suspension and Expulsion/Due Process.

When giving any required notification concerning a student with disabilities to any law enforcement official, the principal or designee shall require the law enforcement official to certify in writing that he/she will not disclose the student's information or records to any other person without the prior written consent of the student's parent/guardian. (Education Code 49076)

(cf. 5131.7 - Weapons and Dangerous Instruments)

Report to County Superintendent of Schools

The Superintendent or designee shall report to the County Superintendent of Schools when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action. (Education Code 48203)

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been determined to be eligible for special education and related services and who has violated the district's code of student conduct may nevertheless assert any of the protections under IDEA, if the district had knowledge of the student's disability. (20 USC 1415(k)(5); 34 CFR 300.534)

Knowledge means that, before the occurrence of the behavior that precipitated the disciplinary action, one of the following occurred: (20 USC 1415(k)(5); 34 CFR 300.534)

- 1. The parent/guardian, in writing, has expressed concern to district supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education or related services.
- 2. The parent/guardian has requested an evaluation of the student for special education pursuant to 20 USC 1414(a)(1)(B) or 34 CFR 300.300-300.311.

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or other supervisory district personnel about a pattern of behavior demonstrated by the student.

However, the district shall not be deemed to have knowledge of a student's disability if the student's parent/guardian has not allowed him/her to be evaluated for special education services



or has refused services or, after evaluating the student pursuant to 34 CFR 300.300-300.311, the district determined that he/she was not an individual with a disability.

When the district is deemed to not have knowledge of a student's disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (20 USC 1415(k)(5); 34 CFR 300.534)

Legal Reference:

EDUCATION CODE

35146 Closed sessions re: suspensions

35291 Rules of governing board

48203 Reports of severance of attendance of disabled students

48900-48925 Suspension and expulsion

49076 Access to student records

56000 Special education; legislative findings and declarations

56320 Educational needs; requirements

56321 Development or revision of individualized education program

56329 Independent educational assessment

56340-56347 Individualized education program teams

56505 State hearing

PENAL CODE

245 Assault with deadly weapon

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act

626.10 Dirks, daggers, knives, razors, or stun guns

UNITED STATES CODE, TITLE 18

930 Weapons

1365 Serious bodily injury

UNITED STATES CODE, TITLE 20

1412 State eligibility

1415 Procedural safeguards

UNITED STATES CODE, TITLE 21

812 Controlled substances

UNITED STATES CODE, TITLE 29

706 Definitions

794 Rehabilitation Act of 1973, Section 504

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 Evaluation and placement

104.36 Procedural safeguards

300.1-300.818 Assistance to states for the education of students with disabilities, especially: 300.530-300.537 Discipline procedures

COURT DECISIONS

Schaffer v. Weast, (2005) 546 U.S. 549

Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489

M.P. v. Governing Board of Grossmont Union High School District, (1994) 858 F.Supp. 1044 Honig v. Doe, (1988) 484 U.S. 305

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845 WEB SITES

California Department of Education, Special Education: http://www.cde.ca.gov/sp/se U.S. Department of Education, Office of Special Education Programs: http://www.ed.gov/about/offices/list/osers/osep

Policy MARSYVILLE JT. UNIFIED SCHOOL DISTRICT

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