

FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT
125 East Bidwell Street
Folsom, California 95630

February 5, 2004

MINUTES

Board of Education
Regular Board Meeting
Folsom High School
Library
1655 Iron Point Road
Folsom, California 95630

BOARD OF EDUCATION

Roger L. Benton, Board President
Sara Myers, Board Vice President
Teresa A. Stanley, Board Clerk
Richard Shaw, Board Member
Edward Short, Board Member
Stephanie Shaffer, Student Board Member

February 5, 2004

Board members present: Roger Benton, Sara Myers, Teresa Stanley, Richard Shaw, and Edward Short. Student Board Member Stephanie Shaffer was present.

5:00 p.m. – Open Session CALL TO ORDER (Held in Library)
President Benton announced items to be discussed in closed session.

5:05 p.m. – Closed Session (Held in Library)

6:00 p.m. – Open Meeting (Held in Library)

Meeting convened at 6:12 p.m. President Benton called the meeting to order. Stephanie Shafer, Student Board Member, led the flag salute.

REPORTING OUT CLOSED SESSION ACTIONS

Superintendent Siefkin asked Mark Rickabaugh, Assistant Superintendent of Human Resources, to report out on routine action taken in closed session regarding certificated and classified personnel.

PERSONNEL MATTERS (Approved in Closed Session)

CERTIFICATED PERSONNEL

MYERS/STANLEY MOVED TO APPROVE routine certificated personnel items.
MOTION CARRIED UNANIMOUSLY.

CERTIFICATED EMPLOYMENT

- Kendra Clerkin-Males, Speech Pathologist, Psychological Services, Professional Clear Clinical Rehabilitative Services Credential; BA + 60; Class 5, Step 1. Effective: 01/15/04.

CERTIFICATED CHANGE OF ASSIGNMENT

- Stephanie Ellis, Speech Pathologist, Psychological Services, from 60% to 80%. Effective: 01/05/04.
- Kelly Hillesland, Teacher, from 60% Teacher Folsom High School/40% Lead Teacher to 80% Teacher Folsom High School/40% Lead Teacher. Effective: 01/26/04 through 06/11/04.
- Mark Keeton, Teacher, from Cordova High School to Folsom High School. Effective: 01/26/04.
- Clare Knightly, Teacher, from Cordova High School to Kinney High School. Effective: 01/26/04.

- Jason Mc Evoy, Teacher, Folsom High School; 20% Fall Semester Only to 100% Spring Semester Only. Effective: 01/26/04.

RATIFY RESIGNATION AND FIX LAST DATE OF EMPLOYMENT

- Linda Vance, School Nurse, Health Programs. Linda was hired on November 4, 2002, and has been employed 1 year with the Folsom Cordova Unified School District. Effective: 01/30/04.
- Amy Wheat, Psychologist, Psychological Services. Amy was hired on December 4, 2002, and has been employed 1 year 1 month with the Folsom Cordova Unified School District. Effective: 01/31/04.

CERTIFICATED LEAVE OF ABSENCE

- Carrie Chaney (*revised*), Teacher, Rancho Cordova Elementary School, 100% Parental, from 12/22/03 through 02/06/04, to 12/22/03 through 03/12/04.
- Licia King, Teacher, Cordova Meadows Elementary School, 100% Parental. Effective: 03/01/04 through 06/11/04. (On 40% Leave of Absence from 10/06/03 through 02/02/04).

CERTIFICATED VOLUNTARY REDUCTION IN ASSIGNMENT

- Kathleen Tresser, Speech Pathologist, Special Education, from 100% to 40%. Effective: 01/24/04. (On 60% Leave of Absence from 08/14/03 through 01/23/04).

ADMINISTRATIVE APPOINTMENT

- Ronald Lingren, Site Administrator at Folsom Lake High School for the 2003-2004 school year.

CLASSIFIED PERSONNEL

MYERS/STANLEY MOVED TO APPROVE routine classified personnel items.

MOTION CARRIED UNANIMOUSLY.

CLASSIFIED EMPLOYMENT

- Tiressa Briggs (replacement) School Clerk-Secondary (#990697), Mills Middle School, 8 hours daily/10.25 months, Range CL12/Step C. Effective: 1/16/04.
- Ute Clark (new position) Clerk Typist I (#204117), Family Support Services, 3.9 hours daily/12 months, Range CL08/Step C. Effective: 1/26/04.
- Lorene Connolly (replacement) Administrative Assistant II (# 204529), Maintenance Dept., 6 hours daily/12 months, Range CL20/Step A. Effective: 1/21/04.
- James Neal (replacement) Computer Instructional Assistant (#203101), Riverview Elem., 2 hours daily/9.5 months, Range CL12/Step B. Effective: 1/20/04 (*revised date*).
- Diane Yates (replacement) SIP Parent/Assistant Coordinator (\$#990746), White Rock Elem., 3.9 hours daily/9.5 months, Range CL10/Step A. Effective: 1/26/04.

CLASSIFIED REASSIGNMENT

- Kelly Blessen (reclassification) Sandra J. Gallardo Elem., Special Education Instructional Assistant (#990812) to SH/SED, from Range 10 to Range 11. Effective: 8/25/03.
- Shawn Carlino (reclassification) Peter J. Shields Elem., Special Education Instructional Assistant (#201484) to SH/SED, from Range 10 to Range 11. Effective: 8/25/03.
- Elizabeth Cukar (reclassification) Cordova High, Special Education Instructional Assistant (#990868) to SH/SED, from Range 10 to Range 11. Effective: 8/25/03.
- Elizabeth Cukar (hours increase/replacement) Special Education Instructional Assistant SH/SED (#990868), Cordova High, from 6 hours daily to 6.5 hours daily. Effective: 1/26/04.

- Nancy Hammer (reclassification) Sutter Middle, Special Education Instructional Assistant (#202123), to SH/SED, from Range 10 to Range 11. Effective: 8/25/03.
- Derek Jones (voluntary hours decrease) Transportation Dept., Bus Driver (#991465), from 8 hours daily to 7 hours daily. Effective: 1/22/04.
- Carolyn Kellison (reclassification) Cordova Villa Elem., Special Education Instructional Assistant (#201481) to SH/SED, from Range 10 to Range 11. Effective: 8/25/03.
- Jaime Lamb (reclassification) White Rock Elem., Special Education Instructional Assistant (#202598) to SH/SED, from Range 10 to Range 11. Effective: 8/25/03.
- Lalanía Lind (voluntary hours reduction) Transportation Dept., Bus Driver (#991453), from 8 hours daily to 6.25 hours daily. Effective: 1/22/04.
- Patsy Lively (reclassification) Empire Oaks Elem., Special Education Instructional Assistant (#202123), to SH/SED, from Range 10 to Range 11. Effective: 8/25/03.
- Melinda Locke (reclassification) Cordova High, Special Education Instructional Assistant (#203175), to SH/SED, from Range 10 to Range 11. Effective: 8/25/03.
- Pensri Mammolite (hours increase/replacement) Transportation Dept., Bus Driver (#991449), from 5.25 hours daily to 5.75 hours daily. Effective: 1/13/04.
- Terri Neal (reclassification) Sandra J. Gallardo Elem., Special Education Instructional Assistant (#990878), to SH/SED, from Range 10 to Range 11. Effective: 8/25/03.
- Carrie Rawles (reclassification) Sutter Middle, Special Education Instructional Assistant (#203160), to SH/SED, from Range 10 to Range 11. Effective: 8/25/03.
- Kathy Sells (reclassification) Carl Sundahl Elem., Special Education Instructional Assistant (#990889), to SH/SED, from Range 10 to Range 11. Effective: 8/25/03.
- Daria Stark (reclassification) Empire Oaks Elem., Special Education Instructional Assistant (#990843), to SH/SED, from Range 10 to Range 11. Effective: 8/25/03.
- Georgina Vigil (reclassification) Cordova Villa Elem., Special Education Instructional Assistant (#200346), to SH/SED, from Range 10 to Range 11. Effective: 8/25/03.
- Valjean Viksne (reclassification) Sandra J. Gallardo Elem., Special Education Instructional Assistant (#202663) to SH/SED, from Range 10 to Range 11. Effective: 8/25/03

CLASSIFIED UNPAID LEAVE OF ABSENCE

- Swarn Oberoi, Student Care Center Assistant (#200431), Oak Chan Elem., reason: family medical. Effective: 2/4/04 through 3/26/04.
- Denise Whitelaw, Special Education Instructional Assistant (#201315), Sutter Middle, reason: temporary teaching position in District: Effective: 1/22/04 through 6/10/04.

RATIFY RESIGNATION AND FIX LAST DATE OF EMPLOYMENT

- Katherine Soza, Student Care Center Assistant (#991309), Peter J. Shields Elem., reason: other employment. Effective: 1/29/04.
- Cathy Taylor, Library Clerk (#991088), Theodore Judah Elem., reason: family medical. Effective: 1/16/04.

CLASSIFIED RETIREMENT

- Gracie Brown, IASA Instructional Assistant (990769), Rancho Cordova Elem. Effective: 1/13/04. Gracie was hired as an Instructional Assistant at Theodore Judah Elementary in February of 1977. She worked as a Cafeteria Worker I at Carl Sundahl for a year. In 1989 Gracie went back to the classroom setting as an Instructional Assistant at Rancho Cordova Elementary. Gracie retired with twenty-seven years of service to the District.

Superintendent Siefkin also reported that Trustees voted to offer a certificated retirement incentive for the 2003/2004 school year. Terms, conditions, and minimum numbers will be forthcoming.

PRESIDENT'S STATEMENT

SPECIAL PRESENTATION

Folsom High School Link Crew

Assistant Superintendent of Secondary Instruction Janie DeArcos introduced Melinda Wilson, FCUSD Teacher of the Year, who turned the program over to the following students:

Link crew leader officers: Alberto Cortes, Thomas Quigley, Katlynn Kapki, Chelsea Brooks, Kavita Khandekar, Mike Camara, Ashley Bear, Megan Phillips, and Natalie Kapki.

Link Crew aids students in the transition from the middle schools to one high school campus. Link Crew includes four coordinators, 97 link leaders, ten A team members, and 653 freshmen.

- Thomas Quigley spoke about this transition program that welcomes freshmen students and helps them throughout their first year of high school. It promotes students to help other students succeed.
- Katlynn Kapki spoke about the wide range of students helping out in Link Crew.
- Chelsea Brooks spoke about one of Link Crew's main goals of creating a community on campus.
- Kavita Khandekar spoke about building a relationship between freshmen and Link Crew leaders with activities.
- Mike Camara spoke about encouraging positive interaction between Link Crew leaders and freshmen.

ADOPTION OF AGENDA

STANLEY/MYERS MOVED TO ADOPT the agenda.

MOTION CARRIED UNANIMOUSLY.

PUBLIC PARTICIPATION (0304-184)

- Kathryn Allaman, Center High School Vice Principal, and Folsom High School parent, addressed the board thanking them for providing a tremendous education for her daughter.

REPORTS OF DISTRICT ORGANIZATIONS (0304-185)

Student Advisory Board – Stephanie Shaffer reported on the following:

- Folsom Middle School and Sutter Middle School have Valentine dances coming up. Wrestling and girls' basketball seasons have begun.
- Mills Middle and Mitchell Middle school basketball seasons have started.
- Mills has a talent show coming up. Sixth graders went to Sly Park. Science Fair will be held soon.
- Folsom High School has a couple of dances coming up, and baseball, girls' soccer and track have started.
- Kinney High is selling candy grams and is doing Pennies for Patients. Basketball team has been successful.
- Folsom Lake High is having job shadowing; ten students participated at WalMart.
- Discussed the trash problems in the SAB meeting. The middle schools are not as problematic as the high schools. Folsom High School formed a trash committee and held a meeting where they came up with consequences and rewards, as well as citations for littering, and ice cream if the quad is clean after lunchtime. Student government is very frustrated.
- Calendar issue was discussed.
- Mr. Rickabaugh and Mrs. DeArcos attended the meeting and provided information on honors and AP courses offered at both campuses. Committee was shocked when told honors program is not

counted with the 5.0-weighted system. Mr. Rickabaugh also provided information on class sizes and student/teacher ratios.

PTA/PTO Council – No report.

California School Employees Association – No report.

Folsom Cordova Education Association – No report.

Folsom Cordova Administrators Association – Past President Kelly Calhoun reported on the following:

- Invited board members to the February 26th ACSA Region 3 Partners in Education Excellence award dinner.
- We will also be honoring business partners that night. EDS and Rancho Cordova WalMart have been nominated.

AGENDA CONSENT ITEMS

MYERS/STANLEY MOVED TO APPROVE agenda consent items.

MOTION CARRIED UNANIMOUSLY.

0304-186 – Administrative Matters

- A. Regular Meeting Minutes – January 22, 2004
- B. Adopt Resolution No. 02-05-04-22 – Resolution to Pay Absent Board Member

0304-187 – Business Matters

- A. Accept Donations: To acknowledge receipt of donations to the district.
- B. Approve Budget Revisions – General Fund and Other Funds
- C. Award Bid: Community Education Center Modernization
- D. Approve Change Order No. 3: Cordova Villa Elementary School Modernization
- E. Approve Prequalification of Trade Contractors – Low Voltage
- F. Adopt Resolution No. 02-05-04-23 – Approve 2003-2004 Child Development Agreement
- G. Approve Piggyback Bid: Gary Douplik Manufacturing, Inc. – Rancho Cordova Elementary School Student Care Building
- H. Approve Piggyback Bid: Gary Douplik Manufacturing, Inc. – Mather Heights Elementary School Student Care Building
- I. Approve Piggyback Bid: Gary Douplik Manufacturing, Inc. – Cordova Meadows Elementary School Classroom Building

0304-188 – Instructional Matters

A. Expulsion Panel Recommendations:

Case Numbers: 0304-47 and 0304-49

0304-47 – Expel through the end of the spring semester of the 2003-2004 academic year; suspend expulsion order; place at Kinney High School through the end of the spring semester of the 2003-2004 academic year; individual student counseling to address decision-making skills.

0304-49 – Expel through the end of the fall semester of the 2004-2005 academic year; place at a non-public school or any program outside of Folsom Cordova Unified School District, as determined by the District I.E.P. team, through the end of the fall semester of the 2004-2005 academic year; upon reinstatement into the district, student must attend the Mather Youth Academy (as a S.A.R.B. placement) and complete at least one successful semester in order to be considered for return to a comprehensive program of the Folsom Cordova Unified School District; continue individual student

counseling to address anger management and substance abuse.

- B. Approve Contracts for Non Public School Placement – SE-0304-55, SE-0304-56, SE-0304-57, SE-0304-58, SE-0304-59 and SE-0304-60
- C. Approve Contracts for Therapy Services – SE-0304-61 and SE-0304-62
- D. Approve Extended Educational Field Trip Request – Folsom High Middle School and Sutter middle School Jazz Band to Reno Jazz Festival, Reno, Nevada
- E. Approve Extended Educational Field Trip Request – Mitchell Middle School Music Students to the World of Music Festival, Disneyland, Anaheim, California
- F. Approve Extended Educational Field Trip Request – Cordova High School Jazz Band to Reno Jazz Festival, Reno, Nevada
- G. Approve Extended Educational Field Trip Request – Mather Heights Elementary Fifth Graders to Woodleaf Outdoor School, Yuba City, California

DISCUSSION/ACTION

0304-189 – Approve 2004-2005 Instructional Calendar

STANLEY/MYERS MOVED TO ADOPT the (blue sheet) calendar that starts a week early for 2004-2005 and MOVED to adopt the (yellow sheet) calendar for 2005-2006 school year also. Staff may consider changing the third quarter to end on a different date.

MOTION CARRIED UNANIMOUSLY.

- Glen Graber, Math Teacher at Folsom High and FCEA representative for FHS building. The acceptance of the instructional calendar was never put to the FCEA membership. The information that FCEA is opposed to the new calendar is incorrect.
- Bob Jarman, Teacher at Folsom High, encouraged board to approve an earlier start date. Challenged the board to do what is right for the kids. It does not affect the elementary students.
- Larry Van Inwagen, Folsom High School Teacher, agrees completely with Bob Jarman, board should approve earlier calendar for 2004/05 school year.

Richard Shaw

- Haven't heard arguments against starting an earlier calendar next year. Has asked administrators if the early calendar is educationally sound for kids; the answer was yes - it is the best thing to do. I don't know why we're waiting. Let's get on with it. This is silly to wait for two years.

Ed Short

- Concurred with Mr. Shaw.

Teresa Stanley

- Stated that we are giving six months notice. Need to notify families that there is an independent study program for those who have already scheduled vacation plans for that week in August.

Stephanie Shafer

- Glad we are in agreement. It is important to get this calendar approved, however, the weather will be hot earlier in the year. The feedback from SAB and my government class has been approval of the earlier calendar.

0304-190 – Review Board Policy 5113 – Absences and Excuses (confidential medical services)

STANLEY/SHORT MOVED TO AMEND Board Policy 5113, which currently reads:

Students in grades K-6 shall not be absent from school without their parents'/guardians' knowledge or consent, except in cases of medical emergency. Students in grades 7-12 shall not be absent from

school without their parents/guardians' knowledge or consent, except in cases of medical emergency or confidential medical appointment.

Remove the second sentence that allows students in grades 7-12 to be released for confidential medical appointments. Change K-6 in first sentence to read K-12.

Bob Kingsley, Pinnell and Kingsley, district counsel

- There are several different legal opinions from different law firms out there. We are presenting ours.
- The court case that is relied upon in most instances by all parties to look at the parental consent issue and what the issues are relating to when parental consent controls, the rights of the parents to parent their child versus the medical emancipation of minors. Those are the terms the California Supreme Court used in the American Academy of Pediatrics vs. Lungren.
- When they looked at the medical emancipation of minors, their decision was 110 pages long. 42 embody the basic decision, 19 pages from concurring Supreme Court justices, and 49 pages of dissent.
- School boards have been wrestling with this topic. We have looked at this issue and addressed what we believe are the fundamental issues.
- Does the board have the discretion to deny to students the right to depart for a confidential medical appointment? Our determination is that discretion does not exist. Legislative counsel has also arrived at the conclusion that this is not an area where there is discretion in determining whether to excuse pupils to obtain those confidential medical services.
- We looked at other issues as well. If the board didn't have the discretion to say no, you may not leave for a medical appointment, did the school district have the ability to notify the parents after the fact? The answer is no, based on the Supreme Court determination that those sorts of things are violative of the minors right to privacy.
- We looked at a number of issues relative to liability, both if students are not released and if they are released. Based on the legislative counsel's opinion, the district does not have the discretion to deny the student the right to go since it is then simply a ministerial act to dismiss them, the school board and district have no liability in that situation, unless the school district has otherwise undertaken a duty of care, i.e., crossing streets. Based on my understanding of FCUSD practices, that is not the case.
- Why can't the school simply adopt a blanket policy that no student will be released during school time without parental consent? The problem with that argument from a purely legal standpoint is that Education Code Section 48205 says students shall be excused from school for medical appointments. If a board adopts a policy such as this then it creates exactly the same thing that the Supreme Court has indicated is not possible. We will not excuse you for a confidential medical appointment during school hours without parental consent. The Supreme Court has indicated that is not a permissible result.
- If the legislature were to amend Education Code Section 48205 to not make it mandatory that may change the analysis a little. However, I believe if a student had a need (for an abortion) to be excused and they were denied, the Supreme Court would arrive that it is violative of the student's privacy rights. It almost invests the school district with more power than the parents. The law that began to develop in the 1800's involving school districts was that school districts stand in. So while the students are with us, we are able to exercise the same rights in loco parentis. We should not be able to have more rights than the parent has. The Supreme Court says there is a right of privacy attached to the seeking and obtaining of confidential medical services. There is a lot that goes into that analysis and I encourage you to read all 110 pages of Lungren if you haven't already.

Mr. Short

- Did you look at other school districts that have used this discretion and is there any opposition or lawsuits subsequent to that?

Bob Kingsley

- We have looked at the legal analysis provided to a number of school districts. One school district has two legal opinions going two different ways. Not personally aware of any law suits filed against those school districts that have adopted a restricted policy.

Mr. Short

- So basically they use the discretion and do not have a board policy that allows the school to be participating and not notifying the parent? Or they do notify the parents?

Bob Kingsley

- Don't know of any that have adopted a policy that causes them to release the child for the confidential medical appointment and then notifies the parent after the fact.
- The policies that exist, adopted by other school districts, require parental consent.

Mrs. Myers

- The analysis prepared for Senator Ortiz seems to arrive at the same conclusion as the points made tonight.
- In the Supreme Court decision, what was the age range for the minors at issue in the court?

Bob Kingsley

- In the various code sections the Supreme Court looked at, many of the references made were to ages 12 and above.
- In the Lungren analysis they did not take issue with that age.

Mrs. Myers

- In the collection of data for those students in our district who did seek a confidential medical appointment, what was the age range? And what was the time period?

Mindi Nunes

- It included high school only (9,10,11, and 12 grade).
- We have data for the last two years.
- The number of students excused during this time is .2% of our entire secondary population.

Mr. Benton

- If a student does not show up for 6th period, a recording is sent to the parents letting them know. If a child is excused for a confidential medical appointment, will this recording be sent?

Mindi Nunes

- No.

Roger Benton

- It's not like we are not telling the parents that a child went on a confidential medical appointment, we are just not telling them the student was absent during any period.

Mrs. Stanley

- Didn't see an unbiased legal opinion in this brief presented. Education Code Section 35160, the local control statute, was not analyzed. Why would that not fit in to this? In at least one of the briefs where it was done by a constitutional lawyer, they mention the Lungren case had permissiveness in it which would leave that local control open and available to boards.

Bob Kingsley

- We could have addressed 35160 in the discussion relating to 48205. Prior to 1975 if the education code didn't say you could do it, you couldn't. In 1975, they changed it to a permissive education code and 35160 is the section that grants to school boards the power to do anything that is consistent with the purposes for what school districts are established, provided it is not inconsistent or prohibited by another law code statute constitution.
- In our discussion on 48205 we could have touched on 35160, but because 48205 is so directive – students shall be dismissed for medical appointments, and Lungren says if they are confidential medical appointments, we can not condition it on parental consent. If we had included it, the analysis would have been the same.

Mrs. Stanley

- Is it really your understanding that Lungren dealt with all confidential medical type of appointments? Lungren is specifically an abortion case.

Bob Kingsley

- Lungren is specifically an abortion case. In analyzing the abortion rights they did look at many of the other sections. They did not make a specific ruling on them, but did look at most of the other sections surrounding the family code.

Mrs. Stanley

- When you talked about legislative intent, one of the reasoning sections noted that the Legislature knew how to condition release on parent consent if that was what they intended. Wouldn't they also have known how to modify 46010 if they thought it needed modification? The idea that the Legislature knows what the law is and they can modify it if they think it is not right, wouldn't that apply both ways?

Bob Kingsley

- The issue you are referring to is that 46010.1, which is the section the legislative council says in their opinion it is not intended to grant discretion to the school to determine whether to excuse the pupil, but only to specify that the school is not required, in excusing the pupil, to obtain parental consent.
- This is the section you are talking about and it was put in place prior to Lungren. When Lungren struck down the parental consent required for abortion, the legislature could have tried to go back and amend 46010 to address all confidential medical services, but they did not. It is a general rule, if the legislature picks up a section and does something with it and fails to take action to remedy an earlier court decision, it is presumed they agree with it.

Mrs. Stanley

- I would think that since 46010 says we may, not shall, excuse students for these that 48205 – says we have to notify parents that we have this right. Legislature having known that 46010 was out there when they implemented 48205, under your analysis it would be equally reasonable for them to go back and change “may” to “shall” if that is what they intended.
- Are medical services only defined in the family code emancipation sections?

Bob Kingsley

- The definition of confidential medical services is defined there.

Mrs. Stanley

- Confidential medical services that we are discussing is only found in statutes that are talking about kids who are emancipated from their parents, so that parental consent would not be an issue in any event.

Bob Kingsley

- Not sure I agree with that statement. Not all of the sections in the family code are specifically directed to emancipated minors.

Mrs. Stanley

- Do you think we would be mandated to excuse students for those other kinds of activities and appointments that are listed under 48205 such as chiropractic appointments and other personal reasons?

Bob Kingsley

- Believes, given 48205, that school districts are required to excuse students from school for medical appointments.
- The distinction is that for all of them except confidential medical appointments, parental consent is required.
- Lungren made a large distinction between certain rights that have to be exercised by emancipated minors – you have to wait till you're an adult. For example, unless you are an emancipated minor or over 18 years of age, your parents can deny you the consent to marry.
- Indicating in the Lungren case, that certain things are more time sensitive. If you deny a minor child the right to marry, they can wait till they are 18. If the same minor is pregnant, they cannot defer the decision of whether to obtain an abortion until they reach 18. The Supreme Court found that to be a compelling reason for their decision that parental consent was not required.

Mrs. Stanley

- You discounted the letter from Eric Seastrand who drafted 46010, who said may means may, we did not intend to force school districts to make these decisions.
- It doesn't appear that you looked at the legislative history that is valid in making a decision, isn't it?

Bob Kingsley

- Absolutely. That is why I believe the decision by legislative counsel, who is there to interpret the bills and to give meaning to the Legislature's intention, becomes even stronger.

Mrs. Stanley

- I'm not in complete disagreement with the legislative counsel. They were dealing with a different issue than having a blanket policy saying we will not excuse children during the school day for these purposes.
- The legislative analysis for that particular bill states that it allows pupils to be excused from classes for a variety of reasons. Didn't say any kind of mandate was intended. It was not even analyzed in your brief.
- To your knowledge have there been cases where school districts have been sued for having a

policy that allows students to take advantage of their rights after school hours but not during school hours?

- Don't see any analysis of possible liability on the other side. What if a school district grants permission to leave, and something went wrong?

Bob Kingsley

- Would break that down into two different pieces for the purposes of analysis. Under the legislative counsel's analysis, the school district does not have the discretion to determine whether to excuse a pupil. Since it becomes a ministerial act to release a student in accordance with that statute, then no liability can attach to the school district unless they have undertaken a special standard or duty of care.
- The issue of whether a school district has been sued for adopting a policy, in my opinion does not go to liability. The issue on the policy is simply the same as that in the American Pediatrics Association vs. Lungren. In that particular case, the doctor said we do not have to provide this service unless there is parental consent. The Supreme Court said no parental consent required.
- If the board were to adopt a policy that someone were to believe was in violation of the constitutional right of privacy of the minors, the district would be sued. But not in a liability sense, but to determine the validity of that policy.

Mrs. Stanley

- Other than the Lungren case, it would have been more helpful to me if we had done more of a constitutional analysis. Nothing in here about the parent's rights.

Bob Kingsley

- Read Supreme Court (footnote) from Lungren case: "We note that there is absolutely no basis for suggesting that this interpretation of the California Constitution Privacy Clause, namely as affording constitutional protection to a minor's interest in determining for herself whether to continue or terminate her pregnancy constitutes an impermissible infringement of the federal constitutional right of a parent to direct the upbringing of his or her child". Lungren specifically looked at the rights of the parent and said "as compared to this privacy right of the minor, the rights of the parents have to give way in this limited area referred to as medical emancipation rights."

Mrs. Stanley

- When we can pick up eight different opinions and have them all come out in different ways, is it realistic to believe that there would ever be federal liability?
- There is a discussion in here on federal immunity that concludes that board members could be held personally liable and face potential punitive damages.
- Find it hard to believe that with such ambiguity that no two lawyers in the same room can agree that this structure says the same thing, that there would be any real threat of potential liability.

Bob Kingsley

- If lawyers do not advise we are reminded much more swiftly. It depends on whether you believe the law is settled in this area. If you believe it is a mandatory act and the board does not comply, then there is the possibility of liability. The reader has to believe that the reviewing body has to decide that the law was settled.

Mr. Short

- Asked for clarification on Item 5 where the board members employ exclusive civil liability. I'm

hearing if we adopt a policy that does exercise discretion that board members and employees will be susceptible to declarative relief.

Bob Kingsley

- On number 5 it states “public employees are not liable for an injury resulting from an act or omission if such omission was discretionary.” At the time we wrote that we were weighing and balancing whether a reviewing body (a court) would find the release of students pursuant to 46010.1 it to be a discretionary act or a mandatory act.
- The legislative council has said in their opinion that the release is a mandatory act. That changes the analysis in my mind.
- If it is discretionary there is the flexibility to do either, and if so, there is significant state immunity exists.
- If it is a mandatory act and the law is clear, then there is the potential for some liability.
- The more likely challenge, however, is to the constitutionality of the policy as opposed to any liability that might flow from denying a student the right to go.

Mr. Short

- So it is a matter of interpretation of that law?

Bob Kingsley

- That is correct.

Mr. Short

- For a tooth extraction we have to inform the parents but not for an abortion or sexually transmitted disease.

Bob Kingsley

- If it is a confidential medical appointment, parent consent is not needed. Parent consent is needed to go to the dentist.

Mr. Benton

- Do we notify parents at the beginning of every year that we can allow students to attend a confidential medical appointment without their consent?

Mindi Nunes

- Yes, it is in every parents rights package handed out at the beginning of every year.

Mr. Benton

- Can I change that policy by law?

Bob Kingsley

- No.

Kathy Wood, parent

- Thanked the board for considering a change in the current policy that would allow parent notification.
- There are about 30 school districts in California who have adopted parent notification with regard to confidential medical services. No lawsuits have been brought against them and there have been cases where school districts have been held liable for problems with students who were

released without parent notification. The school district would be in a much better liability situation if they were to adopt a policy that notified parents.

- A parent friendly policy is a student friendly policy. Necessitating parent and student communication promotes family solidarity.
- Pleaded with the board to reverse the policy, allowing for parent notification.
- The school district cannot give my child an aspirin without my permission, but they can send my daughter away to let her have an abortion.

Eric King

- Supports that parents be notified of all absences.
- One of the greatest assets of the school district is the parent involvement, such as with homework. But when students are facing difficult problems, you say they are on their own.
- Looking at this from a legal perspective, there is a risk of lawsuits to overturn the policy.
- If you allow students to leave and choose their own doctors and to have a medical procedure done without parent consent, you are taking a liability.

Dana Cody, Life Legal Defense Foundation, on behalf of Capital Resource Institute

- Handed out an unsolicited legal opinion.
- In the Lungren case it was a 5-4 decision that parental consent was constitutional.
- With regard to liability, this is definitely not a settled issue. That gives the board some protection.
- In the Lungren case, one of the reasons they were holding the parental consent statute unconstitutional was that this applied to the entire state; it did not apply to a specific setting or a limited context.
- With regard to releasing students for confidential medical services, we are talking about a specific setting and a limited context. Therefore it is an entirely different scenario and the case can be distinguished based on that language.
- With due respect to the legal opinion you solicited, I don't think there is any conflict between the two sections. If section 48205 states you shall excuse students for medical appointments, then go ahead and excuse, but notify the parents. Use common sense.
- Urged the board to join 27 other school districts that do give parental notice and consent before releasing students for confidential medical services.
- Mike Spence, board member of West Covina Unified School District, did go to the Roseville school board informing them that his district did release and didn't give notice and got sued.
- Urged the board to err on the side of parents' rights.

Cindy Evans, CHS Head Counselor

- Hundreds of confidential medical issues come up every year. We work with the student to make communication work with the student and parent.
- I spent two years in Louisiana in the mid 1980s teaching and counseling. A 17 year-old girl came to me one day very upset. She had been gang raped the night before when she was walking home from her job at Burger King. In her culture, her father's two choices were to disown her for shaming the family and kick her out of the house, or kill her. She needed help immediately. We have these same family culture values in our school district.
- We are not talking about my family or yours.
- The administrators and counselors do everything possible to work with students to communicate with parents. We value communication within families.
- I wouldn't threaten to kill my child if they shamed the family, nor would I kick my 17 year old daughter out of the house if something horrible happened to her that she had no control over.

Laura Truax, parent

- As a parent, I need to know if my child is going to be released to go to a medical appointment.
- For it to be at the discretion of the school whether I am informed or not, infuriates me.
- Please think about this policy. Parents want to know what our kids are up to and we want to have a say in it. It's our right.

Patti Morton, parent and school nurse

- As a parent I want my children to know that they can count on me in good times and bad.
- I am a school nurse here at Folsom High School and Kinney High School. I have expertise and can shed some light on this subject.
- That law is in place because we don't live in an ideal world. We don't have all loving, concerned, dedicated parents. Some parents are absent. We have throwaway children. We have children that may not have anybody except guidance counselors, school nurses, and teachers.
- We also have a group of kids with overbearing, dominating, and controlling parents. These kids are afraid to go to their parents.
- 50% of our kids are abstinent. The bad news is 40% of our girls are going to be pregnant by the time they are 20. In California 2 out of every 5 sexually active teenagers will have a STD by the time they are 18. In California, 7 out of 10 sexually active teenagers have never been tested or sought any care for their sexual activity. One of every 4 people in California is affected with herpes. One in eight sexually active Californians are infected with the virus that may cause genital warts and has been associated with cervical cancer. The reality is that these things are out there.
- School personnel encourage the children to get the support of their parents. Laws are in place for some kids that are vulnerable and need the protection of the law.

Mike Mitchum, parent

- With all due respect to the lawyers in the room, there is a reason we do not hire lawyers to run our schools. The law is never final in the United States. The reason we elect school boards is for principle leadership.
- We have a respected attorney on the board, as well as other attorneys, who say the law is not clear.
- What is the principle on which you decide?
- The principles have to do with family rights. I get concerned when we talk about the rights of parents vs. the rights of children. In the fine communities we have, there are children that have absent, non-supportive, and even abusive parents. They need help and social services are available.
- Our children's rights are not different from our rights as a parent.
- The policy institutionalizes the need to help a minority and it becomes the norm and pits the parents against the students. It makes it easier for the children to avoid going to their parents when in trouble. I would argue for family rights in this situation.
- We trust you when we drop our kids off at school to watch and care for our children.
- Encouraged the board to care about the families as much as they care about the kids.

Mary Ann Delleney, District Department Chair for Health Services

- I couldn't agree more with the parents expressing their true desire to represent a caring, loving support system for their children.
- California School Nurses Organization supports the education code for releasing students for confidential medical services. Assuring access to health care is one of the high priorities of the student nurses in the state of California.

- The first issue discussed in every case is the need for parental support through these difficult times.
- Speaking for the very few students who do not have that family support. Delaying treatment is not in their best interest.
- Urged the board to not change the policy at this point.

Pat Ghiglieri, retired FCUSD employee

- At a previous board meeting, the Music Boosters displayed all their beautiful trophies the students earned as a way of showing you the benefits of the music program.
- Unfortunately due to confidentiality issues, we can't bring the kids who have benefited from this policy here tonight.
- During my tenure with the district, I knew of no one who did not encourage involving the student's parent in the problem.
- We're all here for kids. If we had our way every student would come from a caring family that could talk to them on any issue. Unfortunately, many of our students do not come from caring families. Isn't it better that staff is available for them during their crisis?
- Child Protection Services is one of the most overworked county agencies we have. They are generally under-staffed and even when fully staffed have a protocol in place to serve those first who are unable to care for themselves. CPS receives approximately 4,000 phone calls a month.
- I agree that parents have a right to know. Though I am more concerned that my child be cared for and have good medical care first.
- Urged the board to step aside from thinking of your child and think far beyond your own family. Think of a student you know who is in trouble. Who would you encourage them to go to knowing they could not at this time go to their parents? Think about this law and our current policy. That is why it is there.
- Urged the board to leave the policy in place as it is.

Annette Robinson, parent

- I give my children everything they need – time, counseling, clothing, food, and a good education in a good area, with good people.
- The thought of dropping my daughter off at school and not knowing where she is during the school day is frightening. It's beyond my belief my parental rights can be taken away.
- If I let my children visit a friend or a relative, I have to write a note for them to receive medical attention.
- I have seen both sides.
- When you take away natural parent rights, you disperse the strength of families and communities.
- There can be a better solution to provide both help to the kids that need it and to give parents their rights.

Karen England, Roseville,

- Read a letter from Tim LeFever, attorney representing Capital Resource Institute.
- Has testified on student release policies in a number of California school districts and has reviewed the brief provided by Pinnell and Kingsley on this matter. In short, find Pinnell and Kingsley conclusions and underlying analysis to be incorrect.
- Encouraged the board to support a parent friendly policy.

Dana Williamson, Government Affairs, Planned Parenthood

- Has mixed feelings about my children not coming to me to seek any kind of medical services.
- We are here today to talk about the children that for whatever reason cannot go to their parents.

Anessa Lewis, Planned Parenthood, Education Program

- Stressed that when we are talking about this issue, we are talking about the minority.
- The parents here have communication and relationships with their children.
- We are talking about six students in your district that needed to take steps to access services.
- Most youths that access these services do so on a Saturday or after school hours. Most need STD treatment and screening. This is a public health issue.
- We encourage patients to talk to the parents.
- One student in El Dorado County wanted to leave school campus for a confidential appointment and was denied. She could not talk to her parents, who were very strict. Four years later she found out she is sterile from contracting chlymedia back in high school.
- Urged the board to not overturn this mandate.

Cynthia Mulcaire, parent

- It needs to be made clear at orientation that we are being notified in the parent's rights and responsibilities of confidential medical services.
- The antidotes heard tonight are heart wrenching. I'm not a callous person, I feel sorry for those children and their families.
- This is not about those sad stories; it is about most of us who feel we are first and consummate educators of our children. It is our right and responsibility. It is not about protecting our children's right to privacy. It is about family rights. This is a dangerous policy.
- If you take this right and responsibility away from the parents, what are you going to take next?
- I send my child to receive a good academic education. Please concentrate on the three R's.

Karen England, Capital Resource Institute

- Agree with Pinnell and Kingsley attorney that it's his job to tell you that you can be sued.
- The legislative counsel opinion does not come from the attorney general's office. It is put in by whatever party is in the majority in Sacramento.
- They carry less weight with me because of their interpretation of 46010. 46010 was passed with a 2/3 majority.
- 48205 doesn't say anything about being "required" to let them go. It talks about "excusing" them.
- The four legal briefs that Roseville received all cited 46010 and 48205. Then all of a sudden they get another legal brief that says discount all of those because 46010 and 48205 don't matter anymore. It is not clear.
- This issue is not about abortion. It is about parental rights and parents knowing where their kids are. For the parents it is about who is in control of our kids and who makes their medical decisions.
- Parents do not want school administrators who may have more submissive values to be instilling those values in their children.

Karen DeCasas Miggins, parent

- Until my child is 18 I am responsible for her. I am responsible for her in every manner. That power should not be taken away from a parent. Children should be made to talk to us. Children that want to seek medical attention can do so during the weekend. It doesn't take away the child's right. Just don't do it during school hours.

Fred Schroeder, parent

- Thanked the school district for the great education for his children.
- Your ability to make a decision about my child is not better than mine.

- I am legally, morally, and ethically responsible for my children.
- Your responsibility is to teach.
- My children are my responsibility, not yours in regard to parenting.
- Do the right thing. Seize the moment; make a stand. Releasing a child from school is not the only way to allow students access to services.

Gabrielle Jackson, FHS sophomore

- Opposed to allowing students to leave campus for abortion without their parent's consent.
- If teenagers under the age of 18 are not old enough to vote, why should they be given the responsibility of determining life?

Conrade Mayer, parent

- This is a complicated issue.
- Not changing the law allows our communication with our kids to be severed. Kids are known to take the easy way out. This provides kids an easy way out of talking to their parents.
- The presence of special interest groups here raises concerns.
- With the budget issues we are faced with, will there be enough nurses to address all students' needs?
- Urged board to change the law and put the authority back in parents' hands. For rare occasions try to find solutions with services such as social workers and law enforcement.
- There are a lot of alternatives to just letting our kids go out without parental consent.

President Benton

- Read a letter from a student against excusing students for confidential medical services without parental consent.

Mrs. Myers

- In consideration of those who spoke tonight, I doubt seriously if any of you are a dysfunctional family. You probably have very good rapport with your children. I expect a need for a confidential medical appointment will not come up. Unfortunately, not all our students are as lucky. Nine students in our district and 25 in Roseville High SD requested services; those students are our most vulnerable students. I believe we have to uphold the right of the most vulnerable. The issue from me is to do what is best for these very needy students.
- Very much persuaded by our legal counsel opinions. There is a constitutional right to privacy or medical emancipation for minors in the state and is also guaranteed by the federal constitution. The statute specifically authorizes minors to receive medical care for designated conditions without parental consent.
- As I understand it, was further defined that the sensitive areas have to do with sexual relations. The statistics from Planned Parenthood were frightening. Timing is an important issue. Most of these clinics are not opened after school hours. I believe legally we cannot hinder the right for students in need to seek medical attention. Minors have the right to make intimate personal decisions or conduct personal activities without observation, intrusion or interference.
- For 99.9% of our students, there is not a need for this right. We are blessed to have such a large community of caring parents. However, there was an incident, according to a communication I received, at one of our high schools of a young woman who went into the seventh month pregnant without her parents knowing. When she delivered the child she was in very poor condition due to lack of prenatal care.
- Part of our legal foundation is the basic principal protection of minority rights. Simply limiting the hours a student can seek healthcare is not realistic nor the intent of the law.

- The overtaxed health resources limit the availability for students.
- Our liability doesn't extend to allowing them to get there. We give them access to seek an appointment. We are not making the decision for them. We are basically allowing them permission to leave, which they are legally entitled to do.
- In addition to laws that offer the rights of consent and confidentiality there is a vast body of respected research that support these rights. Organizations that research, support, and lobby for youth in these areas include the American Medical Association, American Psychological Association, American Academy of Pediatrics, American Nurses Association, American Public Health Association, National Mental Health Association, and American Association for People with Disabilities. The few parents who object to the law, I doubt have the research background to understand the issue.
- Feel we have an obligation to base policy on more than just feelings. Professionals in the field support this policy. They have convinced me to stick with our current policy.
- Only as a last resort, does our staff allow a student to receive services off campus without parental consent. There is intensive dialogue first to try to encourage rapport with parents.
- We must ask ourselves if our prime concern is parent's rights or doing what is right for an individual student. There have been cases where the school is the only resource available to the child. I don't want to cut off that lifeline.
- I believe adopting a policy counter to state law would put the board and our staff at risk. We would be liable for damages.
- Nine students over a two-year period really needed these services. It's not going to be the students of those of you who spoke tonight. It's going to be the one that has nobody to speak for him or her.
- I will not support a policy change.

Mrs. Stanley

- Our brief is a little bit directed. Asked to see the request for legal opinion and apparently there was none. Two sides were not given. Don't feel it is unbiased.
- Has 8 opinions in which 5 say it is okay to change the policy, 3 say no.
- Not certain that we asked the right questions to our counsel. We are just asking that children not be released from school during school hours. We are not threatening or asking to abridge any student's right to privacy.
- Because of our duplicate system – right to privacy and parental consent – we are infringing on the privacy of students by having to ask the reason for their appointment. We are not requiring them to make appointments.
- 1934 Supreme Court case ruled that parents have the right to direct the care and education of their children. That has been cited by more than 1,300 state and federal cases since.
- We are not saying they don't have the right to go off and have these appointments.
- Proposing that parent's rights are maintained as well as children's.
- Counsel's job is to tell us that we can be sued under certain circumstances.
- We have no say in how many children can or will be released.
- If it is my kid, it is 100% of my family that is affected.
- Vast body of research referred to by Mrs. Myers does not relate, because we are talking about medical research that supports the students' right to privacy. We are not trying to infringe upon any student's right to privacy.
- It has been said it's not you parents here that have to worry - how do I know that?
- We have 18,000 students in the district, I'm sure we have our share of bad parents.

- If you take away my right as a parent, how can you guarantee that there is going to be no administrator, no teacher, no counselor, or no nurse in this district that isn't one of those bad apples?
- We do everything we can to make sure it doesn't happen. Some of our most caring employees have spoken tonight.
- We can't insure that. We have cases where we know that bus drivers have been accused of touching girls. There are bad teachers, bad administrators, bad parents, and we can't take away the judgment of a whole body of parents based on what might happen in a situation and leave that up to the judgment of someone that doesn't know us and our families. They spend a very small portion of the day with our children.
- Concerned about our liability as a district if we undertake to act.
- This policy encourages kids to be secretive and enables them to escape the consequences of their actions.
- There are health clinics in the area with extended and Saturday hours.
- California Nurses are concerned about insuring access to health care.
- Believes the motion on the table preserves parent's and children's rights, and takes care of kids who need help.
- Why not just get rid of parents altogether?

Mr. Shaw

- This touches on all of our emotions. I am a parent. I was a school administrator. As a school administrator I had to make judgments on situations that were very difficult.
- We tend to think from our point of view a whole lot. We do have kids out there who don't have parents or may be living with an older sibling.
- This law is there to protect the minority.
- I would find it inconceivable for my children not come to me when they had a serious problem.
- Do children have rights?
- Is it okay not to comply with the law if we don't agree with it?
- Many adults feel child do not have rights and would deny them certain guaranteed constitutional rights. No adult would forfeit his or her rights. Children should not be forced to forfeit their rights.
- Mrs. Stanley acknowledged in her article that children have the right to obtain confidential medical services but suggested we limit accessibility to these services by denying access during school time, thereby forcing the child to make appointments after the school day. Knowing that doctors set their own schedules, this would effectively deny services to the child.
- It was an interesting argument. A child should not be released during the school day because the parent will not know where they are, but it is okay to not know where they are after school.
- Mrs. Stanley urged people to contact their school board members and voice their opinions. I received only four emails (2 for; 2 against).
- Read one mother's email. "The California state constitution contains an explicit right to privacy conferred on all people including minors. The government is in fact not allowed to erect barriers on young people's access to sensitive constitutional protected health care. As school officials are government authorities they are barred from disclosing student's needs for sensitive health services. We the public know nothing of these individuals. We know nothing of their individual needs, their ages, the circumstances that brought them to be, or to feel so disconnected from the adults who should be there for them. What we do know is that all children between the ages of 12 and 17 have been given the right of confidential sensitive medical care. What we should also know is that there are many studies that support the need for these laws. This is not driven by simply emotion. This is driven by factual cases, situations in which children needed that

confidentiality. I don't want this board to set a precedent of practicing non-compliance with the law. Although many would try to use emotional arguments to obtain the desired result, for this board it is a legal issue and should be treated as such. That is what it is for this board – a legal issue.

- The fact that only 1/10 of 1% of our students have left school for confidential medical reasons says that 99.9% have not. That speaks well for our families and the relationships that they have established with their children. Many school professionals have guaranteed that they do everything possible to notify the parents. I believe that they do. And in extremely rare exceptions, children seek services on their own.
- I don't think we ever make children tell the nature of the medical appointment.
- If we don't like a law, we have to work with our legislators to change it.
- Asking a school board to change a state or federal law is going to the wrong place.
- Made a request for staff to have available the names, addresses, and contact numbers of our representatives. Suggested if you have issues with this law, that you work with the legislators who are in a position to change it.
- Urge this school board to stay in compliance with the law.
- Do not set the precedent of not being in compliance when you disagree with the law.

Stephanie Shaffer

- As a student I'm speaking for students' rights. I'm lucky to have supportive parents to confide in. I worry about those who do not have parents like me.
- I have surveyed representatives from our secondary schools and the majority is in favor of the board policy. The minority deserves the right to have that privilege.
- If we don't allow that minority the access for help, we are placing them at a disadvantage.
- It is a state law.
- It is the duty of the district to provide this opportunity for those students who don't have parents to go to.
- Nurses stated they work one on one with these students and have seen the student's situations hands on. Where the other people in this room haven't. The fact that the nurses support this policy means to me it needs to stay.
- Hopes the parents' confidence level with their relationship with their kids outweighs the lack of confidence that refrains the minority from seeking help.

Mr. Short

- The only thing that is constant is change.
- School districts around us are making the change.
- Legal interpretation – it's a matter how we see it. Local control vs. state control.
- The school board sets the governance for our children and our community.
- Appalled to hear that this law started in 1987. It started many years ago when the schools were considered the surrogate parents and took over. That is really old.
- There is risk, but change only happens when you take risk.
- We need to hear the voice of the people.
- We need to govern by principles - family values, family rights, and the culture that we really want.
- Institutionalizing a law that fits all to meet the minority. Yes, we need to help the kids that need it, but we can find new ways. There are other avenues in the community to help.
- People caring for other people and helping each other is what makes it work. We have to think outside of the box.
- Schools are in the business to educate and encourage parent participation.

- Need to promote family solidarity.
- Supports this change and family rights.

Mrs. Stanley

- There are several different interpretations of this law. This has never been challenged directly. We don't have anything that says we can or cannot. It says we "may". Nobody has been harmed and there has been no suit. Fifteen years with no lawsuits or no liability.
- Education in California is compulsory. We have no choice. Children have to be in school or we will go to jail. Boards are put in charge of school districts to reflect community values and community principles. We are not here to do anything other than make sure the kids are educated. If we release them we are not educating them.
- We need to do the right thing.

Mrs. Myers

- We do need to do the right thing. Abandoning the weak among us is not doing the right thing.
- We are talking about a handful of students who don't have a functional family. This is not going to destroy family values.
- How do we know that there will not be any harm? I shudder to think what it would be like without this policy?
- We already know there is liability if we don't allow privacy and access. If we change the policy, what are we going to do with this handful of students that have this tremendous need?
- Since we have not had problems in the years since the law was changed, I see no compelling reason to get off on a different track that could be damaging to these students.

Mr. Benton

- I'm a parent of two students. Did I sign that form every year for the last 13 years? I did. I didn't know it excused my child for confidential medical services. I've been on the board for eight years, and knew we had a policy, but didn't know I signed it. Does that excuse us from saying we notified you? Legally, it does.
- Should we send home 15 pages instead of 10? That may be a few more that the parents won't read.
- Should we change this policy and give the rights to the parents? Is it the right thing to do? Yes it is.
- I can't go to my child and hand him a vehicle code book and say here are the laws you can follow and here are the ones you can ignore. Here's a penal code book, you can violate the ones I've highlighted, but not the others.
- I care deeply for my kids and care deeply for your kids. So how do we fix this?
- Richard Shaw and Mike Mitchum agree this is a bad law. It's also a law. Some interpret it as a good law, some as a bad law.
- That is why I asked Mr. Kingsley, point blank, if we change our policy are we violating the law? He said yes.
- So what is more important – the health and safety of my children or teaching my children it's okay to violate laws just because I don't think they are right?
- Is it a law that we should be changed? Yes.
- If there is enough passion and drive behind this, then it should go to the next level.
- As a board member, I have to make the decision that is right for the children, the district, and the staff. I don't plan to support this.

MOTION FAILED 3 NOES, 2 AYES (STANLEY, SHORT) (ADVISORY NO).

DISCUSSION

0304-191 – Folsom Cordova Education Association 2003-2005 Proposed Contract Openers to the Board of Education and announcement of Public Hearing scheduled for the February 19, 2004 Regular Board Meeting.

Assistant Superintendent of Administrative Services Mindi Nunes reported that FCEA has chosen to open the following articles:

Article VIII – Work Year, Work Day, Hours of Employment
Article IX – Leaves of Absences
Article XV - Safety

The public hearing will be held at the February 19th board meeting.

REPORTS

0304-192 – Reports to the Board of Education

A. Superintendent Siefkin reported on the following:

- I received the following information while attending the Superintendents Annual Conference: There is split opinion regarding the potential success of the school bond for facilities. The \$12 billion bond is up for a vote on March 2, 2004 and is in direct competition with the \$15 billion governor's bailout bond. Should both bonds be successful, it will cost \$1,057 per person in additional taxes over the period of the bond. It is very unlikely that both bonds will pass. There is a consideration that the facilities bond has a stronger potential for passage. Both the conservative republicans and democrats are in obvious opposition. We are faced with the potential of a \$5.1 million reduction should the bond pass. We are faced with a reduction of potentially up to \$7 million should the governors bailout bond fail. It is very important that we supply accurate information on these bonds to the public.

B. Correspondence to the Board

C. District Committees

BOARD OF EDUCATION

0304-193 – Board Business

A. Board Communication

Stephanie Shaffer

- No report.

Richard Shaw

- Congratulated Allison Megan from Blanche Sprentz Elementary who has advanced to the state level in the PTA Reflections contest.
- Cordova Meadows Elementary is a model for attendance. They have weekly attendance competitions. Their top 10 classes last week were above 98% attendance. Encourage all principals to use this model.
- Congratulated the Four Fathers Group at Carl Sundahl Elementary. They have raised over \$40,000 for the school in each of the last five years. The group consists of only seven dads, who have limited their membership for effectiveness.

- Sacramento City is studying ways to elect school board members from each of the areas in the city. They have seven different regions with most of the board members coming from the same region. Need to balance and provide more representation.
- We have a somewhat a similar situation here with two cities represented by one board.
- Elk Grove elects their board members by region, but vote at large. Each region has their own board member allowing for a voice for every area of the district. We should talk about this in the future.
- Folsom Jazz Festival was amazingly good.
- Theatre could not accommodate the crowd. It was full for the dedication. 1000 people were in the theatre on Saturday. It's great to have the great facility in our district.

Sara Myers

- Congratulations to Mr. Lingren who is doing a great job filling in at Folsom Lake High School
- Impressed by the Link Crew and the support they offer to our 9th graders.
- We should congratulate EDS and the Rancho Cordova WalMart, our business partners, for the contributions they have made.
- Attended the theater opening. What a grand facility. Got a preview of the drama musical that will be performed in April, *Anything Goes*. It was just great. It is such a pleasure to listen to people talk, sing, and play music there.
- Patti Morton, one of our nurses, contributed the idea of a health advisory board. I like the idea and hope we follow up on it.
- Met with the Rancho Cordova City Council this week and last week with the Folsom City Council. One issue of interest to both councils is Aerojet's plan called Easton (south of Highway 50). It has some real implications for our school district. Folsom City Council was taken by surprise. Lots of open space. Commercial and multi family dwellings. 3,000 homes in our school district. The state bond is our source of funding for building the new schools in this area.
- Attending a SACOG meeting regarding the connector that is part of the metropolitan area transportation plan from Elk Grove up to Highway 50. People living on Hazel raised issues. Concerns were voiced on urban sprawl and driving up land prices.
- Is there literature about the school facilities bond available?

Ed Short

- Link Crew is a great program.
- Glad to see that the students are taking personal ownership in the cleanliness of their campus.
- Commended staff on obtaining a clean bond audit.

Teresa Stanley

- Tears.

Roger Benton

- None

Meeting adjourned at 9:58 p.m.

INFORMATION

0304-194 – Modernization and Construction Projects Update – Folsom

0304-195 – Next Regular Board Meeting is scheduled for February 19, 2004 at Mills Middle School, 10439 Coloma Road, Rancho Cordova, California, 95670.

Record of meeting schedule for February 5, 2004:

Open Session	5:00 p.m.
Closed Session	5:05 p.m.
Open Session	6:12 p.m.
Meeting adjourned at	9:58 p.m.

Respectfully submitted,
Norman R. Siefkin, Executive Secretary to the Board

Teresa A. Stanley, Clerk of the Board