

ARTICLE 3 BUSINESS & NONINSTRUCTIONAL OPERATIONS

(Series 3000)

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CONCEPTS AND ROLES

The Governing Board recognizes that prudent financial decisions are crucial to the district's ability to provide a high-quality education for students. It is therefore essential that the Governing Board establish reliable budget development processes and adopt a responsible budget with spending priorities which reflect the district's vision and goals. When needed, the Governing Board shall advocate and seek community, state or federal support for additional financing.

(cf. 0100 - Philosophy)
(cf. 0200 - Goals for the School District)

The Governing Board expects sound fiscal management from the administration. The Superintendent or designee shall prepare the detailed annual budget and present it to the Governing Board for review and adoption. He/she shall administer the adopted budget in accordance with Governing Board policies and accepted business procedures.

(cf. 3100 - Budget)
(cf. 3400 - Management of District Assets/Accounts)

The Governing Board shall monitor financial operations so as to ensure the district's fiscal integrity. The Superintendent or designee shall make all required financial reports, recommend auditor(s) to the Governing Board, recommend financial plans for meeting program needs, and keep the Governing Board fully informed about the district's fiscal and noninstructional operations.

(cf. 3460 - Financial Reports and Accountability)

The Governing Board shall make every effort to ensure that the district provides healthy school environments and maintains high standards of safety in the operation of facilities, equipment and services. The Superintendent or designee shall establish a risk management program that promotes safety and protects district resources.

(cf. 3514 - Environmental Safety)
(cf. 3515 - Campus Security)
(cf. 3530 - Risk Management/Insurance)
(cf. 9000 - Role of the Board)

Legal Reference:

- EDUCATION CODE
- 35035 Powers and duties of superintendent
- 35160 Authority of governing boards
- 35160.1 Broad authority of school district
- 35161 Powers and duties of governing boards

FISCAL POLICY TEAM

The Governing Board recognizes that sound fiscal management requires anticipating financial problems and taking early corrective action.

A fiscal policy team shall be established by the Superintendent to regularly review the district's financial condition, report to the Governing Board on vital financial data, advise the Governing Board regarding the maintenance of adequate reserves, and recommend long-range fiscal policies to ensure the viability of the district's educational programs. Team shall consist of representatives from Human Resources, Business Services, and Educational Services.

OPTION 1: Individuals holding the following positions shall be members of the fiscal policy team:

OPTION 2: The fiscal policy team shall include two administrators designated by the Superintendent or designee and one Governing Board representative.

(cf. 3100 - Budget)
(cf. 3460 - Financial Reports and Accountability)
(cf. 9140 - Board Representatives)

BUDGET

The Governing Board recognizes its critical responsibility for adopting a sound budget for each fiscal year which is aligned with the district's vision, goals, priorities, and comprehensive plans. The district budget shall guide administrative decisions and actions throughout the year and shall serve as a tool for monitoring the fiscal health of the district.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 0400 - Comprehensive Plans)

(cf. 3000 - Concepts and Roles)

(cf. 3300 – Expenditures/Expending Authority)

(cf. 3460 - Financial Reports and Accountability)

(cf. 9000 - Role of the Board)

The district budget shall show a complete plan and itemized statement of all proposed expenditures and all estimated revenues for the following fiscal year, together with a comparison of revenues and expenditures for the current fiscal year. The budget shall also include the appropriations limit and the total annual appropriations subject to limitation as determined pursuant to Government Code 7900-7914. (Education Code 42122)

The Governing Board shall adopt the budget only after a local control and accountability plan (LCAP) developed pursuant to Education Code 52060-52077 or an annual update to the LCAP is in place for the budget year. Expenditures necessary to implement the LCAP or the annual update during the subsequent fiscal year shall be included in the budget. (Education Code 42127)

Single Budget Development and Adoption Process

The Superintendent or designee shall establish an annual budget development process and calendar in accordance with the single budget adoption process described in Education Code 42127(i). He/she shall annually notify the County Superintendent of Schools of the district's decision to use the single budget adoption process in the subsequent year. (Education Code 42127)

In order to provide guidance in the development of the budget, the Governing Board shall annually establish budget priorities based on identified district needs and goals and on realistic projections of available funds.

The Superintendent or designee shall oversee the preparation of a proposed district budget for approval by the Governing Board and shall involve appropriate staff in the development of budget projections.

BUDGET (continued)

The Governing Board encourages public input in the budget development process and shall hold a public hearing on the proposed budget in accordance with Education Code 42103 and 42127.

(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)
(cf. 9323 - Meeting Conduct)

The budget that is formally adopted by the Governing Board shall be in the format prescribed by the Superintendent of Public Instruction. The Superintendent or designee may supplement this format with additional information as necessary to effectively communicate the budget to the Governing Board, staff, and public.

Fund Balance

The district shall classify fund balances in compliance with Governmental Accounting Standards Board (GASB) Statement 54, as follows:

1. Nonspendable fund balance includes amounts that are not expected to be converted to cash, such as resources that are not in a spendable form (e.g., inventories and prepaids) or that are legally or contractually required to be maintained intact.
2. Restricted fund balance includes amounts constrained to specific purposes by their providers or by law.
3. Committed fund balance includes amounts constrained to specific purposes by the Board.

For this purpose, all commitments of funds shall be approved by a majority vote of the Board. The constraints shall be imposed no later than the end of the reporting period of June 30, although the actual amounts may be determined subsequent to that date but prior to the issuance of the financial statements.

4. Assigned fund balance includes amounts which the Board or its designee intends to use for a specific purpose.

The Board delegates authority to assign funds to the assigned fund balance to the Superintendent or designee and authorizes the assignment of such funds to be made any time prior to the issuance of the financial statements.

5. Unassigned fund balance includes amounts that are available for any purpose.

BUDGET (continued)

To protect the district against unforeseen circumstances such as revenue shortfalls and unanticipated expenditures, the Governing Board shall:

1. At budget adoption each year the general fund budget shall specifically identify, for any of the budget year or two subsequent fiscal years, not less than the three (3) percent Reserve for Economic Uncertainties required by the State Board of Education.
2. Additionally, the Governing Board is to maintain an LCFF (Local Control Funding Formula) Reserve equal to one year of expected growth in LCFF revenues, each year of the projected LCFF implementation period, until the district LCFF revenue target is reached, currently projected to be by fiscal year 2020/2021.
3. The general fund reserve will also designate additional amounts to be set aside for specified purposes.
4. If the unassigned fund balance falls below this level due to an emergency situation, unexpected expenditures, or revenue shortfalls, the Governing Board shall develop a plan to recover the fund balance which may include dedicating new unrestricted revenues, reducing expenditures, and/or increasing revenues or pursuing other funding sources.
5. The Superintendent will advise the Governing Board of any anticipated deficiencies in reserve levels prior to presenting the budget to the Governing Board for approval.
6. The Governing Board has the authority to increase the required reserve for economic uncertainties when deemed appropriate and as necessary.

This language is intended to ensure that the district is able to meet its financial obligations under widely divergent economic circumstances.

Long-Term Financial Obligations

The district's current-year budget and multi-year projections shall include adequate provisions for addressing the district's long-term financial obligations, including, but not limited to, long-term obligations resulting from collective bargaining agreements, financing of facilities projects, unfunded or future liability for retiree benefits, and accrued workers' compensation claims.

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4143/4243 - Negotiations/Consultation)

(cf. 4154/4254/4354 - Health and Welfare Benefits)

(cf. 7210 - Facilities Financing)

(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

BUDGET (continued)

Budget Amendments

Whenever revenues and expenditures change significantly throughout the year, the Superintendent or designee shall recommend budget amendments to ensure accurate projections of the district's net ending balance.

In addition, budget amendments shall be submitted for Governing Board approval as necessary.

Legal Reference:

EDUCATION CODE

1240 Duties of county superintendent of schools

33127-33131 Standards and criteria for local budgets and expenditures

35035 Powers and duties of superintendent

35161 Powers and duties, generally, of governing boards

42103 Public hearing on proposed budget; requirements for content of proposed budget

42122-42129 Budget requirements

42130-42134 Financial certifications

42140-42141 Disclosure of fiscal obligations

42238-42251 Apportionments to districts, especially:

42238.01-42238.07 Local control funding formula

42602 Use of unbudgeted funds

42605 Tier 3 categorical flexibility

42610 Appropriation of excess funds and limitation thereon

45253 Annual budget of personnel commission

45254 First year budget of personnel commission

52060-52077 Local control and accountability plan

GOVERNMENT CODE

7900-7914 Appropriations limit

CODE OF REGULATIONS, TITLE 5

15060 Standardized account code structure

15440-15451 Criteria and standards for school district budgets

BUDGET (continued)

Management Resources:

CSBA PUBLICATIONS

Local Control Funding Formula 2013, Governance Brief, August 2013

State Priorities for Funding: The Need for Local Control and Accountability Plans, Fact Sheet, August 2013

School Finance CD-ROM, 2005

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

New Requirements for Reporting Fund Balance in Governmental Funds, January 7, 2011

FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

Fiscal Oversight Guide for AB 1200, AB 2756 and Subsequent Related Legislation, September 2006

GOVERNMENT FINANCE OFFICERS ASSOCIATION

Best Practice: Appropriate Level of Unrestricted Fund Balance in the General Fund, 2009

GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENTS

Statement 54, Fund Balance Reporting and Governmental Fund Type Definitions, March 2009

Statement 45, Accounting and Financial Reporting by Employers for Post-employment Benefits Other Than Pensions, June 2004

Statement 34, Basic Financial Statements and Management's Discussion and Analysis - For State and Local Governments, June 1999

WEB SITES

CSBA: <http://www.csba.org>

Association of California School Administrators: <http://www.acsa.org>

California Department of Education, Finance and Grants: <http://www.cde.ca.gov/fg>

California Department of Finance: <http://www.dof.ca.gov>

Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>

Government Finance Officers Association: <http://www.gfoa.org>

Governmental Accounting Standards Board: <http://www.gasb.org>

Legislative Analyst's Office: <http://www.lao.ca.gov>

School Services of California, Inc.: <http://www.sscal.com>

Adopted: _____ May 21, 2014

BUDGET

The district budget shall be prepared annually from the best possible estimates that individual schools and district administrative staff can provide. Appropriate consolidation shall occur as the budget progresses through the various levels of review.

Before adopting the budget, the Governing Board shall hold a public hearing. An agenda for this hearing shall be posted at least 72 hours before the hearing and shall indicate the location where the budget may be inspected. The proposed budget shall be available for public inspection at least three working days before this hearing. (Education Code 42103, 42127)

The Superintendent or designee shall notify the County Superintendent of Schools of the location, dates, and times at which the proposed budget may be inspected, as well as the location, date, and time of the public hearing, insufficient time for the County Superintendent to publish such information in a newspaper of general circulation at least 10 days before the hearing.

Any district resident may appear at the public hearing and speak to the proposed budget or any item on the budget. The hearing may conclude when all residents who so desire have had the opportunity to be heard. (Education Code 42103) Sufficient time shall be allowed so that the budget can still be adopted by July 1.

(cf. 9320 - Meetings and Notices)

(cf. 9323 - Meeting Conduct)

The district's budget shall be presented in the format prescribed by the Superintendent of Public Instruction. (Education Code 42126)

The Superintendent or designee shall file the adopted budget with the County Superintendent no later than five days after adoption or by July 1, whichever occurs first. The budget and supporting data shall be maintained and made available for public review. (Education Code 42127)

No later than 45 days after the Governor signs the annual Budget Act, the Superintendent or designee shall make available for public review any revisions in budgeted revenues and expenditures which are consequently necessary. (Education Code 42127)

If the County Superintendent disapproves the district's budget, the Governing Board shall review and respond to his/her recommendations at a public meeting on or before September 8. (Education Code 42127)

Regulation
approved:

WALNUT VALLEY UNIFIED SCHOOL DISTRICT
Walnut Valley, California

TRANSFER OF FUNDS

Transfers may be made from the designated fund balance or the unappropriated fund balance to any expenditure classification or between expenditure classifications by the Governing Board on adoption of a resolution by a majority vote.

The resolution must be approved by the County Superintendent of Schools and filed with the county auditor. (Education Code 42600)

End-of-the-Year Procedures

OPTION 1: At the close of the school year, the Superintendent or designee may, with Governing Board approval, identify and request the County Superintendent of Schools to make transfers between the designated fund balance or the unappropriated fund balance and any expenditure classification(s) or balance any budget expenditure classifications as necessary to permit the payment of obligations incurred by the district during that school year. (Education Code 42601)

OPTION 2: At the close of the school year, the County Superintendent of Schools may, with the consent of the Governing Board, identify and make transfers between the designated fund balance or the unappropriated fund balance and any expenditure classification(s) or balance any budget expenditure classifications as necessary to permit the payment of obligations incurred by the district during that school year. (Education Code 41301 and 42601)

Temporary Transfers Between Classifications

The Governing Board may direct that monies held in any fund or account may be temporarily transferred from one or more of these accounts to another fund or account to be used for the payment of district obligations, with limitations as set by Education Code 42603. The transfer shall be accounted for as temporary borrowing and shall not be available for appropriation or be considered income to the borrowing fund or account. (Education Code 42603)

Special Reserve Funds

Upon resolution of the Governing Board, a special reserve fund may be established for such purpose(s) as specified in the resolution. A copy of the resolution shall be filed with the County Superintendent of Schools, as well as the county auditor and treasurer. As necessary, the Governing Board may amend the resolution to specify additional purposes or to withdraw any previously designated purpose. (Education Code 42841)

The Governing Board may expend the money in the special reserve fund for capital outlay for the purpose specified in the resolution. In addition, unless encumbered for ongoing expenses, the Governing Board may expend money in the fund for the general operating purposes of the district. Any money in a special reserve fund that is maintained for purposes other than capital outlay must be transferred into the district's general fund before it is expended. (Education Code 42842)

TRANSFER OF FUNDS (continued)

Adult Education Funds

Adult education funds expended for the operational costs of the adult education program shall be transferred to the general fund in accordance with Education Code 52616.4.

Deferred Maintenance Funds

Funds deposited in the district's deferred maintenance fund may be received from any source and shall only be expended for maintenance purposes as provided for in Education Code 17582. (Education Code 17582)

Upon resolution of the Governing Board, excess local funds deposited in the deferred maintenance fund may be transferred to other expenditure classifications when state funds provided pursuant to Education Code 17584 and 17585 are insufficient to fully match the local funds. The resolution shall be approved by a two-thirds vote of the Governing Board and filed with the County Superintendent of Schools and the county auditor. (Education Code 17583)

State School Building Funds

The Governing Board shall transfer to the district state school building fund all funds which are required to be expended for the project for which the apportionment was made. (Education Code 16095)

Legal Reference:

EDUCATION CODE

78 Definition governing board

5200 Districts governed by boards of education

16095 Transfer of district funds to district state school building fund

17582 Deferred maintenance fund; establishment; purpose

17583 Deferred maintenance fund; transfer

17584 Budgeting certification deferred maintenance fund; apportionment

17585 Applications for deferred maintenance funding

41301 Section A state school fund allocation schedule

42125 Designated and unappropriated fund balances

42600 District budget limitation on expenditure

42601 Transfers between funds to permit payment of obligations at close of year

42603 Transfer of monies held in any fund or account to another fund; repayment

42840-42843 Special reserve fund

52616.4 Expenditures from adult education fund

DEFERRED MAINTENANCE FUNDS

In order to help meet the district's facility maintenance needs, the Governing Board shall discuss proposals and plans for expenditures of deferred maintenance facility funds at a regularly scheduled public hearing.

(cf. 3100 - Budget)

(cf. 3110 - Transfer of Funds)

(cf. 7000 - Concepts and Roles)

(cf. 7210 - Facilities Financing)

In any year that the district does not set aside one-half of one percent of its current-year revenue limit average daily attendance for deferred maintenance, the Governing Board shall submit a report, by March 1, to the Legislature, with copies to the Superintendent of Public Instruction, the State Governing Board, the Department of Finance, and the State Allocation Board. (Education Code 17584.1)

The report shall include all of the following: (Education Code 17584.1)

1. A schedule of the complete school facilities deferred maintenance needs of the district for the current year, including a schedule of costs per school site and total costs
2. A detailed description of the district's spending priorities for the current year, and an explanation of why those priorities, or any other considerations, have prevented the district from setting aside sufficient local funds so as to permit it to fully fund its deferred maintenance program and, if eligible, to participate in the state deferred maintenance funding program as set forth in Education Code 17584
3. An explanation of how the Governing Board plans to meet its current-year facilities deferred maintenance needs without setting aside the funds set forth in Education Code 17584

Copies of the report shall be made available at each school site and shall be provided to the public upon request. (Education Code 17584.1)

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

17565-17591 Property maintenance and control, especially:

17584 Deferred maintenance

17584.1 Deferred maintenance reports

Management Resources:

WEB SITES

Department of General Services, Office of Public School Construction: <http://www.dgs.ca.gov/opsc/>

LOTTERY FUNDS

The Governing Board shall establish funding priorities and approve all allocations within the parameters of law. Lottery funds allocated for the purchase of instructional materials pursuant to Government Code 8880.4 (Proposition 20, March 2001 ballot initiative) shall be expended on instructional materials as defined in Education Code 60010.

"Instructional materials" means all materials that are designed for use by students and their teachers as a learning resource to help students to acquire facts, skills, or opinions or to develop cognitive processes. Instructional materials may be printed or nonprinted, and may include textbooks, technology-based materials, other educational materials and tests. (Education Code 60010)

(cf. 6161 - Equipment, Books and Materials)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

Lottery funds shall not be used to acquire real estate, build school facilities, finance research, or serve any other noninstructional purpose, such as those related to school maintenance, business and administrative operations.

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)

The Superintendent or designee shall establish a separate account for the receipt and distribution of lottery funds that shall be clearly identified as a lottery education account. (Government Code 8880.5)

(cf. 3100 - Budget)

Legal Reference:

EDUCATION CODE

14600 Legislative findings and declarations: state control of lottery funds

14700-14701 Use of lottery funds

60010 Definitions

60119 Hearings, steps to ensure availability of textbooks and instructional materials

GOVERNMENT CODE

8880-8880.5 California state lottery: general provisions

Management Resources:

CDE COMMUNICATIONS

2001.05.10 Proposition 20 - Allocation of Lottery Funds for Instructional Materials

WEB SITES

CDE: <http://www.cde.ca.gov>

FEDERAL GRANT FUNDS

The Governing Board recognizes the district's responsibility to maintain fiscal integrity and transparency in the use of all funds awarded through federal grants. The district shall comply with all requirements detailed in any grant agreement with an awarding agency and with the federal Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards specified in 7 CFR 200.0-200.521 and any stricter state laws and district policy.

Any goods or services purchased with federal funds shall be reasonable in cost and necessary for the proper and efficient performance or administration of the program.

The Superintendent or designee shall ensure that the district's financial management systems and procedures provide for the following: (2 CFR 200.302)

1. Identification in district accounts of each federal award received and expended and the federal program under which it was received

(cf. 3100 - Budget)

2. Accurate, current, and complete disclosure of the financial and performance results of each federal award or program in accordance with the reporting requirements of 2 CFR 200.327 and 200.328

(cf. 3460 - Financial Reports and Accountability)

3. Records and supporting documentation that adequately identify the source and application of funds for federally funded activities, including information pertaining to federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income, and interest

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

4. Effective controls and accountability for all funds, property, and other assets and assurance that all assets are used solely for authorized purposes

5. Comparison of actual expenditures with budgeted amounts for each federal award

6. Written procedures to implement provisions governing payments as specified in 2 CFR 200.305

7. Written procedures for determining the allowability of costs in accordance with 2 CFR 200.400-200.475 and terms and conditions of the federal grant award

(cf. 3400 - Management of District Assets/Accounts)

FEDERAL GRANT FUNDS (continued)

The Superintendent or designee shall develop and implement appropriate internal control processes to reasonably assure that transactions are properly executed, recorded, and accounted for so that the district can prepare reliable financial statements and federal reports, maintain accountability over assets, and demonstrate compliance with federal laws, regulations, and conditions of the federal award. (2 CFR 200.61, 200.62, 200.303)

Equipment purchased with federal funds shall be properly inventoried and adequately maintained to safeguard against loss, damage, or theft of the property.

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

(cf. 3440 - Inventories)

(cf. 3512 - Equipment)

All staff involved in the administration or implementation of programs and activities supported by federal funds shall receive information and training on the allowable use of federal funds, purchasing procedures, and reporting processes commensurate with their duties.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The district shall submit performance reports to the awarding agency in accordance with the schedule and indicators required for that federal grant by law and the awarding agency. As required, such reports may include a comparison of actual accomplishments to the objectives of the federal award, the relationship between financial data and performance accomplishments, the reasons that established goals were not met if applicable, cost information to demonstrate cost effective practices, analysis and explanation of any cost overruns or high unit costs, and other relevant information. The final performance report shall be submitted within 90 days after the ending date of the grant. (2 CFR 200.301, 200.328)

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference: (see next page)

FEDERAL GRANT FUNDS (continued)

Legal Reference:

EDUCATION CODE

42122-42129 Budget requirements

CODE OF FEDERAL REGULATIONS, TITLE 2

180.220 Amount of contract subject to suspension and debarment rules

200.0-200.521 Federal uniform grant guidance, especially:

200.1-200.99 Definitions

200.100-200.113 General provisions

200.317-200.326 Procurement standards

200.327-200.329 Monitoring and reporting

200.333-200.337 Record retention

200.400-200.475 Cost principles

200.500-200.521 Audit requirements

CODE OF FEDERAL REGULATIONS, TITLE 34

76.730-76.731 Records related to federal grant programs

CODE OF FEDERAL REGULATIONS, TITLE 48

2.101 Federal acquisition regulation; definitions

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California Department of Education Audit Guide

California School Accounting Manual

EDUCATION AUDIT APPEALS PANEL PUBLICATIONS

Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Questions and Answers Regarding 2 CFR Part 200, March 17, 2016

WEB SITES

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

Education Audit Appeals Panel: <http://www.eaap.ca.gov>

Office of Management and Budget, Uniform Guidance:

https://www.whitehouse.gov/omb/grants_docs

State Controller's Office: <http://www.sco.ca.gov>

System for Award Management (SAM): www.sam.gov/portal/SAM/##11

U.S. Department of Education: <http://www.ed.gov>

U.S. Government Accountability Office: <http://www.gao.gov>

Adopted: _____ March 14, 2018

FEDERAL GRANT FUNDS

Allowable Costs

Prior to obligating or spending any federal grant funds, the Superintendent or designee shall determine whether a proposed purchase is an allowable expenditure of federal funds in accordance with 2 CFR 200.400-200.475 and the terms and conditions of the federal grant award. He/she shall also determine whether the expense is a direct or indirect cost as defined in 2 CFR 200.413 and 200.414 and, if the purchase will benefit other programs not included in the grant award, the appropriate share to be allocated to the federal grant.

(cf. 3350 - Travel Expenses)

The Superintendent or designee shall review and approve all transactions involving federal grant funds and shall ensure the proper coding of expenditures consistent with the California School Accounting Manual.

(cf. 3300 - Expenditures and Purchases)
(cf. 3314 - Payment for Goods and Services)

Period of Performance

All obligations of federal funds shall occur on or between the beginning and ending dates of the grant project and shall be paid no later than 90 days after the end of the funding period, unless specifically authorized by the grant award to be carried over beyond the initial term of the grant. (2 CFR 200.77, 200.308, 200.309, 200.343)

Procurement

On or before July 1, 2017, or such later date as may be approved in the Uniform Guidance, the Superintendent or designee shall comply with the standards specified in 2 CFR 200.317-200.326 and Appendix II of Part 200 when procuring goods and services needed to carry out a federal grant as well as any more restrictive state laws and district policies concerning the procurement of goods and services.

As appropriate to encourage greater economy and efficiency, the Superintendent or designee shall avoid acquisition of unnecessary or duplicative items, give consideration to consolidating or breaking out procurements, analyze lease versus purchase alternatives, consider entering into an interagency agreement for procurement of common or shared goods and services, and/or use federal excess or surplus property. (2 CFR 200.318)

The procurement of goods or services with federal funds shall be conducted in a manner that provides full and open competition in accordance with state laws and district regulations and the following requirements:

FEDERAL GRANT FUNDS (continued)

1. Any purchase of supplies or services that does not exceed the "micro-purchase" threshold specified in 48 CFR 2.101 may be awarded without soliciting competitive quotes, provided that the district considers the price to be reasonable and maintains written evidence of this reasonableness in the record of all micro-purchases. (2 CFR 200.67, 200.320)
2. For any purchase that exceeds the micro-purchase threshold but is less than the bid limit required by Public Contract Code 20111, the Superintendent or designee shall utilize "small-purchase" procedures that include obtaining price or rate quotes from an adequate number of qualified sources. (2 CFR 200.320)
3. Contracts for goods or services over the bid limits required by Public Contract Code 20111 shall be awarded pursuant to California law and AR 3311 - Bids, unless exempt from bidding under the law.

(cf. 3311 - Bids)

4. If a purchase is exempt from bidding and the district's solicitation is by a request for proposals, the award may be made by either a fixed-price or cost-reimbursement type contract awarded to the entity whose proposal is most advantageous to the program, with price and other factors considered. (2 CFR 200.320)

(cf. 3312 - Contracts)

5. Procurement by noncompetitive proposals (sole sourcing) may be used only when the item is available from a single source, the need or emergency will not permit a delay resulting from competitive solicitation, the awarding agency expressly authorizes sole sourcing in response to the district's request, and/or competition is determined inadequate after solicitation of a number of sources. (2 CFR 200.320)
6. Time and materials type contracts may be used only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost is the sum of the actual cost of materials and direct labor hours charged at fixed hourly rates that reflect wages, general administrative expenses, and profit. (2 CFR 200.328)

For any purchase of \$25,000 or more, the Superintendent or designee shall verify that any vendor which is used to procure goods or services is not excluded or disqualified by the federal government. (2 CFR 180.220, 200.213)

FEDERAL GRANT FUNDS (continued)

All solicitations shall incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features, which unduly restrict competition. The description shall avoid detailed product specifications to the extent possible, but may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. When it is impractical or not economical to make a clear and accurate description of the technical requirements, a brand name or equivalent description may be used to define the performance or other salient requirements of procurement, clearly stating the specific features of the named brand, which must be met by offers. In addition, every solicitation shall identify all requirements, which the offer must fulfill and any other factors to be used in evaluating bids or proposals. (2 CFR 200.319)

The Superintendent or designee shall maintain sufficient records to document the procurement, including, but not limited to, the rationale for the method of procurement, selection of the contract type, contractor selection or rejection, and the basis for the contract price. (2 CFR 200.318)

The Superintendent or designee shall ensure that all contracts for purchases using federal grant funds contain the applicable contract provisions described in Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards. (2 CFR 200.326)

Capital Expenditures

The Superintendent or designee shall obtain prior written approval from the awarding agency before using federal funds to make capital expenditures, including the acquisition of land, facilities, equipment, and intellectual property and expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life. (2 CFR 200.12, 200.13, 200.20, 200.33, 200.48, 200.58, 200.89, 200.313, 200.439)

Conflict of Interest

No Governing Board member, district employee, or district representative shall participate in the selection, award, or administration of a contract supported by federal funds if he/she has a real or apparent conflict of interest, such as when he/she or a member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of them has a financial interest in or a tangible personal benefit from a firm considered for a contract. Such persons are prohibited from soliciting or accepting gratuities, favors, or anything of monetary value from contractors or subcontractors unless the gift is an unsolicited item of nominal value.

FEDERAL GRANT FUNDS (continued)

Employees engaged in the selection, award, and administration of contracts shall also comply with BB 9270 - Conflict of Interest.

Cash Management

The Superintendent or designee shall ensure the district's compliance with 2 CFR 200.305 pertaining to payments and cash management, including compliance with applicable methods and procedures to minimize the time elapsing between the transfer of funds to the district and the district's disbursement of funds.

When authorized by law, the district may receive advance payments of federal grant funds, limited to the minimum amounts needed and timed in accordance with the actual immediate cash requirements of the district for carrying out the purpose of the program or project. Except under specified conditions, the district shall maintain the advance payments in an interest-bearing account. The district shall remit interest earned on the advanced payment to the awarding agency on an annual basis, but may retain interest amounts specified in 2 CFR 200.305 for administrative expenses.

When required by the awarding agency, the district shall instead submit a request for reimbursement of actual expenses incurred. The district may also request reimbursement as an alternative to receiving advance payments. (2 CFR 200.305)

The Superintendent or designee shall maintain source documentation supporting the expenditure of federal funds, such as invoices, time sheets, payroll stubs, or other appropriate documentation.

Personnel

All district employees who are paid in full or in part with federal funds, including employees whose salary is paid with state or local funds but is used to meet a required match or in-kind contribution to a federal program, shall document the amount of time they spend on grant activities. (2 CFR 200.430)

Records

Except as otherwise provided in 2 CFR 200.333, or where state law or district policy requires a longer retention period, financial records, supporting documents, statistical records, and all other district records related to a federal award shall be retained for a period of three years from the date of submission of the final expenditure report or, for a federal award that is renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report. (2 CFR 200.333)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

FEDERAL GRANT FUNDS (continued)

Audits

Whenever the district expends \$750,000 or more in federal grant funds during a fiscal year, it shall arrange for either a single audit or a program-specific audit in accordance with 2 CFR 200.507 or 200.514. (2 CFR 200.501)

The Superintendent or designee shall ensure that the audit meets the requirements specified in 2 CFR 200.500-200.521.

Specified records pertaining to the audit of federal funds expended by the district shall be transmitted to the clearinghouse designated by the federal Office of Management and Budget and shall be made available for public inspection. Such records shall be transmitted within 30 days after receipt of the auditor's report or within nine months after the end of the audit period, whichever is sooner, unless a longer period is agreed to in advance by the federal agency or a different period is specified in a program-specific audit guide. (2 CFR 200.512)

In the event that the audit identifies any deficiency, the Superintendent or designee shall promptly act to either correct the identified deficiency, produce recommended improvements, or demonstrate that the audit finding is invalid or does not warrant action. (2 CFR 200.26, 200.508, 200.511)

Revised: _____ March 14, 2018 _____

TRANSPORTATION FEES

Because the cost of providing student transportation exceeds funding provided by the state, the Governing Board finds it necessary to charge fees for home-to-school student transportation.

The Superintendent or designee shall annually submit proposed transportation fee schedules for Governing Board approval. Fees shall be determined on the basis of operating costs in accordance with law.

No charge shall be made for any transportation of students whose individualized education program requires transportation or whose parents/guardians are determined indigent pursuant to administrative regulations.

(cf. 3540 - Transportation)

(cf. 3541.2 - Transportation for Students with Disabilities)

Legal Reference:

EDUCATION CODE

10913 Fees for uses of school buses for community recreation purposes

35330 Excursions or field trips

39800-39860 Transportation, especially:

39801.5 Transportation fees for adults

39807.5 Payment of transportation cost; amount of payment

39809.5 Excess fees; adjustments

39837 Fees for summer employment transportation

41850 Home-to-school and special education transportation

49557 Applications for free and reduced price meals

49558 Confidentiality of applications and records

56026 Individuals with exceptional needs

CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

CODE OF FEDERAL REGULATIONS, TITLE 7

245.8(a) Nondiscrimination practices for children eligible to receive free and reduced price meals and free milk

COURT DECISIONS

Arcadia Unified School District et al v. State Department of Education, 2 Cal. 4th 251 (1992)

Hartzell v. Connell, 35 Cal.3d 899 (1984)

Management Resources:

CDE MANAGEMENT ADVISORIES

0619.92 Fees for Pupil Transportation (#92-05)

CDE PROGRAM ADVISORIES

0609.95 School transportation fee exemption for handicapped children and pupils whose parents or guardians are indigent (LO: 2-95)

TRANSPORTATION FEES

Fee Schedule and Collection

Transportation fees charged by the district shall not exceed the statewide average nonsubsidized cost of providing such transportation to a student on a publicly owned or operated transit system, as determined by the Superintendent of Public Instruction. (Education Code 39807.5)

The total amount received by the district from the state and parent/guardian fees shall not exceed the actual operating cost of home-to-school transportation during the fiscal year. If excess fees are collected due to errors in estimated costs, fees shall be reduced in succeeding years. (Education Code 39809.5)

The Governing Board shall certify to the County Superintendent of Schools that the district has levied fees in accordance with law and that, in the event that excess fees have been charged, the fees have been reduced and excess fee revenue eliminated. (Education Code 39809.5)

Bus passes and tickets shall be sold at the district office.

Fees for Additional Services

In addition to charging fees for home-to-school transportation provided in accordance with Education Code 39800, the district shall charge fees for students traveling to and from their places of employment during the summer in connection with a summer employment program for youth. (Education Code 39837)

The district may also charge fees for:

1. Students traveling to full-time occupational classes provided by a Regional Occupational Program or Center (Education Code 39807.5)
2. Matriculated or enrolled adults traveling to and from school, or adults pursuing other educational purposes (Education Code 39801.5)
3. Community recreation as provided in Education Code 39835 (Education Code 10913)

(cf. 3541 - Transportation Routes and Services)

Exemption from Fees

Eligibility for free transportation based on indigency shall be based on the income eligibility scales used for the free and reduced-price lunch program and/or proof of receipt of Temporary Assistance to Needy Families (TANF).

(cf. 3553 - Free and Reduced Price Meals)

TRANSPORTATION FEES (continued)

At the beginning of the school year and whenever a new student is enrolled, parents/guardians shall receive information about free transportation eligibility standards, application procedures and appeal procedures.

(cf. 5145.6 - Parental Notifications)

All applications and records related to eligibility for free transportation shall be confidential and used only for purposes directly connected with the free transportation program.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

Students receiving free transportation shall not be identified by the use of special bus passes, tickets, lines, seats or any other means. They shall in no way be treated differently from other students, nor shall their names be published, posted or announced in any manner or used for any purpose other than the transportation program.

Refunds

Refunds will be made to parents/guardians only on semester passes when a student is leaving Walnut Valley Unified School District. A request for a refund shall be made in writing to the Transportation Department. The refund will be prorated according to the number of unused days. A processing fee of \$20 will be deducted from the total amount of the refund.

FEES AND CHARGES

The Governing Board desires to furnish books, materials and instructional equipment as needed for the educational program. Because the needs of the district must be met with limited available funds, the Governing Board may charge fees when specifically authorized by law.

The district shall consider the student and parent/guardian's ability to pay when establishing fee schedules and granting exceptions.

(cf. 1321 - Solicitation of Funds from and by Students)

(cf. 3250 - Transportation Fees)

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5143 - Insurance)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 9323.2 - Actions by the Board)

Legal Reference: (see next page)

FEES AND CHARGES (continued)

Legal Reference:

EDUCATION CODE

8263 Child care eligibility
8760-8773 Outdoor science and conservation programs
17551 Property fabricated by students
19910-19911 Offenses against libraries
32033 Eye protective devices
32221 Insurance for athletic team member
32390 Fingerprinting program
35330-35332 Excursions and field trips
35335 School camp programs
38080-38085 Cafeteria establishment and use
38119 Lease of personal property; caps and gowns
38120 Use of school band equipment on excursions to foreign countries
39807.5 Payment of transportation costs
39837 Transportation of students to places of summer employment
48050 Residents of adjoining states
48052 Tuition for foreign residents
48904 Liability of parent or guardian
49066 Grades, effect of physical education class apparel
49091.14 Prospectus of school curriculum
51810-51815 Community service classes
52612 Tuition for adult classes
52613 Nonimmigrant aliens
60410 Students in classes for adults

GOVERNMENT CODE

6253 Request for copy; fee

VEHICLE CODE

21113 Public grounds (parking)

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

UNITED STATES CODE, TITLE 8

1184 Foreign Students

COURT DECISIONS

Driving School Assn of CA v. San Mateo Union HSD (1993) 11 Cal. App. 4th 1513

Arcadia Unified School District v. State Department of Education (1992) 2 Cal 4th 251

Steffes v. California Interscholastic Federation (1986) 176 Cal. App. 3d 739

Hartzell v. Connell (1984) 35 Cal. 3d 899

CTA v. Glendale School District Governing Board (1980) 109 Cal. App. 3d 738

Management Resources:

CDE MANAGEMENT ADVISORIES

1030.97 Fiscal Management Advisory 97-02: Fees Deposits and Other Charges

WEB SITES

CDE: <http://www.cde.ca.gov>

FEES AND CHARGES

The district shall charge only those fees specifically authorized by law. (5 CCR 350)

The following fees and charges are permissible if approved by the Governing Board:

1. Insurance for athletic team members, with an exemption for financial hardship (Education Code 32221)

(cf. 5143 - Insurance)

2. Insurance for medical or hospital service for students participating in field trips and excursions (Education Code 35331)

3. Expenses of students' participation in a field trip or excursion to another state, the District of Columbia or a foreign country, as long as no student is prohibited from making the field trip due to lack of funds (Education Code 35330)

(cf. 6153 - School-Sponsored Trips)

4. Student fingerprinting program (Education Code 32390)

(cf. 5142.1 - Identification and Reporting of Missing Children)

5. School camp programs operated pursuant to Education Code 8760-8773 provided that the fee is not mandatory (Education Code 35335)

(cf. 6142.5 - Environmental Education)

6. Personal property of the district fabricated by students, as long as the cost of the property does not exceed the cost of the materials provided by the district (Education Code 17551)

7. Home-to-school transportation and transportation between school and regional occupational centers, programs or classes, as long as the fee does not exceed the statewide average nonsubsidized cost per student and so long as exemptions are made for indigent and disabled students (Education Code 39807.5)

(cf. 3250 - Transportation Fees)

8. Transportation to and from summer employment programs for youth (Education Code 39837)

9. Physical education uniforms

(cf. 6142.7 - Physical Education)

FEES AND CHARGES (continued)

10. Rental or lease of personal property needed for district purposes, such as caps and gowns used by seniors in graduation ceremonies (Education Code 38119)

(cf. 5127 - Graduation Ceremonies and Activities)

11. Deposit for band instruments, music, uniforms and other regalia which school band members take on excursions to foreign countries (Education Code 38120)

12. Fees for community service classes (Education Code 51815)

13. Eye safety devices, at a price not to exceed the district's actual costs (Education Code 32033)

(cf. 5142 - Safety)

14. Actual costs of duplication for copies of public records (Government Code 6253)

(cf. 1340 - Access to District Records)

15. Actual costs of duplication for reproduction of the prospectus of school curriculum (Education Code 49091.14)

(cf. 5020 - Parent Rights and Responsibilities)

16. Food sold at school subject to free and reduced price meal program eligibility and other restrictions specified in law (Education Code 38084)

(cf. 3551 - Food Service Operations/Cafeteria Funds)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3554 - Other Food Sales)

17. Fines or reimbursements for lost or damaged district property or damage to library property (Education Code 19910-19911, 48904)

(cf. 3515.4 - Recovery for Property Loss or Damage)

18. Tuition for out-of-state and out-of-country residents (Education Code 48050, 48052, 52613; 8 USC 1184)

(cf. 5111.1 - District Residency)

(cf. 5111.2 - Nonresident Foreign Students)

19. Adult education books, materials, and classes as specified in law (Education Code 52612, 60410)

(cf. 6200 - Adult Education)

FEES AND CHARGES (continued)

20. Child care and development services (Education Code 8263)

(cf. 5148 - Child Care and Development)

21. Parking on school grounds (Vehicle Code 21113)

SALE AND DISPOSAL OF BOOKS, EQUIPMENT, AND SUPPLIES

When district-owned books, equipment, and supplies become unusable, obsolete, or no longer needed, the Superintendent or designee shall identify these items to the Governing Board, together with their estimated value and a recommendation that they be sold or disposed of by one of the methods prescribed in law and administrative regulations. With Governing Board approval, the Superintendent or designee shall arrange for the sale or disposal of these items.

Instructional materials may be considered obsolete or unusable when they:

1. Contain information rendered inaccurate or incomplete by new discoveries or technologies
2. Have been replaced by more recent versions or editions of the same material and are of no foreseeable value in other instructional areas
3. Contain demeaning, stereotyping or patronizing references to either sex, members of racial, ethnic, religious, vocational or cultural groups, or persons with physical or mental disabilities
4. Have been inspected and discovered to be damaged beyond use or repair

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

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

The Superintendent or designee shall establish procedures to be used when selling equipment for which the federal government has a right to receive all or part of the proceeds. These procedures shall ensure a reasonable amount of competition so as to result in the highest possible revenue.

(cf. 3230 - Federal Grant Funds)

(cf. 3440 - Inventories)

Legal Reference: (see next page)

SALE AND DISPOSAL OF BOOKS, EQUIPMENT, AND SUPPLIES (continued)

Legal Reference:

EDUCATION CODE

17540-17542 *Sale or lease of personal property by one district to another*

17545-17555 *Sale of personal property*

35168 *Inventory, including record of time and mode of disposal*

60510-60530 *Sale, donation, or disposal of instructional materials*

GOVERNMENT CODE

25505 *District property; disposition; proceeds*

CODE OF REGULATIONS, TITLE 5

3944 *Consolidated categorical programs, district title to equipment*

3946 *Disposal of equipment purchased with state and federal consolidated application funds*

UNITED STATES CODE, TITLE 40

549 *Surplus property*

CODE OF FEDERAL REGULATIONS, TITLE 2

200.0-200.521 *Federal uniform grant guidance*

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Standards for Evaluating Instructional Materials for Social Content, 2013

WEB SITES

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

School Services of California, Inc.: <http://www.sscal.com>

Adopted: _____ March 14, 2018

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES

The Governing Board may dispose of personal property belonging to the district by any of the following methods:

1. If the Governing Board members attending a meeting unanimously agree that the property is worth no more than \$2,500, they may designate any district employee to sell the property without advertising. (Education Code 17546)

(cf. 9323.2 - Actions by the Board)

2. The Governing Board may advertise for bids and either sell the property to the highest responsible bidder or reject all bids. (Education Code 17545, 17548)

Notice for bids shall be posted in at least three public places in the district for at least two weeks or published at least once a week for at least two weeks in a newspaper having a general circulation in the district and, if possible, published within the district. (Education Code 17545, 17548)

Property for which no qualified bid has been received may be sold, without further advertising, by the Superintendent or designee. (Education Code 17546)

(cf. 3311 - Bids)

3. The Governing Board may authorize the sale of property by means of a public auction conducted by district employees, employees of other public agencies, or by contract with a private auction firm. Notice related to the auction shall be posted or published as described in item #2 above. (Education Code 17545)
4. Without advertising for bids, the Governing Board may sell the property to agencies of federal, state or local government, to any other school district, or to any agency eligible under the federal surplus property law (40 USC 484(j)(3)). In such cases, the sale price shall equal the cost of the property plus estimated cost of purchasing, storing and handling. (Education Code 17540)
5. Without advertising for bids, the Governing Board may sell or lease the property to agencies of federal, state or local government or to any other school district. In such cases, the price and terms of the sale or lease shall be fixed by the Governing Board and approved by the County Superintendent of Schools. (Education Code 17542)
6. If the Governing Board members attending a meeting unanimously find that the value of the property is insufficient to defray the costs of arranging a sale, the property may be donated to a charitable organization deemed appropriate by the Governing Board or be disposed of by dumping. (Education Code 17546)

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES (continued)

Money received from the sale of surplus property shall be either deposited in the district reserve or general fund or credited to the fund from which the original purchase was made. (Education Code 17547)

(cf. 3100 - Budget)

Instructional Materials

Surplus or undistributed obsolete instructional materials that are usable for educational purposes may be donated to any Governing Board, county free library or other state institution; any United States public agency or institution; any nonprofit charitable organization; or children or adults in California or foreign countries for the purpose of increasing literacy. They also may be sold to any organization that agrees to use the materials for educational purposes. (Education Code 60510)

Any organization, agency or institution receiving obsolete instructional materials from the district shall certify to the Governing Board that it agrees to use the materials for educational purposes and make no charge to any persons to whom the materials are given or lent. (Education Code 60511)

Surplus or undistributed obsolete instructional materials which are unusable or which cannot be distributed as specified above may be disposed of by either of the following: (Education Code 60530)

1. By being mutilated so as not to be salable and sold for scrap at the highest obtainable price
2. By being destroyed by any economical means at least 30 days after the Governing Board has given notice to all persons who requested such notice

(cf. 0440 - District Technology Plan)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6163.1 - Library Media Centers)

(cf. 9323.2 - Actions by the Board)

School Buses

Upon receiving a state apportionment for the replacement of a school bus, the Governing Board may sell the bus that is being replaced to another California school district if the following conditions are met: (Education Code 42303)

1. The other district is replacing a bus that is in service and has not been designated a temporary school bus pursuant to Education Code 42291.5.

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES (continued)

2. The bus being replaced by the other district is older than the bus that is being sold by this district.
3. The bus being replaced by the other district is not sold to a third school district.
4. The other district, by Governing Board resolution, holds the state and this district harmless for any liability that may result from the bus that this district is selling.
5. The proceeds from the sale of the bus shall be used by this district for home-to-school transportation purposes.
6. Before the sale is finalized, the bus being sold is in compliance with all relevant provisions of the Vehicle Code and 13 CCR.

Legal Reference:

EDUCATION CODE

17540-17542 Sale or lease of personal property by one district to another

17545-17555 Sale of personal property

35168 Inventory, including record of time and mode of disposal

60510-60530 Sale, donation, or disposal of instructional materials

GOVERNMENT CODE

25505 District property; disposition; proceeds

CODE OF REGULATIONS, TITLE 5

3944 Consolidated categorical programs, district title to equipment

3946 Disposal of equipment purchased with state and federal consolidated application funds

UNITED STATES CODE, TITLE 40

549 Surplus property

CODE OF FEDERAL REGULATIONS, TITLE 2

200.0-200.521 Federal uniform grant guidance

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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Revised: March 14, 2018

SALE, LEASE, RENTAL OF DISTRICT-OWNED REAL PROPERTY

The Governing Board shall dispose of district property whenever it is apparent the district will have no further use for it. If property currently unused will be needed at some future time, the Governing Board may lease it to a governmental or private agency or individual. (Education Code 17453, 17455-17484)

When required by law, the Governing Board shall appoint a district advisory committee to advise the Governing Board in the development of policies and procedures governing the use or disposition of schools or school building space which is not needed for school purposes. (Education Code 17388)

Before offering to sell or lease surplus real property to any other parties, the district may offer it to designated child care providers for child care and development purposes.

(cf. 5148 - Child Care and Development)

When surplus property is not sold or leased to child care providers, the Governing Board shall offer to sell or lease it, with an option to buy, in accordance with the priorities set forth in Education Code 17464 and 17230 and in Government Code 54222.

Any lease or sale made by the Governing Board will conform in all particulars to the provisions of law.

Legal Reference:

EDUCATION CODE

8469.5 *Use of school facilities or grounds for school age child care*

17022 *Approval of new facilities*

17219 *Acquisition of property not utilized as school site; nonuse payments; exemptions*

17230 *Surplus property*

17385 *Conveyances to and from school districts*

17387-17391 *Advisory committees for use of excess school facilities*

17406 *Right of district to lease property under lease providing for construction of building*

17453 *Lease of surplus district property*

17455-17484 *Sale or lease of real property*

17515-17526 *Joint occupancy*

17527-17535 *Joint use of district facilities*

38134 *Groups which may use school facilities without charge; charges for use by other groups*

GOVERNMENT CODE

54222 *Offer to sell or lease property*

SALE, LEASE, RENTAL OF DISTRICT-OWNED REAL PROPERTY

The district advisory committee on use or disposition of surplus school buildings or space shall consist of seven to 11 members representative of the following: (Education Code 17389)

1. The district's ethnic, age group and socioeconomic composition
2. The business community, such as store owners, managers or supervisors
3. Landowners or renters, with preference to representatives of neighborhood associations
4. Teachers
5. Administrators
6. Parents of students
7. Persons with expertise in environmental impact, legal contracts, building codes, land use planning, local zoning, and other local land use restrictions

This committee shall: (Education Code 17390)

1. Review projected school enrollment and other data to determine the amount of surplus space and real property
2. Establish and circulate throughout the attendance area a priority list for use of surplus space and real property that will be acceptable to the community
3. Hold hearings, with community input, on acceptable uses of space and real property, including the sale or lease of surplus real property for child care development purposes
4. Make a final determination of limits of tolerance of use of space and real property
5. Send the Governing Board its recommendations regarding uses of surplus space and real property

Sale, Lease or Rental for Child Care Purposes

Any surplus real property sold or leased to designated child care providers for child care and development purposes shall comply with legally specified outdoor activity space requirements for child care facilities. The provisions of Education Code 17458 shall apply to any such sale or lease.

The use of district facilities or grounds for extended day care services shall be granted only in accordance with the provisions of Education Code 38134. (Education Code 8469.5)

(cf. 1330 - Use of School Facilities)

GIFTS, GRANTS AND BEQUESTS

The Governing Board may accept any bequest or gift of money or property on behalf of the district. While greatly appreciating suitable donations, the Governing Board discourages any gifts which may directly or indirectly impair its commitment to providing equal educational opportunities for all district students.

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

Before accepting a gift, the Governing Board shall consider whether the gift:

1. Has a purpose consistent with the district's vision and philosophy
2. Begins a program which the Governing Board would be unable to continue when the donated funds are exhausted
3. Entails undesirable or excessive costs
4. Implies endorsement of any business or product

(cf. 1325 - Advertising and Promotion)

The Governing Board shall carefully evaluate any conditions or restrictions imposed by the donor in light of district philosophy and operations. If the Governing Board feels the district will be unable to fully satisfy the donor's conditions, the gift shall not be accepted.

Gift books and instructional materials shall be accepted only if they meet regular district criteria.

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

All gifts, grants and bequests shall become district property. Donors are encouraged to donate all gifts to the district rather than to a particular school. At the Superintendent or designee's discretion, a gift may be used at a particular school.

Legal Reference:

EDUCATION CODE

1834 Acquisition of materials and apparatus

35162 Power to sue, be sued, hold and convey property

41030 School district may invest surplus monies from bequest or gifts

41031 Special fund or account in county treasury

41032 Authority of school board to accept gift or bequest; investments; gift of land requirements

41035 Advisory committee

41036 Function of advisory committee

41037 Rules and regulations

GIFTS, GRANTS AND BEQUESTS

Each individual or organization proposing to make a gift of personal property to the district will comply with the following procedure. The donor shall address a communication to the Governing Board, via the school principal when appropriate, identifying by make, model and value those items to be donated to the district. Equipment such as copiers, projectors, etc., shall be of the makes and models currently in use in the district and in accordance with district specifications. The district Director of Purchasing should first be consulted, who will provide all necessary advice, literature, price information, etc. Purchases of new equipment shall be made by the Purchasing Department on behalf of the donor. Offers of donations of items of an instructional nature should be referred by the principal to the Assistant Superintendent, Educational Services. Items of a non-instructional nature should be referred to the Assistant Superintendent, Business Services. Expendable instructional or office supply items need not be accepted by the district.

All workbooks, commercially prepared aids, textbooks, supplementary books, library books and all other similar material that may affect or relate to the district's adopted course of study shall be submitted to the Assistant Superintendent, Educational Services, for approval and determination regarding the need for Governing Board acceptance. Any proposed alteration, improvement, or addition to buildings or grounds shall be submitted to the Assistant Superintendent, Business Services.

Because nearly all gifts to the district are donated by the various community clubs or other school-related organization, in order to assure acceptance by the Governing Board of any proposed gift, the principal of the school involved should first discuss the matter with the appropriate district office administrator before advising the donor to submit a letter requesting gift acceptance or placing any order or making any commitment to a vendor. If there is any doubt whether any item to be acquired by other than district funds will require Governing Board acceptance as a gift, the appropriate district office administrator should be consulted.

After formal acceptance by the Governing Board, the donor and the principal will be notified that the Governing Board has accepted the gift, after which time the gift may be received or ordered, as the case may be.

Any acceptance of a gift by an employee prior to Governing Board acceptance is done at the risk of the employee.

EXPENDITURES/EXPENDING AUTHORITY

The Superintendent or designee may purchase supplies, materials, equipment and services up to the amounts specified in Public Contract Code 20111, beyond which a competitive bidding process is required.

(cf. 3310 - Purchasing Procedures)

(cf. 3311 - Bids)

(cf. 3312 - Contracts)

The Superintendent or designee may authorize an expenditure which exceeds the budget classification allowance against which the expenditure is the proper charge only if an amount sufficient to cover the purchase is available in the budget for transfer by the Governing Board.

(cf. 3100 - Budget)

(cf. 3110 - Transfer of Funds)

All transactions entered into by the Superintendent or designee on behalf of the Governing Board shall be reviewed by the Governing Board every 60 days. (Education Code 17605)

No district funds shall be expended for the purchase of alcoholic beverages. (Education Code 32435)

The Governing Board shall not recognize obligations incurred contrary to Governing Board policy and administrative regulations.

Legal Reference:

EDUCATION CODE

17604 Delegation of powers to agents; liability of agents

17605 Delegation of authority to purchase supplies and equipment

32435 Prohibited use of public funds

35010 Control of district; prescription and enforcement of rules

35035 Powers and duties of superintendent

35272 Educational and athletic materials

38083 Purchase of perishable foodstuffs and seasonal commodities

41010 Accounting system

41014 Requirement of budgetary accounting

PUBLIC CONTRACT CODE

20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder

PURCHASING PROCEDURES

The Superintendent or designee shall maintain effective purchasing procedures in order to ensure that maximum value is received for money spent by the district and that records are kept in accordance with law.

Insofar as possible, goods and services purchased shall meet the needs of the person or department ordering them at the lowest price consistent with standard purchasing practices. Maintenance costs, replacement costs and trade-in values shall be considered when determining the most economical purchase price.

(cf. 3314.2 - Revolving Funds)
(cf. 3440 - Inventories)

All purchases shall be made by formal contract or purchase orders.

(cf. 3300 - Expenditures/Expending Authority)
(cf. 3312 - Contracts)

Legal Reference:

EDUCATION CODE

17604 Delegation of powers to agents; approval or ratification of contracts by governing board

17605 Delegation of authority to purchase supplies and equipment

35250 Duty to keep certain records and reports

GOVERNMENT CODE

4331 Preference to supplies manufactured or produced in state

PUBLIC CONTRACT CODE

3410 U.S. produce and processed foods

12168 Preference for recycled paper products

12210 Purchase of recycled products

PURCHASING PROCEDURES

Preferred Products

Whenever recycled products of equal fitness and quality are available at no more than the cost of nonrecycled products, the district shall purchase recycled products. The district also may give preference to the suppliers of recycled products. (Public Contract Code 12168, 12210)

Price, fitness and quality being equal, the district shall give preference to supplies manufactured, grown or produced in California, and shall next prefer supplies partially manufactured, grown or produced in California. (Government Code 4331)

When purchasing food, the district shall give preference to produce grown in the United States and/or processed in the United States insofar as this is economically feasible considering the total cost, quantity and quality of the food. (Public Contract Code 3410)

In so far as possible and in accordance with law, the district shall give preference to local businesses in the purchase of supplies.

BIDS

The district shall purchase equipment, supplies and services using competitive bidding when required by law and in accordance with statutory requirements for bidding and bidding procedures. In those circumstances where the law does not require competitive bidding, the Governing Board may request that a contract be competitively bid if the Governing Board determines that it is in the best interest of the district to do so.

When the Governing Board has determined that it is in the best interest of the district, the District may piggyback onto the contract of another public agency or corporation to lease or purchase equipment or supplies to the extent authorized by law. (Public Contract Code 20118)

To ensure that good value is received for funds expended, specifications shall be carefully designed and shall describe in detail the quality, delivery and service required.

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading legal requirements for competitive bidding. (Public Contract Code 20116)

The Superintendent or designee shall establish comprehensive bidding procedures for the district in accordance with law. The procedures shall include a process for advertising bids, instructions and timelines for submitting and opening bids, and other relevant requirements.

(cf. 9270 - Conflict of Interest)

Legal Reference: (see next page)

BIDS (continued)

Legal Reference:

EDUCATION CODE

- 17595 Purchases through Department of General Services*
- 38083 Purchase of perishable foodstuffs and seasonable commodities*
- 38110 Purchase of supplies through county superintendent*
- 38111 Purchases by district governing board*
- 38112 Purchases of necessary supplies*
- 39802 Transportation bids and contracts for services*

GOVERNMENT CODE

- 4330-4334 Preference of California-made materials*
- 6252 Definition of public record*
- 53060 Special services and advice*
- 54201-54205 Purchase of supplies and equipment by local agencies*

PUBLIC CONTRACT CODE

- 2001-2001 Responsive bidders*
- 3400 Bids, specifications by brand or trade name not permitted*
- 3410 United States produce and processed foods*
- 6610 Bid visits*
- 12161 Definitions, recycled paper products*
- 12168 Preference for purchase of recycled paper products*
- 12169 Bidders to specify percentage of recycled paper product*
- 12200 Definitions, recycled goods, materials and supplies*
- 12210 Purchase of recycled products preferred*
- 12213 Specification by bidder of recycled content*
- 20103.8 Award of contracts*
- 20107 Bidder's security*
- 20111-20118.4 School districts*
- 20189 Bidder's security, earthquake relief*
- 22002 Definition of public project*
- 22030-22045 Alternative procedures for public projects (UPCCAA)*
- 22050 Alternative emergency procedures*

COURT DECISIONS

- Konica Business Machines v. Regents of the University of California, (1988) 206 Cal.App.3d 449*
- City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court, (1972) 7 Cal.3d 861*

Management Resources:

WEB SITES

- CSBA: www.csba.org*
- California Association of School Business Officials: www.casbo.org*

Adopted: _____ March 14, 2018

BIDS

Advertised Bids

The district shall seek competitive bids through advertisement for contracts involving an expenditure of amount specified in current law for a public project. (Public Contract Code 20111)

"Public project" includes construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition and repair work involving a district owned, leased or operated facility. (Public Contract Code 22002)

The amount by which contracts shall be competitively bid shall escalate automatically based upon the annual adjustment by the Superintendent of Public Instruction.

Competitive bids shall be sought through advertisement for contracts exceeding the amount specified in current law for the following: (Public Contract Code 20111; Government Code 53060)

1. The purchase of equipment, material or supplies to be furnished, sold or leased to the district
2. Services, not including construction services, or special services and advice such as accounting, financial, legal or administrative matters
3. Repairs, including maintenance that is not a public project

Maintenance means routine, recurring and usual work for preserving, protecting and keeping a district facility operating in a safe, efficient and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered or repaired. Maintenance includes, but is not limited to, carpentry, electrical, plumbing, glazing and other craft work designed to preserve the facility as well as repairs, cleaning and other operations on machinery and other permanently attached equipment. This definition does not include, among other types of work, janitorial or custodial services and protection provided by security forces, nor does it include painting, repainting or decorating other than touchup. (Public Contract Code 20115)

Unless otherwise authorized by law, contracts shall be let to the lowest responsible bidder who shall give such security as the Governing Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

When letting a contract for the procurement and/or maintenance of electronic data processing systems and supporting software, the Governing Board may contract with any one of the three lowest responsible bidders. (Public Contract Code 20118.1)

BIDS (continued)

The Governing Board shall secure bids pursuant to Public Contract Code 20111 and 20112 for any transportation service expenditure of more than \$10,000 when contemplating that such a contract may be made with a person or corporation other than a common carrier, municipally owned transit system or a parent/guardian of students who are to be transported. The Governing Board may let this contract to other than the lowest bidder. (Education Code 39802)

No work, project, service or purchase shall be split or separated into smaller work orders or projects for the purpose of evading the legal requirements of Public Contract Code 20111-20118.4 for contracting after competitive bidding. (Public Contract Code 20116)

Instructions and Procedures for Advertised Bids

The Superintendent or designee shall call for bids by advertising in a local newspaper or general circulation published in the district. If no such paper exists then in some newspaper of general circulation, circulated in the county at least once a week for two weeks. The notice shall state the work to be done or materials or supplies to be furnished and the time and place where bids will be opened. (Public Contract Code 20112)

The notice shall contain the time, date and location of any mandatory prebid conference, site visit or meeting. The notice shall also detail when and where project documents, including final plan and specifications, are available. Any such mandatory visit or meeting shall not occur within a minimum of five calendar days of the publication of the initial notice. (Public Contract Code 6610)

Bid instructions and specifications shall include the following requirements and information:

1. All bidders, including bidders for printing contracts, shall specify the minimum, if not exact, percentage of recycled product in the paper products offered, and both the postconsumer and secondary waste content. (Public Contract Code 22152)
2. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security: (Public Contract Code 20111, 20112)
 - a. Cash
 - b. A cashier's check made payable to the district
 - c. A certified check made payable to the district

BIDS (continued)

- d. A bidder's bond executed by an admitted surety insurer and made payable to the district
- The security of unsuccessful bidders shall be returned in a reasonable period of time, in no event any later than 60 days after the bid is awarded. (Public Contract Code 20111, 20112)
3. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)
 4. When two or more identical lowest or highest bids are received, the Governing Board may determine by lot, which bid shall be accepted. (Public Contract Code 20117)
 5. If the district requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, depending on the availability of funds, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in item #a, below, will be used: (Public Contract Code 20103.8)
 - a. The lowest bid shall be the lowest bid price on the base contract without consideration of the prices on the additive or deductive items.
 - b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.
 - c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the district before the first bid is opened.
 - d. The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders from being revealed to the public entity before the ranking of all bidders from lowest to highest has been determined. Public Contract Code 20103.8)
 6. Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4.

BIDS (continued)

7. After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for review pursuant to law, Governing Board policy, and administrative regulation.

(cf. 1340 - Access to District Records)

Bids Not Required

Upon a determination that it is in the best interest of the district, the Governing Board may authorize the purchase, lease or contract for data-processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors and other personal property through a public corporation or agency ("piggyback") without advertising for bids. (Public Contract Code 20118)

(cf. 3300 – Expenditures and Purchases)

(cf. 3512 – Equipment)

Supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals may be purchased in any amount without taking estimates or advertising for bids. (Public Contract Code 20118.3)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6163.1 - Library Media Centers)

Perishable commodities such as foodstuffs may be purchased through bid or on the open market, depending on district preference. (Education Code 38083)

(cf. 3551 - Food Service Operations/Cafeteria Fund)

In an emergency when any repairs, alterations, work or improvement to any school facility is necessary to permit the continuance of existing school classes, or to avoid danger to life or property, the Governing Board, by unanimous vote and with the approval of the County Superintendent of Schools, may contract for labor and materials or supplies without advertising for or inviting bids or may authorize the use of day labor or force account for the emergency purpose. (Public Contract Code 1102, 20113)

(cf. 3517 - Facilities Inspection)

(cf. 9323.3 - Actions by the Board)

Bids shall also not be required for day labor under circumstances specified in law. Day labor shall include the use of maintenance personnel employed on a permanent or temporary basis. (Public Contract Code 20114)

BIDS (continued)

Whenever the total number of hours on the job does not exceed 350 hours, day labor may be used to erect new buildings and for the following purposes: (Public Contract Code 20114)

1. School building repairs, alterations, additions
2. Painting, repainting or decorating of school buildings
3. Repair or building of apparatus or equipment
4. Improvements on school grounds
5. Maintenance work as defined above

Limitation on Use of Sole Sourcing

In any contract for the construction, alteration, or repair of school facilities, the Superintendent or designee shall ensure that the bid specification: (Public Contract Code 3002, 3400)

1. Does not directly or indirectly limit bidding to any one specific concern
2. Does not call for a designated material, product, thing, or service by a specific brand or trade name, unless the specification is followed by the words "or equal," so that bidders may furnish any equal material, product, thing, or service

In any such case, the bid specification shall provide a time period, before and/or after the award of the contract, for the contractor to submit data substantiating the request for substituting the designated material, product, thing, or service. If no such time period is specified, the contractor may submit the data within 35 days after the award of the contract.

When the bid is for a roof project, a material, product, thing, or service is considered "equal" to that designated if it is equal in quality, durability, design, and appearance; will perform the intended function equally well; and conforms substantially to the detailed requirements in the bid specification.

However, the Superintendent or designee may designate a specific material, product, thing, or service by brand or trade name (sole sourcing) if the Board has made a finding, described in the invitation for bids or request for proposals (RFP), that a particular material, product, thing, or service is designated for any of the following purposes: (Public Contract Code 3400)

BIDS (continued)

1. To conduct a field test or experiment to determine its suitability for future use
2. To match others in use on a particular public improvement that has been completed or is in the course of completion
3. To obtain a necessary item that is only available from one source
4. To respond to the Board's declaration of an emergency, as long as the declaration has been approved by four-fifths of the Board when issuing the invitation for bid or RFP

(cf. 9323.2 - Actions by the Board)

Prequalification Procedure

When required by law or the Board, the Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. For this purpose, the Superintendent or designee shall furnish prospective bidders a standardized prequalification questionnaire and financial record which, when completed, shall indicate a bidder's statement of financial ability and experience in performing public works. The bidder's information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Code of Civil Procedure 446; Public Contract Code 20111.5, 20111.6)

When any public project involves an expenditure of \$1,000,000 or more and is funded or reimbursed wholly or partly by the School Facilities Program funds or other future state school bond, the district shall prequalify prospective bidders either quarterly or annually. The prequalification shall be valid for one year and the following requirements shall apply: (Public Contract Code 20111.6)

1. Prospective bidders, including, but not limited to, prime, general engineering, and general building contractors and electrical, mechanical, and plumbing subcontractors, as defined in Public Contract Code 4113 or Business and Professions Code 7056 or 7057, as applicable, shall submit a standardized questionnaire and financial statement 10 or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.
2. Prospective bidders shall be prequalified by the district five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.

BIDS (continued)

If the project includes electrical, mechanical, or plumbing components that will be performed by electrical, mechanical, or plumbing contractors, the Superintendent or designee shall make available to all bidders a list of prequalified general contractors and electrical, mechanical, and plumbing subcontractors five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.

For all other contracts requiring competitive bidding, the district may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. Prospective bidders for such contracts shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids and shall be prequalified by the district at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

Protests by Bidders

A bidder may protest a bid award if he/she believes that the award was inconsistent with Governing Board policy or the bid's specifications or was not in compliance with law.

A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award. The bidder shall submit all documents supporting or justifying the protest. A bidder's failure to file a timely protest, shall constitute a waiver of his/her right to protest the award of the contract.

The Superintendent or designee shall review the documents submitted with the bidder's claims and render a decision in writing within 30 days. The Superintendent or designee also may convene a meeting with the bidder in order to attempt to resolve the problem.

The bidder may appeal the Superintendent or designee's decision to the Governing Board. The Superintendent or designee shall provide reasonable notice to the bidder of the time for Governing Board consideration of the contract award. The Governing Board's decision shall be final.

Revised: _____ March 14, 2018

CONTRACTS

As specified in law, the power to contract is invested in the Governing Board. However, the Board may, by a majority vote, delegate the power to enter into contracts on behalf of the district to the Superintendent or designee.

To be valid or to constitute an enforceable obligation against the district, all contracts must be approved and/or ratified by the Governing Board. (Education Code 17604)

(cf. 3300 - Expenditures/Expending Authority)
(cf. 3314 - Payment for Goods and Services)
(cf. 3400 - Management of District Assets/Accounts)

All contracts between the district and outside agencies shall conform to standards required by law and shall be prepared under the direction of the Superintendent or designee.

(cf. 2121- Superintendent's Contract)
(cf. 4312.1 - Contracts)
(cf. 9124 - Attorney)

The district upholds state nondiscrimination laws. All contracts made by the district shall contain a nondiscrimination clause in accordance with law.

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

The district shall not enter into a contract that prohibits a school employee from disparaging the goods or services of the contracting party. (Education Code 35182.5)

Contracts for Exclusive Sale or Advertising of Carbonated Beverages

The Board has determined that it is in the best interest of District students for the District to enter into contracts that grant exclusive or non-exclusive rights to advertise carbonated beverages or grant the right for the exclusive or non-exclusive sale of carbonated beverages, nutritious or non-nutritious food within the District to a person, business or corporation.

Prior to entering into the contract, the Board must adopt this Board Policy after conducting a public hearing of the Governing Board and must comply with Education Code Section 35182.5 and shall ensure that the district has sufficient internal controls in place to protect the integrity of public funds and to ensure that funds raised as a result of this contract benefit public education and to ensure that the contracts are entered into on a competitive basis pursuant to procedures contained in Section 20111 of the Public Contract Code or through the issuance of a Request for Proposal. In addition, in accordance with Education Code Section 35182.5©(1)(B), the District must provide parents, guardians, pupils, and members of the public the opportunity to comment on the contract by conducting a public hearing on the contract during a regularly scheduled Board meeting. The planned discussion of such contract must be clearly identified in the agenda for the Board meeting.

CONTRACTS (continued)

The public hearing requirement may be met by either of the following methods:

1. Review of the contract at a public hearing by a Child Nutrition and Physical Activity Advisory Committee established pursuant to Section 49433 that has contract review authority for the sale of food and beverages.
2. An annual public hearing to review and discuss existing and potential contracts for the sale of food and beverages on campuses, including food and beverages sold as full meals, through competitive sales and as a fundraiser.

The public hearing shall include, but not be limited to, a discussion of all of the following:

1. The nutritional value of food and beverages sold within the District.
2. The availability of fresh fruit, vegetables, and grains in school meals and snacks, including, but not limited to, locally grown and organic produce.
3. The amount of fat, sugar, and additives in the food and beverages discussed.
4. Barriers to pupil participation in school breakfast and lunch programs.

If the District decides to fulfill its public hearing requirement through an annual public hearing, it must nonetheless hold a separate public hearing for contracts not discussed at the annual public hearing.

The Superintendent or designee shall develop the District's internal control procedures to protect the integrity of public funds and to ensure that funds raised benefit public education. Such internal controls may include, but not be limited to, the following:

1. Control procedures that produce accurate and reliable financial statements, and at the same time, safeguard the assets, financial resources and integrity of every employee responsible for handling money or property. Control systems shall be systematically evaluated and revised to keep pace with the changing responsibilities of management.

The District shall make accessible to the public any contract entered into pursuant to Education Code Section 35182.5(c)(1).

(cf. 3100 - Budget)

(cf. 3400 - Management of District Assets/Accounts)

(cf. 3460 - Financial Reports and Accountability)

Contracts for Electronic Products or Services

Prior to entering into a contract for electronic products or services that require the dissemination of advertising to students, the Board shall: (Education Code 35182.5)

1. Enter into the contract at a noticed, public hearing of the Board.

(cf. 9320 - Meetings and Notices)

CONTRACTS (continued)

2. Make a finding that the electronic product or service is or would be an integral component of the education of students.

(cf. 0440 - District Technology Plan)

(cf. 6162.7 - Use of Technology in Instruction)

3. Make a finding that the district cannot afford to provide the electronic product or service unless it contracts to permit dissemination of advertising to students.

(cf. 1325 - Advertising and Promotion)

4. Provide written notice to parents/guardians that the advertising will be used in the classroom or other learning center. This notice shall be part of the district's normal, ongoing communication to parents/guardians.

(cf. 5145.6 - Parental Notifications)

5. Offer parents/guardians the opportunity to request in writing that their child not be exposed to the program that contains the advertising. Any request shall be honored for the school year in which it is submitted, or longer if specified, but may be withdrawn by the parents/guardians at any time.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

14505 Provisions required in contracts for audits

17595-17606 Contracts

35182.5 Contract prohibitions

45103.5 Contracts for management consulting service related to food service

CODE OF CIVIL PROCEDURE

685.010 Rate of interest

GOVERNMENT CODE

12990 Nondiscrimination and compliance employment programs

53260 Contract provision re maximum cash settlement

53262 Ratification of contracts with administrative officers

LABOR CODE

1775 Penalties for violations

1810-1813 Working hours

CONTRACTS (continued)

Legal Reference (continued):

PUBLIC CONTRACT CODE

4100-4114 *Subletting and subcontracting fair practices*

7104 *Contracts for excavations; discovery of hazardous waste*

7106 *Noncollusion affidavit*

20111 *Contracts over \$50,000; contracts for construction; award to lowest responsible bidder*

20104.50 *Construction Progress Payments*

22300 *Performance retentions*

UNITED STATES CODE, TITLE 20

1681-1688 *Title IX, discrimination*

Management Resources:

WEB SITES

CASBO: <http://www.casbo.org>

STATE ALLOCATION BOARD CONTRACTS

Disabled Veteran Business Enterprise Participation

The Superintendent or designee shall ensure that the district complies with disabled veteran business enterprise (DVBE) participation goals for State Allocation Board funded projects over \$10,000 in the Lease-Purchase Program and certain contracts (architectural, on-site inspections and utility hookups) over \$10,000 in the State Relocatable Classroom Program.

(cf. 7140 - Architectural and Engineering Services)

Bidders are encouraged to advertise at least 14 calendar days prior to bid/proposal opening, or for as many days as possible. The only exception arises when time constraints imposed by the district prohibit the bidder from advertising; all bidders shall be notified of this exception.

(cf. 3311 - Bids)

For projects requiring a DVBE participation goal, the bidder shall provide the Superintendent or designee with certification that the bidder has satisfied the three percent participation goal for DVBEs. If the bidder is unable to meet the three percent participation goal, the Superintendent or designee shall evaluate the effort made by the bidder to seek out and consider DVBEs as potential subcontractors or suppliers of equipment or materials. The bidder shall demonstrate a "good faith effort" by submitting documentation of all of the following actions:

1. Contact was made with the district to identify DVBEs
2. Contact was made with other state agencies and with local DVBE organizations to identify DVBEs
3. Advertising was published in trade papers and papers focusing on DVBEs
4. Invitations to bid were submitted to potential DVBE contractors and available DVBEs were considered.

Bidders shall be eligible for the award of a district contract if they meet the participation goal or are found to have made a good faith effort to meet the goal.

Legal Reference: (see next page)

STATE ALLOCATION BOARD CONTRACTS (continued)

Legal Reference:

CALIFORNIA CONSTITUTION

Article 1, Section 31 Discrimination based on race, sex, gender or national origin

COURT DECISIONS

Richmond v. J. A. Croson Co., (1989) 488 U.S. 469, 109 S.Ct. 706

Management Resources:

OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS

Disabled Veteran Business Enterprise Information and Forms Package

WEB SITES

Office of Public School Construction: <http://www.dgs.ca.gov/opsc>

Office of Small and Minority Business: <http://www.dgs.ca.gov/osmb>

EDUCATIONAL TRAVEL PROGRAM CONTRACTS

The Governing Board believes that field trips and other travel opportunities for students are a valuable tool in supporting classroom instruction and promoting students' awareness of places and events. In contracting with organizations to provide educational travel services, the Governing Board desires to ensure a quality educational experience and the health, safety and welfare of each student traveler.

The Superintendent or designee shall contract only with educational travel organizations which adhere to state law and exhibit safe and reputable business practices.

(cf. 3312 - Contracts)

(cf. 3541.1 - Transportation for School-Related Trips)

(cf. 6153 - School-Sponsored Trips)

The Superintendent or designee shall establish procedures for selecting the highest quality vendor, taking into account student safety, quality of the program and fiscal integrity.

Legal Reference:

EDUCATION CODE

35160 Authority of boards

35160.1 Broad authority of school districts

BUSINESS AND PROFESSIONS CODE

17540 Travel promoters

17550-17550.9 Sellers of travel

17552-17556.5 Educational travel organizations

EDUCATIONAL TRAVEL PROGRAM CONTRACTS

Definitions

Educational travel organization or organization means a person, partnership, corporation, or other entity which offers educational travel programs for students residing in California. (Business and Professions Code 17552)

Student traveler or student means a person who is enrolled in elementary or secondary school, grades kindergarten through grade 12, at the time an educational travel program is arranged with an educational travel organization. (Business and Professions Code 17552)

Educational travel program means travel services that are arranged through or offered to an elementary or secondary school in the state, and where the services are represented to include an educational program as a component. (Business and Professions Code 17552)

Owner means a person or organization which owns or controls 10 percent or more of the equity of, or otherwise has claim to 10 percent or more of the net income of, the educational travel organization. (Business and Professions Code 17554)

Principal means an owner, an officer of a corporation, a general partner of a partnership, or a sole proprietor of a sole proprietorship. (Business and Professions Code 17554)

Contract Requirements

The Superintendent or designee shall ensure that each written contract with an educational travel organization includes all of the following: (Business and Professions Code 17554)

1. The travel organization's name, trade or business name, business address, business telephone number and a 24-hour emergency contact number
2. An itemized statement which shall include but not be limited to:
 - a. Services to be provided as part of the program
 - b. Agreed cost for the services
 - c. A statement as to whether or not the educational travel organization maintains insurance that supplies coverage in the event of injury to any student traveler, including the type and amount of coverage, the policy number and issuer, and the name and telephone number of the person or organization which is able to verify coverage
 - d. Any additional costs to students
 - e. The qualifications, if any, for experience and training that are required to be met by the educational travel organization's staff who shall accompany students on the educational travel program

EDUCATIONAL TRAVEL PROGRAM CONTRACTS (continued)

3. A written description of the educational program being contracted for, including a copy of all materials to be provided to students
4. The number of times the educational travel program or a substantially similar educational travel program proposed by the contract has been conducted by the organization and the number of students who completed the program
5. The length of time the organization has either been arranging or conducting educational travel programs and, at the option of the organization, other travel services with substantially similar components
6. The name of each owner and principal of the organization
7. A statement as to whether any owner or principal of the organization has had entered against him or her any judgment, including a stipulated judgment, order, made a plea of nolo contendere or been convicted of any criminal violation in connection with the sale of any travel services for a period of 10 years predating the contract

District staff shall inform all vendors representing educational travel organizations that they may not arrange a travel program before the district has first entered into a written contract with the organization.

PAYMENT FOR GOODS AND SERVICES

The Governing Board desires to have invoices paid on time in order that the district may take advantage of available discounts and avoid finance charges. The district shall not be responsible for unauthorized purchases.

(cf. 3300 - Expenditures/Expending Authority)
(cf. 3312 - Contracts)
(cf. 3314.2 - Revolving Funds)
(cf. 3400 - Management of District Assets/Accounts)

The Superintendent or designee may pay invoices up to 10% over the previously approved purchase order amount without further Governing Board approval.

Legal Reference:

EDUCATION CODE

42630-42651 General provisions - orders, requisitions and warrants

42800-42806 Revolving cash fund

42810 Alternative revolving fund

42820 Prepayment funds

CODE OF CIVIL PROCEDURE

685.010 Rate of interest

GOVERNMENT CODE

5500 Definitions (facsimile signatures)

5501 Filing and certification of manual signature

5503 Unlawful use of facsimile signatures or seals

PUBLIC CONTRACT CODE

7107 Retention proceeds; withholding; disbursement

20104.50 Construction progress payments

PAYMENT FOR GOODS AND SERVICES

Payments Related to Construction

The Superintendent or designee shall ensure that requests for progress payments related to construction contracts are processed and paid within 30 days. Any improper request shall be returned to the contractor within seven days, together with a written statement of why the request is not proper. (Public Contract Code 20104.50)

Retention proceeds withheld by the district from payments to contractors for construction shall be released within 60 days after the construction or improvement is completed. In the event of a dispute between the district and the contractor, the district may withhold from the final payment an amount not to exceed 150% of the disputed amount. (Public Contract Code 7107)

Authorized Signatures

The Superintendent or designee may file his/her manual signature with the Secretary of State and may subsequently have a facsimile signature used when executing any instrument of payment. The facsimile signature also may be used to execute any public security, provided that at least one signature required or permitted to be placed on it shall be manually subscribed. (Government Code 5501)

REVOLVING FUNDS

District Revolving Fund

The Governing Board has established by resolution a revolving cash fund for use by the Superintendent or designee in paying for goods, services and other charges determined by the Governing Board, including supplemental payments required to correct any payroll errors. The revolving cash fund is also used to provide Petty Cash Funds for sites and/or departments.(Education Code 42800-42806, 45167)

At the request of the Governing Board, County Auditor or County Superintendent of Schools, the Superintendent or designee shall give an account of the fund. (Education Code 42804)

The Governing Board shall review and revise fund usage as appropriate.

(cf. 3400 - Management of District Assets/Accounts)
(cf. 3451a- Petty Cash Funds)

Additional Revolving Funds

The Governing Board also may, by resolution, establish revolving cash funds for use by school principals and other administrative officials to pay for goods and services. The total amount of the funds shall not exceed three percent of the current year's instructional supply budget. (Education Code 42810)

No funds maintained in a revolving fund shall be used in an attempt to influence government decisions, for entertainment purposes, or for any other purpose not related to classroom instruction. (Education Code 42810)

The Governing Board shall name the administrators who will have use and control of the funds. Officials so named shall be responsible for all payments into the accounts as well as expenditures from the accounts, subject to restrictions established by the Governing Board.

The revolving cash fund for supplies shall be subject to the bonding provisions of Education Code 42801.

(cf. 3530 - Risk Management/Insurance)

The Governing Board shall provide an audit of revolving funds on a regular basis. (Education Code 42810)

Legal Reference: (see next page)

REVOLVING FUNDS (continued)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

41020 Audits of all district funds

42238 Local taxation by school districts

42800-42806 Revolving cash fund

42810 Revolving cash funds; use; administrators

45167 Error in salary

REVOLVING FUNDS

1. The revolving cash fund shall not be used for the purposes listed below. This list is a guide and is not necessarily all-inclusive.
 - a. Supplies costing a total of more than \$50 per purchase
 - b. Payments to athletic officials
 - c. Purchase from employees
 - d. Supplies obtainable by the Purchasing Department
 - e. Payment to employees for services, except as noted in #1 above
 - f. Payment for contracted services
 - g. Purchases of equipment
 - h. Travel and conference expense reimbursement, mileage, consultant fees, gasoline purchases, and incidental travel
 - i. Any expenditure exceeding \$200 except employee salary errors, bulk mailing and Recreation Program’s field trips and related expenditures
2. A warehouse requisition is completed for supplies stocked in the Warehouse.
3. Personal loans and cashing of personal checks is never allowable.
4. The custodian of the fund may allot the following maximum amounts to the principal of each school and the manager of recreation program as listed below:

K-5	\$100
6-8	\$200
9-12 (continuation)	\$100
9-12 (comprehensive)	\$250
District Departments	\$100
5. School petty cash may be established at each school site from the district revolving cash fund for use by the various staff members during the school year. At the end of the school year the amount apportioned to each principal and District department head for site petty cash must be returned to the custodian of the revolving cash fund.
6. In order to receive a revolving cash fund allotment, the site or principal’s school must be equipped with a safe in which to keep the cash. Those schools without safes will of necessity be required to handle their petty cash purchases through the Business Office.
7. Revolving cash allotments shall be by check only; no currency shall be carried or issued by the custodian of the fund. School petty cash will consist of currency, coins and receipts.

RELATIONS WITH VENDORS

No district employee or Governing Board member shall accept personal gifts, commissions or expense-paid trips from individuals or companies selling equipment, materials or services required in the operation of district programs. Gifts include any gift purchased specifically for an employee which is not generally offered to other buyers.

This policy does not prohibit employees from accepting promotional or advertising items such as calendars, desk pads, notebooks and other office gadgets which are offered by business concerns free to all as part of their public relations programs.

District employees who work for or serve as consultants for potential vendors shall not participate in evaluating any equipment, materials or services of that vendor or its competitors.

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 9270 - Conflict of Interest)

This policy does not prohibit the acceptance of materials and/or services which are of use and benefit to the district.

(cf. 3290 - Gifts, Grants and Bequests)

Legal Reference:

EDUCATION CODE

60071 *Prohibited offers to influence adoption or purchase of instructional materials*

60072 *Acceptance of consideration or inducements by school official*

60073 *Penalties for violation of article*

60074 *Supplying sample copies*

60075 *Receiving sample copies*

60076 *Inapplicability of article; royalties or other compensation of school official for writing or preparing instructional materials; claim of district to royalty*

CLAIMS AND ACTIONS AGAINST THE DISTRICT

Any and all claims for money or damages against the district must be presented to and acted upon in accordance with Governing Board policy and administrative regulation. Compliance with district procedures is a prerequisite to any court action, unless the claim is governed by statutes or regulations which expressly free the claimant from the obligation to comply with this policy and the claims procedures set forth in the Government Code.

The Governing Board delegates to the Superintendent or designee the authority to take action on claims of under \$50,000. (Government Code 935.4)

This policy is intended to apply retroactively to any existing causes of action and/or claims for money and/or damages.

Legal Reference:

EDUCATION CODE

35200 *Liability for debts and contracts*

35202 *Claims against districts; applicability of Government Code*

GOVERNMENT CODE

800 *Cost in civil actions*

810-996.6 *Claims and actions against public entities*

53051 *Information filed with secretary of state and county clerk*

COURT DECISIONS

CSEA v. Azusa Unified School District, (1984) 152 Cal.App.3d 580

CLAIMS AND ACTIONS AGAINST THE DISTRICT

Time Limitations

1. Claims for money or damages relating to a cause of action for death or for injury to person, personal property or growing crops shall be presented to the *Governing* Governing Board no later than six months after the accrual of the cause of action. (Government Code 905, 911.2)
2. Claims for money or damages as authorized in Government Code 905 and not included in paragraph #1 above shall be filed not later than one year after the accrual of the cause of action. (Government Code 905, 911.2)
3. Claims for money or damages specifically excepted from Government Code 905 shall be filed not later than six months after the accrual of the cause of action. (Government Code 905, 911.2, 935)

Late Claims

Claims under paragraphs #1 and #3 above which are filed later than six months after the accrual of the cause of action must be accompanied by an application to file a late claim. Such claim and application to file a late claim must be filed not later than one year after the accrual of the cause of action.

If a claim under paragraphs #1 or #3 is filed late and is not accompanied by the application, the Governing Board or Superintendent or designee shall, within 45 days, give written notice that the claim was not filed timely and that it is being returned without further action. The notice shall be in the form set forth in Exhibit A.

The application to file a late claim shall state the reason for the delay. The Governing Board shall grant or deny the application within 45 days after it is presented. By mutual agreement of the claimant and the Governing Board, this 45-day period may be extended by written agreement made before the expiration of such period. If the Governing Board does not take action on the application within 45 days, it shall be deemed to have been denied on the 45th day unless such time period has been extended, in which case it shall be denied on the last day of the period specified in the extension agreement.

If the application to present a late claim is denied, the claimant shall be given notice in the form set forth in Exhibit B. (Government Code 911.3, 911.4, 911.6, 911.8, 912.2, 935)

Delivery and Form of Claim

A claim, any amendment thereto, or an application for leave to present a late claim shall be deemed presented when delivered to the office of the Superintendent or designee or deposited in a post office, subpost office, substation, or mail chute or other like facility maintained by the U.S. Government in a sealed envelope properly addressed to the district office with postage paid. (Government Code 915, 915.2)

CLAIMS AND ACTIONS AGAINST THE DISTRICT (continued)

Claims may be submitted on the district claim form or as prescribed in Section 910 and 910.2 of the Government Code. (Government Code 910, 910.2, 910.4)

Notice of Claim Insufficiency

The Superintendent or designee shall review all claims for sufficiency of information. The Superintendent or designee may, within 20 days of receipt of claim, either personally deliver or mail to claimant a notice as set forth in Exhibit C stating deficiencies in the claim presented. If such notice is delivered or sent to claimant, the Governing Board shall not act upon the claim until at least 15 days after such notice is sent. (Government Code 910.8, 915.4)

Amendments to Claim

Claims may be amended within the above time limits or prior to final action by the Governing Board, whichever is later, if the claim, as amended, relates to the same transaction or occurrence which gave rise to the original claim.

Action on Claim

Within 45 days after the presentation or amendment of a claim, the Governing Board (or Superintendent or designee, if delegated this authority) shall take action on the claim. (Government Code 912.4) This time limit may be extended by written agreement before the expiration of the 45-day period or before legal action is commenced or barred by legal limitations. (Government Code 912.4) The Superintendent or designee shall transmit to the claimant a notice of action taken. The notice shall be in the form set forth in Exhibit D. (Government Code 913)

If no action is taken within the prescribed time limits, the claim shall be deemed to have been rejected and the claimant notified in accordance with Government Code 913. (Government Code 945.6)

Roster of Public Agencies

The Superintendent or designee shall annually verify that all information regarding the school district and the Governing Board is filed accurately with the Roster of Public Agencies in the office of the Secretary of State and the County Clerk. The verified information shall include the name of the school district, the mailing address of the Governing Board, and the names and addresses of the Governing Board presiding officer, the Governing Board clerk or secretary and other members of the Governing Board. (Government Code 53051)

CLAIMS AND ACTIONS AGAINST THE DISTRICT

Exhibit A

NOTICE OF FAILURE TO FILE IN A TIMELY MANNER

TO: [Claimant]
[Address]

RE: Claim Filed [insert date]

The claim you presented to the Superintendent or designee on _____ is being returned because it was not presented within six months after the event or occurrence as required by law. See Government Code 901, 911.2 and 935. Because the claim was not presented within the time allowed by law, no action was taken on the claim.

Your only recourse at this time is to apply without delay to the district for leave to present a late claim. See Sections 911.4 through 912.2 and Section 946.6 of the Government Code. Under some circumstances, leave to present a late claim will be granted. See Government Code 911.6.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

CLAIMS AND ACTIONS AGAINST THE DISTRICT (continued)

EXHIBIT B

WARNING

IF YOU WISH TO FILE A COURT ACTION ON THIS MATTER, YOU MUST FIRST PETITION THE APPROPRIATE COURT FOR AN ORDER RELIEVING YOU FROM THE PROVISIONS OF GOVERNMENT CODE 945.4 (CLAIMS PRESENTATION REQUIREMENT). SEE GOVERNMENT CODE 945.6. SUCH PETITION MUST BE FILED WITH THE COURT WITHIN SIX MONTHS FROM THE DATE YOUR APPLICATION FOR LEAVE TO PRESENT A LATE CLAIM WAS DENIED.

YOU MAY SEEK THE ADVICE OF AN ATTORNEY OF YOUR CHOICE IN CONNECTION WITH THIS MATTER. IF YOU DESIRE TO CONSULT AN ATTORNEY, YOU SHOULD DO SO IMMEDIATELY.

CLAIMS AND ACTIONS AGAINST THE DISTRICT (continued)

EXHIBIT C

NOTICE OF INSUFFICIENCY

Dear _____:

Please notice that the claim presented by you on Date _____ fails to comply substantially with the requirements of Government Code Sections 910 and 910.2 (or with the requirements of Section 910.4, if a claim is presented on a general claim form provided by the State Board of Control.) Specifically, your claim is insufficient because of the following defects or omissions:

Therefore, the claim is being returned to you without further action or consideration. If you wish to pursue this further, you should consult the California Government Code or legal counsel.

The Governing Board will not take any action on the claim for a period of 15 days from the date of this notice.

Dated: _____

Signature

Typed Title of Officer

CLAIMS AND ACTIONS AGAINST THE DISTRICT (continued)

EXHIBIT D

NOTICE OF ACTION TAKEN ON CLAIM

Dear: _____

Notice is hereby given that the claim you presented to the District on Date was (rejected, allowed, allowed in the amount of \$ _____ and rejected to the balance, rejected by operation of law) on (date of action or rejection by operation of law).

WARNING

Subject to certain exceptions, you have only six months from the date this letter was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Dated: _____

Signature

Typed Title of Officer

TRAVEL EXPENSES

The Governing Board shall authorize payment for actual and necessary expenses, including travel, incurred by any employee performing authorized services for the district.

The Superintendent or designee may approve employee requests to attend meetings in accordance with the adopted budget.

(cf. 4131 - Staff Development)

(cf. 4131.5 - Professional Growth)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Expenses shall be reimbursed within limits approved by the Governing Board. The Superintendent or designee shall establish procedures for the submission and verification of expense claims. He/she may authorize an advance of funds to cover necessary expenses.

The Governing Board may establish an allowance on either a mileage or monthly basis to reimburse authorized employees for the use of their own vehicles in the performance of assigned duties.

Authorized employees may use district credit cards while attending to district business. Under no circumstances may personal expenses be charged on district credit cards.

(cf. 9240 - Board Development)

(cf. 9250 - Remuneration, Reimbursement, and Other Benefits)

Legal Reference:

EDUCATION CODE

44016 *Travel expense*

44032 *Travel expense payment*

44033 *Automobile allowance*

44802 *Student teacher's travel expense*

TRAVEL EXPENSES

The purpose of this regulation is to establish reasonable expenditure limitations without inconveniencing authorized personnel representing the district on official business. This regulation is in compliance with appropriate State laws and regulations. (Education Code 44032)

Food Allowances

A maximum daily allowance of \$60 shall be granted to cover all meal expenses including tips and may only be used for meals not provided by the conference. **The expenditure for meals must be substantiated with itemized receipts.**

Food allowance shall not exceed the following amounts unless previously approved by the Superintendent (or designee):

Breakfast	\$15
Lunch	\$20
Dinner	\$25

Note: Alcoholic beverages are excluded from reimbursement.

If the convention or meeting has a required banquet, luncheon or breakfast with a cost above the allowable amount, the cost of such a meal above the allowable amount shall be permitted. The employee must provide a copy of the convention brochure, together with a notice of the meal and its cost and attach it to the expense report. Personnel traveling on behalf of the district are cautioned to use district funds wisely and apply the "Prudent Person" rule at all times.

Miscellaneous Expenses

A maximum of \$70 per day shall be allowed to cover car rental expenses. Parking fees are excluded from this amount. Receipts will be required for such expenditures.

Lodging Allowances

The maximum daily allowance for lodging shall be equal to or less than conference designated hotel or a reasonable quality hotel/motel. Proper documentation shall be submitted with the expense report to substantiate the charges. If the conference is 50 miles or less from the district, no overnight accommodations will be allowed unless prior approval is received from the Superintendent. If a non-official traveler accompanies the districts representative, the difference in the single rate and the actual charges shall be absorbed by the employee.

TRAVEL EXPENSES (continued)

Filing Expense Reports

Expense reports shall be completed and submitted to the district office within seven days after the employee returns from an authorized meeting. The reports shall reflect all actual costs and receipts shall accompany the report for lodging and any extraordinary expenditures.

In addition to filing the expense report, the employee shall prepare the reconciliation portion of the report to account for all prepaid and advance funds. The actual expense report, together with a repayment of any unused advance funds, shall be submitted to the county within 30 days after completion of the authorized meeting. The county will not approve an advance payment for a conference unless the prior advance has been repaid or accounted for. In the case where receipts are not available, an affidavit may be submitted in lieu of receipts. This does not apply to meal reimbursement.

Transportation Expenses and Regulations

1. Travel Agency shall be approved by the District Superintendent or designee.
2. When two or more persons attend the same conference and utilize personal automobiles, personnel are expected to pool transportation.
3. Air transportation shall be economy class unless approved by the superintendent (or designee).
4. When possible, bus or shuttle will be used from the airport.
5. Use of personal automobile shall be reimbursed at the regular mileage rate, or allowable airfare only, whichever is lesser.

Superintendent Authorization.

The Governing Board authorizes the Superintendent or designee to approve conference attendance within budget allocations. The Superintendent or designee may override maximum amounts because of special circumstances.

MANAGEMENT OF DISTRICT ASSETS/ACCOUNTS

In order to oversee the district's financial integrity, the Governing Board desires to have a clear picture of the district's current financial condition readily available at all times. Audits and quality control reviews shall be conducted in accordance with law.

The Superintendent or designee shall ensure that the district's accounting system provides ongoing internal controls and a means of ascertaining whether the district's income and expenditures are in keeping with the adopted budget.

(cf. 3100 - Budget)

(cf. 3300 - Expenditures/Expending Authority)

(cf. 3460 - Financial Reports and Accountability)

The Governing Board recognizes the importance of accurately identifying and valuing district assets in order to help ensure financial accountability and to minimize the risk of loss or misuse. District assets with a useful life of more than one year and an initial acquisition cost of \$5000 or more shall be considered capital assets.

(cf. 3440 - Inventories)

The Superintendent or designee shall determine the estimated useful life of each capital asset and shall calculate and report the estimated loss of value, or depreciation, during each accounting period for all capital assets.

Legal Reference: (see next page)

MANAGEMENT OF DISTRICT ASSETS/ACCOUNTS (continued)

Legal Reference:

EDUCATION CODE

14500-14508 *Financial and compliance audits*

35035 *Powers and duties of superintendent*

35250 *Duty to keep certain records and reports*

41010-41023 *Accounting regulations, budget controls and audits*

41344 *Repayment of apportionment significant audit exceptions*

41609 *Legislative intent, attendance accounting audit*

42600-42604 *Control of expenditures*

42647 *Drawing of warrants by district on county treasurer; form; reports, statements and other data*

GOVERNMENT CODE

53995-53997 *Obligation of contract*

Management Resources:

GOVERNMENTAL STANDARDS ACCOUNTING BOARD

Statement 34, Basic Financial Statements - and Management's Discussion and Analysis - For State and Local Governments, June 1999

CDE COMMUNICATIONS

1208.00 *Audit Resolution Process: Repayment Plans*

WEB SITES

Governmental Accounting Standards Board: <http://www.gasb.org>

CDE: <http://www.cde.ca.gov>

Education Audit Appeals Panel: <http://www.eaap.ca.gov>

State Controller's Office: <http://www.sco.ca.gov/>

MANAGEMENT OF DISTRICT ASSETS/ACCOUNTS

Accounts

The district's accounting system shall fully comply with the definitions, instructions and procedures set forth in the California Department of Education School Accounting Manual. (Education Code 41010)

The Superintendent or designee shall ensure that funds are encumbered in the district accounting records immediately after an expenditure is committed for subsequent payment.

(cf. 3110 - Transfer of Funds)

Fraud Prevention and Investigation

Fraud, financial improprieties or irregularities include but are not limited to:

1. Forgery or unauthorized alteration of any document or account belonging to the district
2. Forgery or unauthorized alteration of a check, bank draft or any other financial document
3. Misappropriation of funds, securities, supplies or other assets
4. Impropriety in the handling of money or reporting of financial transactions
5. Profiteering as a result of insider knowledge of district information or activities
6. Disclosing confidential and/or proprietary information to outside parties

(cf. 4119.26/4219.26/4319.26 – Unauthorized Release of Confidential/Privileged Information)

7. Disclosing investment activities engaged in or contemplated by the district

(cf. 3430 – Investing)

8. Accepting or seeking anything of material value from contractors, vendors or persons providing services or materials to the district
9. Destroying, removing or inappropriately using of records, furniture, fixtures or equipment
10. Failing to provide financial records to authorized state or local entities
11. Any other dishonest or fraudulent act

MANAGEMENT OF DISTRICT ASSETS/ACCOUNTS (continued)

The Superintendent or designee shall investigate reports of fraudulent activity in a manner that protects the confidentiality of the parties and the facts. All employees involved in the investigation shall be advised to keep information about the investigation confidential.

If an investigation substantiates the occurrence of a fraudulent activity, the Superintendent or designee shall issue a report to appropriate personnel and to the Governing Board. The final disposition of the matter and any decision to file a criminal complaint or refer the matter to the appropriate law enforcement and/or regulatory agency for independent investigation shall be made in consultation with legal counsel. The result of the investigation shall not be disclosed to or discussed with anyone other than those individuals with a legitimate need to know.

(cf. 4112.6/4212.6/4312.6 – Personnel Files)

(cf. 4119.1/4219.1/4319.1 – Civil and Legal Rights)

INVESTING

The Superintendent or designee may invest as permitted by law all or part of the special reserve fund of the district or any surplus monies not required for immediate district operations. Such investments shall be limited to securities specified in Government Code 16430, 53601 and 53635.

The Governing Board recognizes that the Superintendent or designee has fiduciary responsibility and is subject to prudent investor standards for all investment decisions. As such, district investments must be made with skill, prudence and diligence, with the primary objective of safeguarding the principal of the funds and with the secondary objective of meeting the district's liquidity needs. In order to enhance investment return, the district's third investment objective shall be to generate an investment yield that attains or exceeds a market-average rate of return through economic cycles.

The Governing Board recognizes the importance of overseeing investments made with district funds, including investments by the county treasurer. The Superintendent or designee shall maintain ongoing communication with any county committees established for the purpose of overseeing county investments. In addition, the Superintendent or designee shall keep the Governing Board informed about policies that guide the investment of these funds.

The Superintendent or designee shall annually provide to the Governing Board and any district investment oversight committee a statement of the district's investment policy or, if all district surplus funds are invested with the county treasurer, the county's investment policy.

At a public meeting, the Governing Board shall review this policy and discuss any changes to be made. If the Governing Board decides not to invest surplus funds in the county treasury, the Superintendent or designee also shall provide the Governing Board quarterly reports with specified components, including a statement of how the district portfolio compares with the district's investment policy. (Government Code 53646)

(cf. 3020 - Fiscal Policy Team)

(cf. 3460 - Financial Reports and Accountability)

(cf. 9270 - Conflict of Interest)

Legal Reference: (see next page)

INVESTING (continued)

Legal Reference:

EDUCATION CODE

- 41001 Deposit of money in county treasury*
- 41002 General fund deposits and exceptions*
- 41002.5 Deposit of certain funds in insured institutions*
- 41003 Funds received from rental of real property*
- 41015 Authorization of and limitation investment of district funds*
- 41017 Deposit of miscellaneous receipts*
- 41018 Disposition of money received*
- 42840-42843 Special reserve fund*

GOVERNMENT CODE

- 16430 Eligible securities for investment of surplus moneys*
- 27130-27137 County treasury oversight committees*
- 53600-53609 Investment of surplus*
- 53630-53686 Deposit of funds, especially:*
 - 53635 Local agency funds; deposit or investment*
 - 53646 Treasurer reports and statements of investment policy*
- 53852.5 Investment term for funds designated for repayment of notes*
- 53859.02 Borrowing by local agency*

INVESTING

Introduction

The purpose of this regulation is to provide guidelines for the investment of funds based upon prudent cash management practices and in conformity with all applicable statutes. In instances in which the policy is more restrictive than federal or state law, the policy supersedes.

Investments Goals

The district's investment philosophy sets the tone for its policies, practices, procedures and objectives that control the investment function. The investment of funds will be guided by the primary goals of safety, liquidity, diversification, and reasonable market rate of return.

1. Safety - the district will undertake investments in a manner that ensures the preservation of capital in the overall portfolio.
2. Liquidity - the district will maintain sufficient cash and short term investment instruments that together with projected revenues will cover the district's cash flow needs. To the extent possible, the maturity of investments selected will match the district's projected cash requirements, including an amount to cover reasonably estimated contingencies.
3. Diversification - the investment portfolio will be diversified to avoid risk regarding specific security types or individual financial institutions.
4. Reasonable Market Rate of Return - the investment portfolio will be designed to attain a market average rate of return through economic cycles which is consistent with the average maturity of its portfolio and the credit quality of its securities.

Scope

The investment policy applies to all financial assets held by the district. Funds specifically exempt from this policy include employee deferred compensation plans, funds held in trust with the district with specific investment instructions, and any funds held in employee pension plans.

The primary guiding investment policy for bond proceeds will be dictated by the related bond documents (as approved by the Governing Board). As a minimum standard for the investment of bond proceeds, the governing bond documents will have permitted investment language that follows guidelines used by one of the two largest bond insurers in the United States. Deviations from this guideline may be made with the expressed consent of the Governing Board.

The Governing Board has the authority to allow investments that do not follow this policy as long as such investments are expressly authorized by the Governing Board.

INVESTING (continued)

Delegation of Authority

By resolution, the Governing Board has appointed the Assistant Superintendent Business Services to serve as the Investment Officer of the district. The Investment Officer is authorized to invest or deposit the district's funds in accordance with this policy, California Government Code Sections 53600 and 53630 et seq., and all other related federal and state laws. In the absence of the Assistant Superintendent Business Services, the Superintendent or his/her designee will serve as the chief investment officer. The Investment Officer may appoint deputy investment officers to act on behalf of the district. The Investment Officer will provide written authorization in delegating any of his/her authority.

The Superintendent's responsibility includes establishing, monitoring and maintaining a strong system of investment controls. The Superintendent will provide periodic oversight to the investment function that includes but is not limited to reviewing quarterly investment reports issued by the Investment Officer.

The Governing Board's primary responsibilities over the investment function includes establishing investment policies, annually reviewing such policies, reviewing quarterly investment reports issued by the Investment Officer, authorizing bond documents and other unique financing transactions, and authorizing any deviations from district investment policies.

Investment Objectives

The maximum maturity of any specific investment will not exceed the maturity limit established by this policy or expressly permitted by the Governing Board. State statutory limits will be followed unless the district maturity limits are more restrictive. The average weighted maturity of the district's general portfolio may not exceed three years. The general portfolio does not include bond proceeds.

The investments made by the district will have the quality standards set forth by the Government Code. This policy sets investment quality standards that may be higher than those in the Government Code. When a difference in quality standard occurs, the higher quality standard will be adhered to. Periodically, the Investment Officer may establish higher quality standards than those set by this policy when he/she believes such standards will be beneficial to the district.

The Investment Officer will maintain sufficient liquidity in cash and short-term investments that together with projected revenue receipts will meet the cash flow requirements of the district for the upcoming six months.

INVESTING (continued)

For investments outside the Los Angeles County Treasurer's Pool, the district will utilize a third party custodian for the holding of investments. For the purpose of this policy, bank deposits are not considered investments that must be held by a custodian. A financial institution that sells investment instruments to the district may have its trust department hold such investments as long as the instruments are held in the district's name.

All bank deposits will be FIDIC insured or deposited with institutions that comply with the state collateral requirements for public funds. Certificate of deposits will not be placed with an institution once it has received a cease and desist order from any bank regulatory agency.

General Portfolio Allowable Investments With Quality and Limit Guidelines

The California Government Code Sections 53600 et seq. govern the allowable investments a local government agency can enter into. These Government Code sections also specify portfolio percentage limits and investment quality standards for some but not all permitted investments. The Government Code requirements are a starting point for establishing the district quality standards, percentage limits and maturity levels. Presently, this policy exceeds the standards set forth by the State.

Bond Proceeds

The allowable investments, quality standards and maturity limits for the investment of bond proceeds will be the guidelines used by one of the two largest bond insurers in the United States. Since the bond insurers practice insuring municipal issuers and are economically affected by the investment of bond proceeds, their sophistication and knowledge for investing bond proceeds brings a standard of safety for protecting the principal which may be at risk to the market. Therefore, their permitted investment language for bond issues will be used for bond transactions done by the district.

In addition, the district may also invest bond proceeds with the Los Angeles County Treasury Investment Pool and the State LAIF bond proceeds program. Should the district create a defeasance escrow for the retiring of bonds, the district may procure U.S. Treasury securities and State and Local Government Securities (SLGS) that mature beyond five years.

Prohibited Investment Transactions and Derivatives

The Government Code specifically prohibits certain types of investment instruments for municipalities. In addition to those prohibitions, the following investments are not permitted: reverse repurchase agreements, collateralized mortgage obligations, commodities, common stock, corporate bonds of five years or more, first mortgages or trust deeds and foreign currency.

INVESTING (continued)

Tax and Revenue Anticipation Notes (TRANS) and Leveraging

The district may not purchase investments on a margin or through a margin account. The general portfolio may not be leveraged by more than 30% through the issuance of tax and revenue anticipation notes (TRANS). The Governing Board must specifically approve investment agreements for the depositing of TRANS proceeds. Such investment agreement providers must maintain long-term debt ratings of "Aa" or higher.

The district may not leverage its investments through the use of reverse repurchase agreements. The district may not use margin accounts for the acquisition of investments.

Safekeeping and Delivery of Securities

All investment transactions (except those done by the Los Angeles County Treasury Pool) of the district will be conducted using standard delivery versus payment procedures. Third party safekeeping is required for all investments. However, a banking institution may use its trust department for safekeeping of investments as long as the securities are held in the district's name.

Securities used as collateral for repurchase agreements with a maturity from one to seven days can be held in safekeeping by a third party bank trust department or by the broker/dealer's safekeeping institution, acting as agent for the district under the terms of a custody agreement executed by the selling institution and by the district specifying the district's "perfected" ownership of the collateral.

Reporting

The Investment Officer will provide a quarterly report to the Governing Board and Superintendent with the following information:

1. The type of investment, name of the issuer, date of maturity, par and dollar amount invested in each security, investment, and money within the treasury.
2. The weighted average maturity of the investments within the treasury.
3. Any funds, investments, or programs, including loans, that are under the management of contracted parties.
4. The market value as of the date of the report, and the source of this valuation for any security within the treasury.
5. A description of the compliance with the statement of investment policy, or manner in which the portfolio is not in compliance.

INVESTING (continued)

6. A statement denoting the ability of the district to meet its investment pool's expenditure requirements for the next six months, or provide an explanation as to why sufficient money shall, or may not be available.

Investment Controls

The Superintendent will implement and maintain a system of internal investment controls and segregated responsibilities of the investment function. Such a system is intended to prevent fraud, theft, loss of principal, loss of control over funds, inaccurate reporting, negligence, over reliance on a single employee for investment decisions, controls transactions and recording and reporting. In addition to the limits related to safekeeping, investment type, quality, maturity and provider standards, controls will include:

1. The Investment Officer's investment execution records will be recorded to the district's accounting system by independent district staff. Reconciliation of the Investment Officer's investment records to bank, broker/dealer and safekeeping confirmations will be performed by independent staff. The result is a separation of duties between the placing of investments, recording of transactions and reconciling investment records.
2. The Superintendent will review and approve the establishment of all investment accounts, relationships with investment providers, and agreements or contracts related to investments or investment related services.
3. All district wire transfers will be executed in accordance with a written agreement specifying control procedures required for wire transfers of funds including establishment of repetitive wires to pay for securities transactions with approved securities dealers as well as any other routine money transfers. All other non-repetitive wires require Superintendent or his/her designee approval prior to release.
4. Since the wiring of transfers to the Los Angeles County Treasurer's Pool has additional authorization controls and limitations, the Investment Officer may authorize additional staff members to transfer funds to and from the County pool. The district recognizes that funds kept at the County pool are utilized for cash flow purposes and expediting transfers to County will keep district funds more fully invested.
5. Wire transfers to and from fiscal agent accounts will require approval of two individuals in the Investment Officer's office.

Conflicts of Interest

All officials, staff members and consultants involved in the investment functions will refrain from personal business activity that could conflict with the execution of the investment function or which may impair their ability to make impartial investment decisions. Officials,

INVESTING (continued)

staff members, and consultants will disclose to the Superintendent any financial interests with a financial institution, provider, dealer or broker that conducts business with the district. Officials, staff members and consultants will further disclose any personal financial positions that could be related to the performance of the district's portfolios.

All bond issue providers including but not limited to underwriters, bond counsel, financial advisors, brokers and dealers, will be provided a copy of this policy. Such bond issue providers will disclose any fee sharing arrangements or fee splitting to the Superintendent prior to the execution of any transactions. The providers must disclose the percentage share and approximate dollar amount share to the district prior to the execution of any transactions.

Indemnification of Investment Officials

Any Investment Officer exercising his/her authority with due diligence and prudence, and in accordance with the district's investment policy, will not be held personally liable for any individual investment losses or for total portfolio losses.

Qualifications of the District Investment Officer and Staff

The Investment Officer for the district shall be a district employee. The Investment Officer will be selected on the basis of educational background and experience relevant to the treasury function. The district recognizes the need for and is committed to providing ongoing education specific to the investment function for the Investment Officer and other district staff and officials involved in the investment process.

INVENTORIES

In order to provide for the proper tracking and control and conservation of district property, the Superintendent or designee shall maintain an inventory of equipment in accordance with law for the following:

1. All items currently valued in excess of \$500 (Education Code 35168)
2. All items purchased with state and/or federal categorical funds that have a useful life of more than one year with an acquisition cost per unit of \$500 or more (34 CFR 80.3)

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 3400 - Management of District Assets/Accounts)

(cf. 3512 - Equipment)

The Superintendent or designee shall maintain an inventory of all property. The following information must be recorded: (Education Code 35168; 5 CCR 3946)

1. Name and description of the property
2. Name of titleholder
3. Serial number or other identification number
4. Cost of the property (may use a reasonable estimate if original cost is unknown)
5. Acquisition date
6. Location of use
7. Any disposition data including the date and method of disposal and sale price

The following information must also be recorded for items acquired with state and/or federal categorical funds: (34 CFR 80.32)

1. Source of the property (funding source)
2. Titleholder
3. Use and condition of property
4. Percentage of federal participation in the cost of the property
5. Sale price of the property upon disposition and method used to determine current fair market value

INVENTORIES (continued)

At least once every two years, a physical inventory shall be conducted and the results reconciled with the property records. (34 CFR 80.32)

(cf. 3230 - Federal Grant Funds)

Each school shall maintain a copy of its inventory and provide a copy of this inventory to the district office. Copies of all district inventories shall be kept at the district office.

Legal Reference:

EDUCATION CODE

35168 *Inventory of equipment*

CODE OF REGULATIONS, TITLE 5

3946 *Control, safeguards, disposal of equipment purchased with consolidated application funds*

16022-16023 *Classification of records*

16035 *Historical inventory of equipment*

UNITED STATES CODE, TITLE 20

2301-2414 *Carl D. Perkins Career and Technical Education Act*

CODE OF FEDERAL REGULATIONS, TITLE 2

200.0-200.521 *Federal uniform grant guidance*

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual, 2008

WEB SITES

California Association of School Business Officials: <http://www.casbo.org>

School Services of California, Inc.: <http://www.sscal.com>

Office of Management and Budget: <https://www.whitehouse.gov/omb>

Approved: _____ March 14, 2018

PETTY CASH FUNDS

The purpose of a petty cash fund is to have cash available with an administrative officer for emergency purchases, the purchase of incidental supplies and purchases requiring advance payment or cash on delivery.

1. The amount of cash funds at any site shall not exceed \$250 as indicated below:

Elementary Sites	\$100
Middle School Sites	\$200
Continuation School	\$100
High School Sites	\$250
District Departments	\$100

2. The principal or administrative official in whose name the fund is created will be responsible for all expenditures made from it.
3. Each disbursement will be supported by a cash register tape, a sales slip or other evidence of the expenditure. Such evidence will be summarized monthly, or earlier if the fund needs replenishment.
4. The documents and the summary will be forwarded to the business office where a check will be issued to replenish the fund.
5. The amount on deposit plus receipts of disbursement must always equal the original amount of the fund.
6. Funds will be regularly audited by the business office.
7. Funds are subject to audit by the district's auditor.
8. Money left overnight in schools shall be kept in a safe or secured place.

(cf. 3314.2 - Revolving Funds)
(cf. 3400 - Management of District Assets/Accounts)

Legal Reference:

- EDUCATION CODE
- 35160 Authority of governing boards*
- 35250 Duty to keep certain records*
- 41020 Requirement for annual audit*
- 42800-42810 Revolving funds*

STUDENT ACTIVITY FUNDS

Student organizations may raise and spend money in order to promote the general welfare, morale and educational experiences of the students. Student funds shall finance worthwhile activities which go beyond those provided by the district. Minutes shall be kept of student organization meetings and shall properly reflect all financial activities.

(cf. 1321 - Solicitation of Funds from and by Students)

(cf. 3554 - Other Food Sales)

Student funds shall be managed in accordance with sound business procedures designed to encourage the largest possible educational return to students without sacrificing the safety of funds or exposing students to undue responsibility or unnecessary routine.

With Governing Board approval, student funds shall be held or invested in one of the following ways:

1. Deposited or invested in a federally insured bank or savings and loan; or in a state or federally insured credit union. (Education Code 48933)
2. Invested in U.S. savings bonds or obligations. (Education Code 48933)
3. Loaned to other district student organizations or invested in district property improvements pursuant to Education Code 48936.

Student funds shall be disbursed according to procedures established by the student organization. All disbursements must be approved by a Governing Board-designated official, the certificated employee who is the student organization advisor and a student organization representative. (Education Code 48933)

The principal or designee shall be responsible for the proper conduct of all student organization financial activities. The Superintendent or designee shall periodically review the organizations' general financial structures and accounting procedures.

The Governing Board shall provide an annual audit of student accounts by a certified public accountant or licensed public accountant. Auditing cost shall be paid from district funds. (Education Code 41020)

(cf. 3400 - Management of District Assets/Accounts)

Legal Reference:

EDUCATION CODE

41020 Requirement for annual audit

48930-48938 Student body organization

STUDENT ACTIVITY FUNDS

Management of Funds

1. A ledger should be set up for each budgeted club or trust. All income received during the school year shall be credited to this account and all expenditures charged against this account.
2. With the exception of the senior class, all balances in the club or trust accounts at the end of the school year shall be carried over to the next school year.
3. Balances in the senior class account following outstanding obligations will be transferred to the ASB/USB funds when the books are closed for the school year.
4. Money received from the club advisors by the ASB/USB financial clerk shall be counted and receipted immediately in the presence of the advisor using a three-part, pre-numbered receipt book.
5. Funds will be deposited in the school site safe, logged and verified by a school administrator and held in safekeeping until the district's armored guard picks up the funds.
6. Funds should never be kept at the school site over the weekend, holiday and/or vacation periods, or taken off the premises by any district employee.
7. Expenses shall not be paid from cash collected for fundraisers.
8. Receipts shall be deposited intact and documented.
9. All cash must be accounted for and verified with the financial statement balances and given to the district's advisors and ASB members on a monthly basis.

Cash Receipting

1. Sales summaries need to account for small sales.
2. Records should be maintained of all receipt books and other numbered forms used in the recording of cash
3. Voided copies should be retained
4. Sub-receipt books/sales summaries to individuals and activities should be properly maintained and controlled
5. Cash receipts must be recorded immediately upon being received.

STUDENT ACTIVITY FUNDS (continued)

6. Cash receipts from fundraising activities must be turned in at the end of each activity day.
7. In cash over/shortages, controls should be in place to investigate and resolve immediately. Discrepancies:
 - a. Need to be documented
 - b. Need to be explained

Cash Disbursements

1. Cash balances should be reconciled with bank balances monthly and then compared with ledger books. This task should be completed by an employee who does not make the deposits
2. Expenditures must be pre-approved from the student council and other authorized persons. Items must be noted as “received”.
3. The disbursement check and invoice should be in agreement with information recorded in the journal.
4. Authorized expenditures should be reviewed to check the current status on unpaid invoices and why they are unpaid.
5. The check request form must include the following approvals:
 - a. Club advisor
 - b. ASB/USB president or treasurer
 - c. Site administrator or student activities director
 - d. ASB/USB financial clerk
6. All checks for high schools and middle schools require the signature of two persons, preferably a school administrator and the ASB/USB advisor
7. The school site accountant should not be an authorized signer
8. No check shall be written without an approved invoice and/or receiving document.
9. At no time ever shall an authorized check signer authorize a blank check with his/her signature
10. Purchases should be in accordance with the intentions of the student body organization and reflected in the minutes.

STUDENT ACTIVITY FUNDS (continued)

11. Particular care should be given to ensure money spent is for the welfare of the general student body and not a particular group or charity.
12. A review of the purchase orders on a monthly basis should be maintained numerically in a secured filing drawer.
13. Proper procedures and authorization should be carefully reviewed to prevent expenditures in excess of funds available.

Financial Statements

1. The ASB/USB financial clerk shall prepare monthly financial statements for the students and club advisors in meeting their responsibilities to their respective clubs.
2. Copies of reconciled bank statements and cash account journals shall be forwarded to the Director of Fiscal Services for his/her review.
3. Bank accounts should be reconciled monthly.
4. Balance sheets including all fundraisers should be prepared annually.
5. Detailed statement of income and expense should be prepared annually.
6. Copy of all annual reports shall be sent to the Director of Fiscal Services prior to August 1 for review and safekeeping for audit purposes.
7. Monthly reports of financial transactions of various trust and club accounts should be prepared and submitted to the school site administrators and district management.
8. Financial balances of a club or trust account shall be prepared for student officers or club advisors monthly and/or upon demand.
9. The ASB/USB advisor should oversee that the following student body records are maintained accurately:
 - a. Check register
 - b. Receipts journal
 - c. Monthly bank reconciliation
 - d. General ledger
 - e. Club and trust account
 - f. Income and expense statement
 - g. Balance sheet

STUDENT ACTIVITY FUNDS (continued)

10. The ASB/USB financial clerk should not be responsible for receiving funds, recording of funds, receipting funds, depositing funds and the duties associated with accounts receivable and payable.
11. The school site administrator shall delegate these responsibilities among qualified staff members to ensure the safeguarding of student funds.
12. All books such as receipt books, ledgers, journals and minutes of student council meetings must be kept permanently.
13. Other records may be destroyed after five (5) years in accordance with the district's "Destruction of Records" procedures.
14. District and school records should never be removed from the site by any employee to "work at home".

Sources of Revenue

1. The following are authorized sources of revenue from the athletic department in accordance with league agreements and policies within the Governing Board:
 - a. Sale of pre-numbered tickets
 - b. Receipt from schools visited
 - c. Exercise of radio and television rights
 - d. Sale of programs
 - e. Concessions
2. Control must be made of the associated student body cards issued and the beginning and ending numbers of the cards sold
3. Concession sales in conjunction with general student body activities and profits shall be general student body organization funds
4. The district should contract with one major soft drink vending machine product, which would streamline inventory, sales and billing processes. The contract should be guided under the direction of the following:
 - a. Contracts

Vending machine operations must be governed by a contract between the vendor and the district. The contract must also give the district the right to audit the records of the vending machine company with regards to any machines covered by the contract.

STUDENT ACTIVITY FUNDS (continued)

- b. Control
Inventory controls must be established for the ASB-operated vending machines. Records subject to an audit must be kept by the party servicing the machine. Reconciliation reports as well as explanation of losses must be completed each month.
 - c. Revenue
Profits generated shall be used for the purpose identified in the student council minutes.
- 5. Profits from associated student body activities should be considered their funds and not diverted to any other account and/or donated.
 - 6. A list of fundraisers and income potential forms shall be prepared before each fundraiser is approved. Revenue potential forms shall be verified and completed by the ASB financial clerk and approved by the student council.

Expenditures

- 1. All expenditures require prior approval and must be reflected in the minutes of the student council meeting.
- 2. All expenditures must be made by check. No expenditures shall be made from cash collections. **No exceptions!!**
- 3. Evidence supporting all expenditures must be kept on file with the ASB/USB financial clerk. Canceled checks are not sufficient to meet this requirement. Supporting documents include:
 - a. Purchase orders
 - b. Approved invoices
 - c. Receiving documentation
- 4. Expenditures for district-owned equipment shall not be made from the ASB/USB funds. Prohibited expenditures include:
 - a. Equipment, supplies, postage, etc.
 - b. Repairs and maintenance of district equipment except in the case of jointly owned items
 - c. Equipment or supplies which are not the normal responsibilities of the district
 - d. Salaries, stipends, or other financial compensation to any person or employee unless approved by district administrators
 - e. Articles for personal use
 - f. Gifts, loans, credit
 - g. Contributions to fundraising drives for charitable organizations
 - h. Memberships or contributions to any non-educational organizations

STUDENT ACTIVITY FUNDS (continued)

Club Procedures

1. All clubs shall be formed by charter, which shall be approved annually by the student council before October 1 of the current school year.
2. Each club advisor shall be responsible for delegating students in taking accurate minutes at each meeting
3. A list of fundraisers and income potential forms shall be prepared before each fundraiser is approved. Revenue potential forms shall be verified by the ASB/USB financial clerk and approved by the student council.
4. All proceeds from sales shall be counted by the club advisor, recorded using a three-part, pre-numbered receipt book and/or sales reconciliation and deposited on a daily basis as money is collected.
5. A master ticket log must be maintained.
6. Pre-numbered tickets shall be used for all athletic events. Starting ticket numbers are entered on the ticket report. After sales are complete, ending numbers are entered, which by subtracting will give the number of tickets sold. Money shall be counted and the totals entered in the proper ledger.
7. Money received shall balance with the number of tickets sold. Unsold tickets, money, and ticket sales reports shall be returned to the ASB/USB financial clerk for verification and approval of expenditures.
8. At the conclusion of any fundraiser, the final sales report form shall be completed. The club treasurer and the club advisor shall verify the final sales report with funds deposited and daily sales reports completed during the sale. The final sales report is then forwarded to the ASB/USB accounting office where it is compared to the income potential form.
9. Each purchase shall have an approved purchase requisition
10. Purchase requisitions/orders shall be pre-approved by the student council, club advisor, the club president, the ASB/USB financial clerk and the principal.
11. If the purchase requisition is not approved by the ASB/USB financial clerk, it shall be returned to the originator with a note indicating the amount of insufficient funds or other reason for withholding approval.
12. No club should have a deficit balance.

STUDENT ACTIVITY FUNDS (continued)

13. Upon receipt of an invoice, the ASB/USB financial clerk shall check all receiving documents and purchase requisitions, compare totals, and prepare a check.
14. Check requests shall be placed on the agenda of the student council for approval.
15. Each club advisor shall maintain a club activity file containing:
 - a. Detailed records of monies received and expended
 - b. Copies of receipts
 - c. Copies of check requests
 - d. Up-to-date balance of funds

These should be verified against the monthly statement of receipts and expenditures prepared by the ASB/USB financial clerk.

Internal Controls

1. To safely preserve assets and prevent potential disbursements and misappropriations, it is necessary to subject the student body organization to internal controls.
2. A frequent audit may be conducted by members of the school district staff or by an outside auditing firm with the findings reported to the top-level district management.
3. A manual of policies and procedures should be issued to new employees to ensure the employee has read and understands district policy.
4. Employees are held accountable through performance evaluations and disciplinary action for violations of district policies and procedures.
5. Segregate the duties of any employee holding a financial position, which is responsible for the safekeeping of school site records.
6. Personnel involved must be segregated according to their functions, as follows:
 - a. Those who receive cash funds
 - b. Those who record cash funds
 - c. Those who deposit cash funds
 - d. Those who reconcile monthly bank statements
 - e. Those who authorize disbursements
7. Utilize dual controls to verify funds

FINANCIAL REPORTS AND ACCOUNTABILITY

The Governing Board is committed to ensuring the fiscal health of the district and providing public accountability. The Governing Board shall adopt sound fiscal policies and oversee the district's financial condition.

(cf. 9000 - Role of the Board)

The Superintendent or designee shall regularly keep the Governing Board informed about the district's finances and shall submit timely reports so that the Governing Board can take appropriate action to ensure the district's financial stability.

The Governing Board recognizes the need to implement the required accounting and financial reporting standards stipulated by the Governmental Accounting Standards Board and the California Department of Education. The district's goal is to properly account for the financial and economic resources of the district and to enhance the understandability and usefulness of external financial reports for the community.

(cf. 3400 - Management of District Assets/Accounts)
(cf. 3440 - Inventories)

The Superintendent or designee shall ensure that all financial reports, including a Management Discussion and Analysis, are prepared in accordance with law and in conformity with generally accepted accounting principles.

(cf. 3020 - Fiscal Policy Team)
(cf. 3100 - Budget)
(cf. 3110 - Transfer of Funds)
(cf. 3300 - Expenditures/Expending Authority)
(cf. 3430 - Investing)

Legal Reference: (see next page)

FINANCIAL REPORTS AND ACCOUNTABILITY (continued)

Legal Reference:

EDUCATION CODE

- 17150 Public disclosure of non-voter-approved debt*
- 33127 Standards and criteria for local budgets and expenditures*
- 33128 Standards and criteria; inclusions*
- 33129 Standards and criteria; use by local agencies*
- 35035 Powers and duties of superintendent*
- 41010-41023 Accounting system*
- 41455 Examination of financial problems of local districts*
- 42100-42105 Requirement to prepare and file annual statement*
- 42127.6 School district operations monitoring; financial obligation nonpayment*
- 42130-42134 Financial reports and certifications*
- 42140-42142 Public disclosure of fiscal obligations*

GOVERNMENT CODE

- 3540.2 School district; qualified or negative certification; proposed agreement review and comment*
 - 16429.1 Local agency investment fund*
 - 53646 Reports of investment policy and compliance*
- CODE OF REGULATIONS, TITLE 5
- 15453-15463 Criteria and Standards for School District Interim Reports*
 - 15480-15490 Criteria and Standards for County Office of Education Reports*

Management Resources:

GOVERNMENTAL STANDARDS ACCOUNTING BOARD

Statement 34, Basic Financial Statements - and Management's Discussion and Analysis - For State and Local Governments, June 1999

WEB SITES

*Governmental Accounting Standards Board: <http://www.gasb.org>
CDE: <http://www.cde.ca.gov>*

FINANCIAL REPORTS AND ACCOUNTABILITY

Interim Reports

Each interim fiscal report developed pursuant to Education Code 42130 shall include an assessment of the district budget as revised to reflect current information regarding the adopted state budget, district property tax revenues, if any, and ending balances for the preceding fiscal year. (Education Code 42130, 42131)

The interim reports shall be based on State Board of Education (SBE) criteria and standards which address fund and cash balances, reserves, deficit spending, estimation of average daily attendance (ADA), projected enrollment, ratio of ADA to enrollment, projected local control funding formula (LCFF) revenue, salaries and benefits, other revenues and expenditures, and facilities maintenance. For purposes of assessing projections of LCFF revenue, the first interim report shall be compared to the adopted district budget, and the second interim report shall be compared to the projections in the first interim report. (Education Code 42130; 5 CCR 15453-15464)

(cf. 3100 - Budget)

(cf. 3220.1 - Lottery Funds)

(cf. 3300 - Expenditures and Purchases)

(cf. 3314 - Payment for Goods and Services)

The report shall also provide supplemental information regarding contingent liabilities, use of one-time revenues for ongoing expenditures, contingent revenues, contributions (i.e., projected contributions from unrestricted general fund resources to restricted general fund resources, projected transfers to or from the general fund to cover operating deficits in the general fund or any other fund, and capital project cost overruns that may impact the general fund budget), long-term commitments, unfunded liabilities, temporary interfund borrowings, the status of labor agreements, and the status of other funds. (Education Code 42130; 5 CCR 15453, 15464)

(cf. 3110 - Transfer of Funds)

Audit Report

The Superintendent or designee shall establish a timetable for the completion and review of the annual audit within the deadlines established by law.

The Superintendent or designee shall provide the necessary financial records and cooperate with the auditor selected by the Governing Board to ensure that the audit report contains all information required by law and the Governmental Accounting Standards Board (GASB).

FINANCIAL REPORTS AND ACCOUNTABILITY (continued)

The audit shall include an audit of income and expenditures by source of funds for all funds of the district, including the student body and cafeteria funds and accounts, state and federal grant funds, and any other funds under the control or jurisdiction of the district, as well as an audit of student attendance procedures. The audit shall also include a determination of whether LCFF funds were expended in accordance with the district's local control and accountability plan or an approved annual update of the plan. (Education Code 41020)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3230 - Federal Grant Funds)

(cf. 3430 - Investing)

(cf. 3451 - Petty Cash Funds)

(cf. 3452 - Student Activity Funds)

(cf. 3551 - Food Service Operations/Cafeteria Fund)

If the district participates in the school district of choice program to accept interdistrict transfers, the Superintendent or designee shall notify the auditor, prior to the commencement of the audit, that the audit must include a review of the district's compliance with specified program requirements. (Education Code 48301)

(cf. 5117 - Interdistrict Attendance)

If an audit finding results in the district being required to repay an apportionment or pay a penalty, the district may appeal the finding to the Education Audit Appeals Panel by making an informal summary appeal within 30 days of receiving the final audit report or initiating a formal appeal within 60 days of receiving the report. (Education Code 41344, 41344.1)

While a public accounting firm is performing the audit of the district, it shall not provide any nonauditing, management, or other consulting services for the district except as provided in Government Auditing Standards, Amendment #3, published by the U.S. Government Accountability Office. (Education Code 41020)

Fund Balance

In accordance with GASB Statement 54, external financial reports shall report fund balances in the general fund within the following classifications based on the relative strength of constraints placed on the purposes for which resources can be used:

1. Nonspendable fund balance, including amounts that are not expected to be converted to cash, such as resources that are not in a spendable form or are legally or contractually required to be maintained intact
2. Restricted fund balance, including amounts constrained to specific purposes by their providers or by law

FINANCIAL REPORTS AND ACCOUNTABILITY (continued)

3. Committed fund balance, including amounts constrained to specific purposes by the Board
4. Assigned fund balance, including amounts, which the Board or its designee intends to use for a specific purpose
5. Unassigned fund balance, including amounts that are available for any purpose

Negative Balance Report

Whenever the district reports a negative unrestricted fund balance or a negative cash balance in its annual budget or annual audit report, it shall include in the budget a statement that identifies the reasons for the negative unrestricted fund balance or negative cash balance and the steps that have been taken to ensure that the negative balance will not occur at the end of the current fiscal year. (Education Code 42127.5)

Non-Voter Approved Debt Report

Upon approval by the Board to proceed with the issuance of revenue bonds or any agreement for financing school construction pursuant to Education Code 17170-17199.5, the Superintendent or designee shall notify the County Superintendent of Schools and the county auditor. The Superintendent or designee shall provide the Board, the county auditor, the County Superintendent, and the public with related repayment schedules and evidence of the district's ability to repay the obligation. (Education Code 17150)

(cf. 7214 - General Obligation Bonds)

When the Board is considering the issuance of certificates of participation and other debt instruments that are secured by real property and do not require the approval of the voters of the district, the Superintendent or designee shall provide notice to the County Superintendent and county auditor no later than 30 days before the Board's approval to proceed with issuance. The Superintendent or designee shall provide the Board, the county auditor, the County Superintendent, and the public with information necessary to assess the anticipated effect of the debt issuance, including related repayment schedules, evidence of the district's ability to repay the obligation, and the issuance costs. (Education Code 17150.1)

FINANCIAL REPORTS AND ACCOUNTABILITY (continued)

Other Postemployment Benefits Report

In accordance with GASB Statement 75, the district's financial statements shall report the expense of nonpension other postemployment benefits (OPEBs) on an accrual basis over retirees' active working lifetime, as determined by a qualified actuary procured by the Superintendent or designee. To the extent that these OPEBs are not prefunded, the district shall report a liability on its financial statements.

(cf. 4154/4254/4354 - Health and Welfare Benefits)

(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

The Superintendent or designee shall annually present the estimated accrued but unfunded cost of OPEBs and the actuarial report upon which those costs are based at a public meeting of the Board. (Education Code 42140)

The district's financial obligation for OPEBs shall be reevaluated every two years in accordance with GASB 75.

Workers' Compensation Claims Report

The Superintendent or designee shall annually provide the Board, at a public meeting, information and related actuarial reports showing the estimated accrued but unfunded cost of workers' compensation claims. The estimate of costs shall be based on an actuarial report completed at least every three years by a qualified actuary. (Education Code 42141)

Revised: _____ March 14, 2018 _____

ENERGY AND WATER CONSERVATION

The Governing Board is committed to reducing the district's demand for electricity and water in order to help conserve natural resources and to save money to support other district needs. To that end, the Governing Board shall establish goals to help reduce the district's energy and water consumption.

The Superintendent or designee shall establish an energy efficiency program which shall include specific strategies designed to help the district use energy more efficiently and to help ensure that funds intended for student learning are not diverted to cover energy costs.

As part of the energy efficiency program, the Superintendent or designee shall develop an emergency action plan to address actions to be taken in the event of power outages in schools, both during and after school operations. The action plan shall also address the role of staff, students and parents/guardians in helping to conserve resources and other activities to help the district meet energy reduction goals.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 3516.5 - Emergency Schedules)

The Superintendent or designee shall analyze the effect of a utility rate increase on the district's budget. He/she shall develop and implement any necessary contingency plans.

(cf. 3100 - Budget)

The Superintendent or designee shall regularly inspect district facilities and operations and make recommendations for maintenance and capital expenditures which may help the district reach its energy and water conservation goals.

(cf. 7111 - Evaluating Existing Buildings)

The Superintendent or designee shall make every effort to identify funding opportunities and cost-reducing incentive programs to help the district achieve its conservation goals.

The Superintendent or designee shall periodically report to the Governing Board on the district's progress in meeting energy and water use reduction goals.

Legal Reference: (see next page)

ENERGY AND WATER CONSERVATION (continued)

Legal Reference:

EDUCATION CODE

41422 School term or session length, failure to comply due to disaster

46392 Emergency conditions; ADA estimate

PUBLIC RESOURCES CODE

25410-25421 Energy Conservation Assistance

Management Resources:

CDE MANAGEMENT ADVISORIES

0118.01 California's Energy Challenge

0706.90 Water Conservation Advisory, 90-09

0222.90 Average Daily Attendance Credit During Periods of Emergency 90-01

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Facilities Division, Energy Challenge:

<http://www.cde.ca.gov/facilities/energyefficiency>

California Energy Commission: <http://www.energy.ca.gov/>

Alliance to Save Energy: <http://www.ase.org/>

EQUIPMENT

Employees and/or students shall use district equipment only for school-related tasks. The Superintendent or designee shall ensure that all employees understand that personal use of district equipment is prohibited and that a violation may be cause for disciplinary action.

(cf. 0440 - District Technology Plan)
(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 3540 - Transportation)
(cf. 3551 - Food Service Operations/Cafeteria Fund)
(cf. 4040 - Employee Use of Technology)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5142 - Safety)
(cf. 5144 - Discipline)
(cf. 6000 - Concepts and Roles)
(cf. 6163.4 - Student Use of Technology)
(cf. 6171 - Title I Programs)

The district shall provide comparable basic equipment and supplies for all classes. When equipment cannot be supplied to every class, the Superintendent or designee shall ensure that it will be shared within and among the schools.

(cf. 6000 - Concepts and Roles)
(cf. 6171 - Title I Programs)

When school equipment is not being used by students or employees, then school-connected organizations may be granted reasonable use of the equipment for school-related matters.

(cf. 1230 - School-Connected Organizations)
(cf. 1330 - Use of School Facilities)

The Superintendent or designee shall approve the removal of district-owned equipment from the school site. When any equipment is taken off-site, the borrower is responsible for its safe return and shall be fully liable for any loss or damage.

Transfer of Equipment to a New Site

Employees transferred to another school shall take with them only those personal items that have been purchased with their own funds. Items paid for by the district, school-connected organizations or grants shall remain at the initial location unless the principals of both schools make special arrangements that serve the best interests of the districtwide instructional program.

Equipment and materials unique to a special program being moved to the another site may be moved to the new location upon the approval of both principals.

EQUIPMENT (continued)

Equipment Acquired by Federal Funds

Equipment purchased for use in a federal program shall be used in that program as long as needed, whether or not the program continues to be supported by federal funds. When no longer needed for the original program, the equipment may be used in other activities currently or previously supported by a federal agency. (34 CFR 80.32)

All equipment purchased with Consolidated Application funds shall be labeled with the name of the project, identification number and name of the district. (5 CCR 3946)

Each principal or designee shall ensure that the following management provisions are established and maintained for equipment acquired in whole or in part with federal funds until such property is disposed: (34 CFR 80.32)

1. A control system shall be developed to ensure adequate safeguards to prevent loss, damage or theft of the property. Any loss, damage or theft shall be investigated.
2. Adequate maintenance procedures shall be developed to keep the property in good condition.

(cf. 3530 - Risk Management/Insurance)

(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)

If equipment is used for a purpose other than that for which it was originally purchased, the inventory shall include a dated statement justifying its current use.

(cf. 3440 - Inventories)

Legal Reference: (see next page)

EQUIPMENT (continued)

Legal Reference:

EDUCATION CODE

17540-17542 *Sale or lease of personal property by one district to another*

17545-17555 *Sale of personal property*

17605 *Delegation of authority to purchase supplies and equipment*

35160 *Authority of governing boards*

35168 *Inventory of equipment*

64000-64001 *Consolidated application process*

CODE OF REGULATIONS, TITLE 5

3946 *Control, safeguards, disposal of equipment purchased with state and federal consolidated application funds*

4424 *Comparability of services*

16023 *Class 1- Permanent records*

UNITED STATES CODE, TITLE 20

6321 *Fiscal requirements*

CODE OF FEDERAL REGULATIONS, TITLE 2

200.0-200.521 *Federal uniform grant guidance*

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

WEB SITES

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

Office of Management and Budget: <https://www.whitehouse.gov/omb>

Revised: _____ March 14, 2018

EQUIPMENT LOAN FORM

I assume the responsibility for the following district equipment:

<u>Description</u>	<u>ID Number</u>
_____	_____
_____	_____
_____	_____

School-related purpose: (Note: items are not for personal use)

I will return the above equipment to _____
(administrator or designee)
no later than _____.
(date)

In borrowing the items listed above, I assume responsibility for any loss of or damage to the equipment or materials. If any items are damaged or lost, I will pay the cost of repairs or replacement.

Signed: _____

Date: _____

Approved: _____

Date: _____

PARKING

1. The following are prohibited on district property:
 - a. Unlicensed vehicles
 - b. Motorized vehicles, bicycles, skateboards or roller skates beyond parking lots
 - c. Animals
 - d. Back-in parking
 - e. Overnight parking
2. All vehicle code regulations will be enforced on this property, including vehicular movement.
3. Parking shall be by permit in designated parking places only.
4. Visitor parking shall be for school or district-related business
5. All violators will be cited or towed away per authority of Sections 21113(a) and 22651(n) of the California Vehicle Code
6. Exceptions to the above regulations may be made by the principal or the security officer when special circumstances justify such exceptions.
7. These regulations shall be enforced by district security personnel.

TOBACCO-FREE SCHOOLS

The Governing Board recognizes the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy environment for students and staff.

(cf. 4159/4259/4359 - Employee Assistance Programs)
(cf. 5131.62 - Tobacco)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6143 - Courses of Study)

The Governing Board prohibits the use of tobacco products at any time in District-owned or leased buildings, on District property and in District vehicles. (Health and Safety Code 104420; Labor Code 6404.5; 20 USC 6083)

This prohibition applies to all employees, students and visitors at any instructional program, activity or athletic event.

Smoking or use of any tobacco-related products and disposal of any tobacco-related waste are prohibited within the boundaries of any playground, except on a public sidewalk located within 25 feet of the playground. (Health and Safety Code 104495)

Legal Reference:

EDUCATION CODE

48900 Grounds for Suspension/Expulsion

48901 Prohibition Against Tobacco Use by Students

HEALTH AND SAFETY CODE

39002 Control of Air Pollution from Non-Vehicular Sources

104350-104495 Tobacco Use Prevention

104495 Prohibition of Smoking and Tobacco Waste on Playgrounds

LABOR CODE

6404.5 Occupational Safety and Health: Use of Tobacco Products

UNITED STATES CODE, TITLE 20

6083 Non-Smoking Policy for Children's Services

7111-7117 Safe and Drug Free Schools and Communities Act

PERB RULINGS:

CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)

Eureka Teachers Assoc. v. Eureka City School Dist. (1992) PERB Order #955(16 PERC 23168)

Management Resources:

WEB SITES

CDE: <http://www.cde.ca.gov>

California Department of Health Services: <http://www.dhs.ca.gov>

Occupational Safety & Health Standards Board: <http://www.dir.ca.gov/OSHSB/oshsb.html>

Environmental Protection Agency: <http://www.epa.gov>

Adopted: February 7, 2007

TOBACCO-FREE SCHOOLS

Notifications

Information about the district's tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students and the community. (Health and Safety Code 104420)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

Signs stating "Tobacco use is prohibited" shall be prominently displayed at all entrances to school property. (Health and Safety Code 104420)

At each entrance to a building or structure, the Superintendent or designee shall post a sign stating "No smoking" or "Smoking is prohibited except in designated areas" as appropriate. (Labor Code 6404.5)

Enforcement/Discipline

Any employee or student who violates the district's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5144 - Discipline)

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

Any other person who violates the district's policy on tobacco-free schools shall be informed of the district's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may:

1. Direct the person to leave school property
2. Request local law enforcement assistance in removing the person from school premises
3. If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering district property for a specified period of time

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.2 - Disruptions)

DISPLAY OF FLAGS

Selection of Day

The day the flag will be flown at half-staff will be selected by (1) the next of kin, or (2) by the Superintendent, Walnut Valley Unified School District. The day selected should fall between the day of death and the day the remains are put to final rest. The Superintendent has the authority to make an exception to the rule.

The flag will fly at half-staff one day only for each individual. When the President of the United States, or other competent jurisdiction, orders the flag to half-staff, that order will determine the number of days it will fly at half-staff and the district will comply.

Procedure for Raising and Lowering Flag for Half-staff Display

If the order to half-staff is issued prior to the initial flag raising of the day, the flag bearer will raise the flag to the top of the mast, pause, then lower it to half-staff.

If the order to half-staff is issued after the initial flag raising of the day, the flag bearer will simply lower it to half-staff.

When the flag is at half-staff and the time comes to lower the flag for the day, the flag bearer must first raise the flag to the top of the mast, pause, then lower it, removing it without letting any part touch the ground, fold it properly, and secure it for the night.

When the flag of the United States of America is flown at half-staff, the flag of the State of California may be removed from the staff.

The Superintendent will be notified by the site manager each time the flag is being flown at half-staff.

HAZARDOUS SUBSTANCES

The Governing Board recognizes that potentially hazardous substances are used in the daily operations of our schools. The Superintendent or designee shall ensure these substances are inventoried, used, stored and regularly disposed of in a safe and legal manner.

Insofar as possible, the Superintendent or designee shall minimize the quantities of hazardous substances stored on school property and shall substitute less dangerous materials for hazardous substances.

Hazard Communication Program

The Superintendent or designee shall develop, implement and monitor a written hazard communication program in accordance with state law. As part of this program, he/she shall ensure that employees are fully informed about the properties and potential hazards of substances to which they may be exposed and that material safety data sheets are readily accessible to them.

Teachers shall instruct students about the importance of proper handling, storage, disposal and protection when using any potentially hazardous substance.

(cf. 3514 - Environmental Safety)
(cf. 4157/4257/4357 - Employee Safety)
(cf. 5141.23 - Infectious Disease Prevention)
(cf. 6161.3 - Toxic Art Supplies)

Legal Reference:

EDUCATION CODE

49341 *Legislative findings*

49401.5 *Legislative intent; consultation services*

49411 *Chemical listing; compounds used in school programs; determination of shelf life; disposal*

FOOD AND AGRICULTURE CODE

12981 *Regulations re pesticides and worker safety*

HEALTH AND SAFETY CODE

25163 *Transportation of hazardous wastes; registration; exemptions; inspection*

25500-25520 *Hazardous materials release response plans; inventory*

LABOR CODE

6360-6363 *Hazardous Substances Information and Training Act*

CODE OF REGULATIONS, TITLE 8

5194 *Hazard Communication*

HAZARDOUS SUBSTANCES

The disposal of chemicals may be accomplished in accordance with removal and disposal systems established by the County Office of Education or by permission of the County Superintendent of Schools. (Education Code 49411)

Hazard Communication Program

The written hazard communication program shall be available upon request to all employees and their designated representatives. (8 CCR 5194)

The following materials are exempted from the hazard communication program and this district regulation: hazardous wastes; tobacco products; wood and wood products; manufactured articles; food, drugs and cosmetics intended for personal consumption by employees while in the workplace; and substances used in compliance with regulations issued by the Department of Pesticide Regulation pursuant to Food and Agriculture Code 12981.

1. Container Labeling

Except for consumer products, pesticides, alcoholic beverages, and food, drug and additive products which are already labeled in compliance with federal law, no container of hazardous substance shall be accepted by schools or the district unless labeled by the supplier with the following information:

- a. Identity of the hazardous substance(s)
- b. Hazard warning statements
- c. Name and address of the chemical manufacturer or importer

Whenever hazardous substances are transferred from their original containers to other containers, the secondary containers shall likewise be labeled with the identity and hazard warning statement.

2. Material Safety Data Sheets

Upon receiving a hazardous substance or mixture, the Superintendent or designee shall ensure that the manufacturer has also furnished a Material Safety Data Sheet (MSDS) as required by law. If the MSDS is missing or obviously incomplete, the Superintendent or designee shall request a new MSDS from the manufacturer and shall notify the California Occupational Safety and Health Division (Cal/OSHA) if a complete MSDS is not received.

The Superintendent or designee shall maintain copies of the MSDS for all hazardous substances and ensure that they are kept up to date and available to all affected employees during working hours. He/she shall review each incoming MSDS for new and significant health or safety information and shall disseminate this information to affected employees.

HAZARDOUS SUBSTANCES (continued)

3. Employee Information Training

Employees shall receive inservice training on hazardous substances in their work area at the time of their initial assignment and whenever a new hazard is introduced into their work area. This training shall include but is not limited to: (8 CCR 5194)

- a. An overview of the requirements of California's Hazard Communication Regulation (8 CCR 5194), including employee rights described therein
- b. The location, availability and content of the district's written hazard communication program
- c. Information as to any operations in the employees' work area where hazardous substances are present
- d. The physical and health effects of the hazardous substances in the work area
- e. Techniques and methods of observation that may determine the presence or release of hazardous substances in the work area
- f. Methods by which employees can lessen or prevent exposure to these hazardous substances, such as appropriate work practices, use of personal protective equipment and engineering controls
- g. Steps the district has taken to lessen or prevent exposure to these substances
- h. Instruction on how to read labels and review the MSDS for appropriate information
- i. Emergency and first aid procedures to follow if exposed to the hazardous substance(s)

4. List of Hazardous Substances

For specific information about the hazardous substances known to be present in the district and schools, employees may consult the MSDS.

5. Hazardous Nonroutine Tasks

When employees are required to perform hazardous nonroutine tasks, they shall first receive information about the specific hazards to which they may be exposed during this activity and the protective/safety measures, which must be used. They shall also receive information about emergency procedures and the measures the district has taken to lessen the hazards, including ventilation, respirators, and the presence of another employee.

HAZARDOUS SUBSTANCES (continued)

6. Hazardous Substances in Unlabeled Pipes

Before starting to work on unlabeled pipes, employees shall contact their supervisors for information as to the hazardous substance(s) contained in the pipes, the potential hazards, and safety precautions which must be taken.

(cf. 3514 - Environmental Safety)

7. Informing Contractors

To ensure that outside contractors and their employees work safely in district buildings and schools, the Superintendent or designee shall inform these contractors of hazardous substances which are present on the site and precautions that employees may take to lessen the possibility of exposure. It shall be the contractor's responsibility to disseminate this information to his/her employees and subcontractors.

INTEGRATED PEST MANAGEMENT

The Superintendent or designee shall develop and implement an integrated pest management program that incorporates effective least toxic pest management practices.

Integrated pest management is a strategy that focuses on long-term prevention or suppression of pest problems through a combination of techniques such as monitoring for pest presence and establishing treatment threshold levels, using nonchemical practices to make the habitat less conducive to pest development, improving sanitation, and employing mechanical and physical controls. (Food and Agricultural Code 13181)

Procedures

In the control and/or management of pests at district facilities, the Superintendent or designee shall:

1. Carefully monitor and identify the pest and the site of infestation. Strategies for managing the pest shall be influenced by the pest species and whether that species poses a threat to people, property or the environment.
2. Consider a full range of possible alternatives. Such alternatives include not taking any action or controlling the pest by physical, mechanical, chemical, cultural or biological means.
3. Select nonchemical pest management methods over chemical methods, whenever they are effective to provide the desired control. Cost or staffing considerations alone will not be adequate justification for use of chemical control agents.
4. Use the least toxic material when it is determined that a chemical method of pest management must be used. The least toxic material shall be chosen and applied in accordance with law.
5. Limit pesticide purchases to amounts needed for the year. Pesticides shall be stored at a secure location that is not accessible to students and unauthorized staff, and they shall be stored and disposed of in accordance with state regulations and label directions registered with the Environmental Protection Agency.

(cf. 3514.1 - Hazardous Substances)

6. Ensure that persons applying pesticides follow label precautions and are trained in the principles and practices of integrated pest management.

(cf. 4231 - Staff Development)

INTEGRATED PEST MANAGEMENT (continued)

Notification

The Superintendent or designee shall annually notify staff and parents/guardians of students enrolled at a school site, in writing, regarding pesticide products expected to be applied at the school facility in the upcoming year. The notification shall include at least the following: (Education Code 17612)

1. The Internet address used to access information on pesticides and pesticide use reduction developed by the Department of Pesticide Regulation pursuant to Food and Agricultural Code 13184.
2. The name of each pesticide product expected to be applied in the upcoming year and the active ingredient(s) in it.
3. An opportunity for interested persons to register to receive notification of individual pesticide application at the school site. The Superintendent or designee shall notify such registered persons of individual pesticide applications at least 72 hours prior to the application.
4. Other information deemed necessary by the Superintendent or designee.

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)

If a pesticide product not included in the annual notification is subsequently intended for use at the school site, the Superintendent or designee shall provide written notification of its intended use to staff and parents/guardians of students enrolled at the school, at least 72 hours prior to the application. (Education Code 17612)

Posting of Warning Signs

The Superintendent or designee shall post a warning sign at each area of the school site where pesticides will be applied, at least 24 hours prior to the application and until 72 hours after the application. The warning sign shall display the following: (Education Code 17612)

1. The term "Warning/Pesticide Treated Area".
2. The product name, manufacturer's name, and the Environmental Protection Agency's product registration number.
3. Intended areas and dates of application.
4. Reason for the pesticide application.

INTEGRATED PEST MANAGEMENT (continued)

Notification During Emergency Conditions

Whenever the Superintendent or designee deems that the immediate use of a pesticide is necessary to protect the health and safety of students, staff, or other persons, or the school site, he/she shall make every effort to provide the required notifications prior to the application of a pesticide. In such a case, the warning sign shall be posted immediately upon application and shall remain posted until 72 hours after the application. (Education Code 17609, 17612)

(cf. 3514 - Environmental Safety)

Records

Each school site shall maintain records of all pesticide use at the school for four years, and shall make the information available to the public, upon request, in accordance with the California Public Records Act. Such records may be maintained by retaining a copy of the warning sign posted for each pesticide application with a recording of the amount of the pesticide used. (Education Code 17611)

(cf. 3580 - District Records)

Legal Reference: (see next page)

INTEGRATED PEST MANAGEMENT (continued)

Legal Reference:

EDUCATION CODE

17608-17613 *Healthy Schools Act of 2000*

17366 *Legislative intent (fitness of buildings for occupancy)*

48980.3 *Notification of pesticides*

FOOD AND AGRICULTURAL CODE

11401-12408 *Pest control operations and agricultural chemicals*

13180-13188 *Healthy Schools Act of 2000*

GOVERNMENT CODE

3543.2 *Scope of representation; right to negotiate safety conditions*

6250-6277 *California Public Records Act*

CODE OF REGULATIONS, TITLE 8

340-340.3 *Employer's obligation to provide safety information*

5142 *Heating, ventilating and air conditioning systems; minimum ventilation*

5143 *Mechanical ventilating systems; inspection and maintenance*

UNITED STATES CODE, TITLE 7

136-136y *Insecticide, Fungicide and Rodenticide Act*

CODE OF FEDERAL REGULATIONS, TITLE 40

763.93 *Management plans*

763.94 *Record keeping*

Management Resources:

CDE PUBLICATIONS

Indoor Air Quality, A Guide for Educators, 1995

U.S. ENVIRONMENTAL PROTECTION AGENCY

Pest Control in the School Environment: Adopting Integrated Pest Management, 1993

WEB SITES

CDE: <http://www.cde.ca.gov>

California Department of Pesticide Regulation: <http://www.cdpr.ca.gov>

U.S. EPA: <http://www.epa.gov>

CAMPUS SECURITY

The Superintendent or designee shall ensure that campus security procedures are developed which are consistent with the goals and objectives of the district's comprehensive safety plan and site-level safety plans.

(cf. 0450 - Comprehensive Safety Plan)

These procedures shall include strategies and methods to:

1. Secure the campus perimeter and school facilities in order to prevent criminal activity. These strategies shall include an analysis of the building security system, lighting system, and campus fencing. Procedures to ensure unobstructed views and eliminate blind spots caused by doorways and landscaping shall also be considered. In addition, parking lot design may be studied, including methods to discourage through traffic.
2. Secure buildings from outsiders and discourage trespassing. These procedures may include requiring visitor registration, requiring staff and student identification tags, and patrolling places used for congregating and loitering.

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.2 - Disruptions)

(cf. 5112.5 - Open/Closed Campus)

3. Discourage vandalism and graffiti. These methods may include plans to immediately cover graffiti as well as campus beautification projects and shall also include students and the community in these projects.

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 5131.5 - Vandalism, Theft and Graffiti)

4. Control access to keys and other school inventory.

(cf. 3440 - Inventories)

5. Detect and intervene with school crime. These procedures may include the creation of a school watch program, an anonymous crime reporting system, analysis of school crime incidents, and collaboration and communication with local law enforcement agencies.

All staff shall receive training in building and grounds security procedures.

(cf. 3515.3 - District Police/Security Department)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

CAMPUS SECURITY (continued)

These procedures shall be regularly reviewed and updated in order to reflect changed circumstances and to assess progress in achieving safe school objectives.

Keys

All keys used in a school shall be the responsibility of the principal or designee. Keys shall be issued only to those employees who regularly need a key in order to carry out normal activities of their position.

The person issued a key shall be responsible for its safekeeping. If a key is lost, the person responsible shall report the loss to the principal or designee immediately and shall pay for a replacement key.

Keys shall be used only by authorized employees and shall never be loaned to students.

The master key shall not be loaned and the duplication of school keys is prohibited.

Legal Reference:

EDUCATION CODE

32020 Access gates

32211 Threatened disruption or interference with classes

35294-35294.9 School safety plans

38000-38005 Security patrols

PENAL CODE

469 Unauthorized making, duplicating or possession of key to public building

626-626.10 Disruption of schools

Management Resources:

CDE PUBLICATIONS

Safe Schools: A Planning Guide for Action, 1995

CSBA PUBLICATIONS

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1995

CRIME DATA REPORTING

The principal or designee at each school shall complete a California Safe Schools Assessment (CSSA) incident form for each incident of school crime, including hate-motivated incidents and hate crimes. The information on the form includes, but is not limited to, identification of the crime or hate-motivated incident, victim characteristics, suspect characteristics if known at the time of the incident, and the actual or estimated dollar loss to the district resulting from a criminal act directed against district property. (Penal Code 628.2; 5 CCR 701)

(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 5145.9 - Hate-Motivated Behavior)

The principal or designee shall use the crime and hate-motivated incident classifications specified in 5 CCR 700 and the reporting guidelines specified in 5 CCR 702 to determine if an incident is reportable. (5 CCR 701)

Each month, the principal shall report the data to the Superintendent or designee. (5 CCR 701)

On or before February 1 and August 1 of each year, the Superintendent or designee shall aggregate the data reported by the schools and report this aggregated data to the California Department of Education or its designee. (5 CCR 701)

(cf. 3515.3 - District Police/Security Department)

The Superintendent or designee shall certify to the best of his/her knowledge and belief that the information in each CSSA form is true, accurate and complete prior to submission to the California Department of Education or its designee. (5 CCR 704)

Copies of CSSA incident forms and any districtwide aggregated data shall be made available to the public upon request. (Penal Code 628.2)

(cf. 1112 - Media Relations)

Supporting Data

The district shall make available, for at least three years from the date the report was submitted, supporting data which verifies information contained on the CSSA forms. Such data shall include, but not be limited to: (5 CCR 702)

1. Reports to local law enforcement officers for the crime classifications specified in Education Code 48915(a)-(d)
2. Suspension and expulsion reports which have been reported to the *Governing* Governing Board for the crime classifications specified in Education Code 48915(a-d)

(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

CRIME DATA REPORTING (continued)

3. Insurance claims, maintenance records and other documents to verify economic loss, if applicable

(cf. 0510 - School Accountability Report Card)

(cf. 1340 - Access to District Records)

(cf. 3515 - Campus Security)

(cf. 3530 - Risk Management/Insurance)

Legal Reference:

EDUCATION CODE

14044 Crimes committed on school grounds

48915 Expulsion

PENAL CODE

628-628.6 Reporting of school crime

CODE OF REGULATIONS, TITLE 5

700-705 Safe schools assessment programs

Management Resources:

CSBA PUBLICATIONS

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1995, revised 1999

CDE PUBLICATIONS

Understanding and Reporting School Crime, California Safe Schools Assessment, California

Department of Education and Butte County Office of Education, 1995

WEB SITES

CDE Safe Schools and Violence Prevention Office:

<http://www.cde.ca.gov/spbranch/safety/safetyhome.html>

Butte County Office of Education (CDE's designee): <http://www.cssa.butte.k12.ca.us>

CSBA: <http://www.csba.org>

DISRUPTIONS

The Governing Board is committed to keeping the schools free from disruptions and to keeping unauthorized persons from entering school grounds. The Superintendent or designee shall provide for the prompt removal from school premises of any individual who disrupts or threatens to disrupt normal school operations, threatens the health and safety of students or staff, or causes property damage.

(cf. 1250 - Visitors/Outsiders)

Administrative regulations may be developed in collaboration with local law enforcement personnel.

District and school site safety plans shall specify action to be taken, including specific staff responsibilities, when an individual is causing a disruption. School staff shall be trained to recognize when an individual has committed acts that constitute a disruption in violation of Governing Board policy.

(cf. 0450 - Comprehensive Safety Plan)

Legal Reference:

EDUCATION CODE

- 32210 Willful disturbance of public school or meeting; misdemeanor
- 32211 Threatened disruption or interference with classes; misdemeanor
- 35160 Authority of governing boards
- 44810 Willful interference with classroom conduct
- 44811 Disruption of classwork or extracurricular activities
- 51512 Prohibited use of electronic listening or recording device

PENAL CODE

- 243.5 Assault or battery on school property
- 415.5 Disturbance of peace of school
- 626 Definitions
- 626.4 Notice of withdrawal or consent; report; action on report; reinstatement of consent; hearing; unlawful entry upon campus or facility; punishment
- 626.7 Failure to leave campus or facility; wrongful return; penalties; notice; exceptions
- 626.8 Disruptive presence at schools
- 626.85 Drug offenders; presence on school grounds
- 626.9-626.10 Gun Free School Zone Act
- 627-627.10 Access to school premises
- 653g Loitering about schools or public places

COURT DECISIONS

- In Re Jimmy A., (1989) 209 Cal. 3d 42
- In Re Oscar R., (1984) 161 Cal. App. 3d 770

DISRUPTIONS

The principal, designee or school security officer may direct an individual to leave school grounds if he/she has a reasonable basis for concluding that the person is committing an act that is likely to interfere with the peaceful conduct of school activities or that the person has entered the campus with the purpose of committing such an act. This shall not apply to students, Governing Board members or employees of the school, or others required by their employment to be on school grounds. (Penal Code 626.7)

(cf. 4158/4258/4358 - Employee Security)

When an individual is directed to leave under such circumstances, the principal or designee shall inform the person that he/she will be guilty of a misdemeanor subject to a fine and/or imprisonment if he/she reenters any district facility within 30 days after being directed to leave, or within seven days if the person is a parent/guardian of a student attending that school. (Penal Code 626.7)

If an individual refuses to leave upon request or returns before the applicable period of time, the principal or designee shall notify law enforcement.

The principal or designee may direct any specified sex offender or drug offender to leave school grounds. This does not apply to a student, parent/guardian of a student attending that school or an individual who has obtained prior written permission for entry from the principal or designee. Upon directing the individual to leave, the principal or designee shall inform the person that he/she will be guilty of a crime if he/she reenters the schools within seven days or otherwise establishes a pattern of unauthorized entry. (Penal Code 626.8, 626.85)

Possession of unauthorized dangerous instruments, weapons or devices is prohibited on school premises, on any public right-of-way immediately adjacent to school property, or any other place where a teacher and student(s) are required to be for assigned school activities. (Penal Code 626.9, 626.10)

Appeal Procedure

Any person who is asked to leave a public school building or grounds may appeal to the Superintendent or designee. This appeal shall be made no later than the second school day after the person has departed from the school building or grounds. The Superintendent or designee shall render his/her decision within 24 hours after the appeal is made, and this decision shall be binding. (Education Code 32211)

The decision of the Superintendent or designee may be appealed to the Governing Board. Such an appeal shall be made no later than the second school day after the

Superintendent or designee has rendered his/her decision. The Governing Board shall consider and decide the appeal at its next scheduled regular or adjourned regular public meeting. The Governing Board's decision shall be final. (Education Code 32211)

SECURITY DEPARTMENT

To help ensure the safety of district students and staff and the security of district property, the Governing Board shall maintain a district police or security department.

- (cf. 0450 - Comprehensive Safety Plan)*
- (cf. 1250 - Visitors/Outsiders)*
- (cf. 3515 - Campus Security)*
- (cf. 3515.1 - Crime Data Reporting)*
- (cf. 3515.2 - Disruptions)*
- (cf. 3515.5 - Sex Offender Notification)*
- (cf. 3516.2 - Bomb Threats)*
- (cf. 5131.4 - Campus Disturbances)*
- (cf. 5131.5 - Vandalism, Theft and Graffiti)*
- (cf. 5131.6 - Alcohol and Other Drugs)*
- (cf. 5131.7 - Weapons and Dangerous Instruments)*
- (cf. 5136 - Gangs)*
- (cf. 5142.1 - Identification and Reporting of Missing Children)*
- (cf. 5145.11 - Questioning and Apprehension)*
- (cf. 5145.12 - Search and Seizure)*
- (cf. 1240 - Volunteer Assistance)*

The Governing Board expects district police or security officers to cooperate and regularly communicate with local law enforcement agencies, and to work collaboratively with other district staff and community members to develop long-term, proactive approaches that address the conditions affecting school safety.

- (cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

District police or security officers shall conduct themselves in ways that promote good will and cooperation on the part of students, district staff and the general public.

Firearms

District police or security officers shall not carry firearms.

Legal Reference: (see next page)

SECURITY DEPARTMENT (continued)

Legal Reference:

EDUCATION CODE

32296-32296.9 *School Community Policing Partnership grants*

35021.5 *Volunteer school police reserve corps*

38000-38005 *Security and police departments*

39672 *School peace officers, fingerprinting*

45122.1 *Classified employees, conviction of a violent or serious felony*

49079 *Notification to teacher; student who has engaged in acts constituting grounds for suspension or expulsion*

BUSINESS AND PROFESSIONS CODE

7583-7583.45 *Private patrol operators*

FAMILY CODE

6240-6274 *Emergency protective orders*

GOVERNMENT CODE

3300-3311 *Public safety officers, rights and protections*

8597-8598 *Peace officers*

PENAL CODE

646.91 *Emergency protective order for stalking*

830.32 *School district and community college police*

832 *Course of training prescribed by Commission on Peace Officer Standards and Training*

832.2 *School peace officers; training*

832.7 *Disclosure of personnel files in criminal or civil proceedings*

836 *Peace officers; warrants*

12028.5 *Taking custody of weapons*

13510-13519.9 *Standards for recruitment and training*

13700-13710 *Response to domestic violence*

WELFARE AND INSTITUTIONS CODE

707 *List of crimes*

828-828.1 *Disclosure of information re minors by law enforcement agency*

Management Resources:

WEB SITES

Commission on Peace Officer Standards and Training: <http://www.post.ca.gov>

SECURITY DEPARTMENT

Chief of Security

The district security department shall be supervised by a chief of security designated by the Superintendent and working under the Superintendent's direction. (Education Code 38000)

Qualifications for the position of security chief include, but are not limited to, prior employment as a peace officer or completion of a peace officer training course approved by the Commission on Peace Officer Standards and Training. The security chief shall comply with these requirements within one year of initial employment in this position by the district. (Education Code 38000)

Fingerprinting Requirements

Every school security officer employed by the district primarily to provide security services as a watchperson, security guard or patrol person shall: (Education Code 38001.5)

1. Submit to the district two copies of his/her fingerprints on forms or electronically, as prescribed by the Department of Justice. The Superintendent or designee shall submit the fingerprints to the Department of Justice, which shall submit one copy of the fingerprints to the United States Federal Bureau of Investigation.
 - a. An applicant or contracted employee who holds a permanent registration with the Bureau of Security and Investigative Services of the Department of Consumer Affairs as a security guard need only submit one copy of his/her fingerprints.
 - b. An applicant or contracted employee who is registered by the Bureau of Security and Investigative Services of the Department of Consumer Affairs, and who holds a firearms qualification card as specified in Business and Professions Code 7583.22, is exempt from the fingerprinting requirements.
2. Be determined to be a person not prohibited from employment by a school district pursuant to Education Code 44237 or 45122.1.

(cf. 3515.6 - Criminal Background Checks for Contractors)

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

(cf. 4212.5 - Criminal Record Check)

Every person employed after July 1, 2001, who works more than 20 hours a week as a school security officer shall complete a course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs in consultation with the Commission on Peace Officer Standards and Training. (Education Code 38001.5)

SECURITY DEPARTMENT (continued)

Training

Every person employed by the district prior to July 1, 2001, who works more than 20 hours a week as a school security officer shall meet these training requirements by July 1, 2002, unless he/she has completed an equivalent course of instruction pursuant to Penal Code 832.2. (Education Code 38001.5)

School security officers shall additionally satisfy the training requirements of Penal Code 832. (Education Code 38001.5)

Duties

When security officers are unable to perform their duties because of an emergency, including, but not be limited to, war, epidemic, fire, flood or work stoppage, or when the emergency necessitates additional security services, the Governing Board may contract with a private licensed security agency. In such cases, the Governing Board shall make a specific finding that an emergency exists and shall include this finding in the Governing Board minutes. (Education Code 38005)

Equipment

Each security officer shall wear a badge bearing the name of the district, carry an identification card bearing his/her photograph and signature and the signature of the Superintendent, and carry any other identification data required by local law enforcement agencies. (Education Code 38003)

The district shall bear the cost of all required uniforms, equipment, identification badges and cards. (Education Code 38003)

The Governing Board may provide and maintain motor vehicles for use by security department staff. When operated by a district officer in the performance of his/her duties, any vehicle is an authorized emergency vehicle and may be equipped and operated as such, as provided by the Vehicle Code. (Education Code 38004)

RECOVERY FOR PROPERTY LOSS OR DAMAGE

The Governing Board shall seek reimbursement of damages and rewards from any individual or from the custodial parent/guardian of any minor who commits any act of theft or vandalism.

(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)

(cf. 4158/4258/4358 - Employee Security)

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

(cf. 5131.5 - Vandalism, Theft and Graffiti)

(cf. 5136 - Gangs)

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

Rewards

If law enforcement officials are unable to fix responsibility for the theft or vandalism, the Governing Board may authorize a reward in any amount it deems appropriate for information leading to the identification and apprehension of the guilty party.

A reward shall be paid only when the guilt of the person responsible for the crime has been established by a criminal conviction or other appropriate judicial procedures.

Legal Reference:

EDUCATION CODE

19910 Libraries, malicious cutting, tearing, defacing, breaking or injuring

19911 Libraries, willful detention of property

44810 Willful interference with classroom conduct

48904 Liability of parent or guardian for willful misconduct; withholding of grades, diplomas and transcripts

CIVIL CODE

1714.1 Liability of parent or guardian for act of willful misconduct by a minor

GOVERNMENT CODE

53069.5 Reward for information concerning person causing death, injury, or property damage; liability for reward

53069.6 Actions to recover damages

54951 Local agency, definition

61601.1 Graffiti abatement district

PENAL CODE

484 Theft defined

594 Vandalism

640.5 Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti

RECOVERY FOR PROPERTY LOSS OR DAMAGE

Reports

District employees shall report all damage or loss of school property to the principal or designee immediately after such damage or loss is discovered. In those instances in which insurance reimbursement may be involved, the principal or designee shall contact the appropriate district official.

(cf. 3530 - Risk Management/Insurance)
(cf. 5131.5 - Vandalism, Theft and Graffiti)

Investigation

The Superintendent or designee shall ensure that a complete investigation is conducted at the site where the vandalism occurred.

The principal or designee shall conduct a complete investigation of any instance of damage or loss of school property. The investigation shall be carried out in cooperation with law enforcement officials when appropriate.

(cf. 3515.3 - District Police/Security Department)

Recovery of Damages

When the person causing the damage or loss has been identified and the costs of repair, replacement or cleanup determined, the Superintendent or designee shall take all practical and reasonable steps to recover these costs, including consulting district's legal counsel if necessary. Reasonable steps may include the filing of a civil complaint in a court of competent jurisdiction to recover damages from the responsible person.

If the responsible person is a minor, recovery may be sought from the minor's custodial parent/guardian in accordance with Education Code 48904.

Damages may include the cost of repair or replacement of the property, the payment of any reward, interest, court costs and all other damages as provided by law.

Payment of Reward

When authorized according to Governing Board policy, the reward shall be paid to the party who provides information sufficient to identify and apprehend the person or persons subsequently found responsible for the damage or loss. If more than one informant provides information, the reward shall be divided among the informants. The Superintendent or designee shall determine who is entitled to what portion of the reward. The identity of the informant shall be considered confidential and shall not be made public by the district.

SEX OFFENDER NOTIFICATION

In order to protect students while they are traveling to and from school, attending school or at a school-related activity, the Governing Board believes it is important that the district respond appropriately when a law enforcement agency contacts the district about registered sex offenders who may reside or work within district boundaries.

The Superintendent or designee shall establish an ongoing relationship with law enforcement officials to coordinate the receipt and dissemination of such information. To the extent authorized by law, the Superintendent or designee also shall establish procedures for notifying appropriate staff as necessary.

The district and its employees shall be immune from liability for the good faith dissemination of sex offender information provided by a law enforcement agency or an employee of a law enforcement agency, so long as the dissemination is in the manner and to the extent authorized by the law enforcement agency. (Penal Code 290)

The Superintendent or designee shall annually notify parents/guardians of the availability of the CD-ROM regarding registered sex offenders and recommend that they utilize the information contained on the disk.

- (cf. 0450 - Comprehensive Safety Plan)*
- (cf. 1240 - Volunteer Assistance)*
- (cf. 1250 - Visitors/Outsiders)*
- (cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*
- (cf. 3515 - Campus Security)*
- (cf. 3515.3 - District Police/Security Department)*
- (cf. 5142 - Safety)*

Legal Reference:

EDUCATION CODE

32211 Threatened disruption or interference with classes; offense

35160 Authority of boards

35160.1 Board authority of school districts

PENAL CODE

290 Registration of sex offenders

290.4 Sex offender registration; compilation of information; 900 number

626.8 Disruptive entry or entry of sex offender upon school grounds

UNITED STATES CODE, TITLE 42

14071 Jacob Wetterling Crimes Against Children and Sexually Violent Offender

Registration Program Act

ATTORNEY GENERAL OPINIONS

82 Ops.Cal.Attv.Gen. 20 (1999)

Management Resources:

WEB SITES

California Department of Justice: <http://www.caag.state.ca.us>

SEX OFFENDER NOTIFICATION

The Superintendent or designee shall develop a plan for receiving and communicating information about registered sex offenders residing within district boundaries. He/she shall ensure, at a minimum, that the following components are part of the plan:

1. The Superintendent or designee shall appoint a staff member to serve as liaison with law enforcement regarding these matters.
2. The Superintendent or designee shall, at the beginning of each school year, contact local law enforcement to coordinate the receipt of information. Law enforcement shall be informed that all notifications and correspondence should be directed to the district liaison as well as the individual school sites. A letter shall be sent annually to local law enforcement, identifying the name, phone number and address of the district liaison.
3. The Superintendent or designee and the district liaison shall collaborate with law enforcement in order to alert children to the dangers of sex offenders, develop a system for distributing information about sex offenders, and train school staff and parents/guardians about the roles and responsibilities of both the district and law enforcement.
4. The Superintendent or designee shall, at the beginning of each school year, notify parents/guardians of the district's willingness and intention to work with law enforcement on this matter and shall explain the appropriate roles and responsibilities of both the district and law enforcement.

This communication shall also explain:

- a. The reporting requirements pursuant to Penal Code 290, including the fact that law enforcement is the agency best able to assess the relative danger of an offender
 - b. The ability of the parents/guardians to contact law enforcement for additional information
 - c. The district's policy and how the district plans to handle the information received from the law enforcement agency
5. If and when law enforcement notifies the district of the residency or employment of a sex offender within district boundaries, the Superintendent or designee shall determine which central office and school staff need to be notified. This determination shall be done on a case-by-case basis. Notification may be made to the following staff:
 - a. The principal of the school which is in the attendance area of the sex offender's residence or place of employment

SEX OFFENDER NOTIFICATION (continued)

- b. Teachers and classified personnel at that school, including staff responsible for visitor registration

(cf. 1250 - Visitors/Outsiders)

- c. Principals and staff at adjacent schools, as appropriate
 - d. Security staff
 - e. Bus drivers
 - f. Yard supervisors
6. Any staff member who receives information directly from law enforcement regarding registered sex offenders shall immediately contact the Superintendent or designee in order to help ensure that the district is able to respond appropriately.
7. If an identified sex offender is seen on or nearby school grounds or around any student, staff shall immediately contact the district liaison. A staff member may also inform local law enforcement.

Notification to Parents/Guardians

Upon notification by law enforcement that a "high-risk" sex offender resides in the community, the district liaison shall immediately contact local law enforcement in order to determine the appropriate response.

Upon notification by law enforcement that a "serious" sex offender resides in the community, the district liaison, in consultation with the Superintendent and/or district legal counsel, shall collaborate with local law enforcement in order to determine an appropriate response. This response may include:

- 1. An article in a school or parent council newsletter notifying parents/guardians that law enforcement information about registered sex offenders is available at the local law enforcement agency headquarters and/or at the school office. This article shall encourage parents/guardians to contact local law enforcement for additional information.
- 2. A mailing, at law enforcement's expense, prepared by law enforcement, and printed on law enforcement letterhead and envelopes, notifying parents/guardians of the presence of registered sex offenders. This notification shall encourage parents/guardians to contact local law enforcement for additional information.

SEX OFFENDER NOTIFICATION (continued)

3. A mailing of a letter, at district expense, prepared by law enforcement and printed on law enforcement letterhead and envelopes, notifying parents/guardians of the presence of registered sex offenders. This notification shall encourage parents/guardians to contact local law enforcement for additional information.

CRIMINAL BACKGROUND CHECKS FOR CONTRACTORS

Whenever the district contracts for school and classroom janitorial, school site administrative, school site grounds and landscape maintenance, student transportation, and school site food-related services, the Superintendent or designee shall ensure that the contracting entity certifies in writing that any employees who may come into contact with students have not been convicted of a felony as defined in Education Code 45122.1, unless the employee has received a certificate of rehabilitation and a pardon. (Education Code 45125.1)

(cf. 3540 - Transportation)

(cf. 3551 - Food Service Operations/Cafeteria Fund)

(cf. 3600 - Consultants)

(cf. 7140 - Architectural and Engineering Services)

On a case-by-case basis, the Superintendent or designee may also require a contracting entity providing school site services, other than those listed above, to comply with these requirements. (Education Code 45125.1)

These requirements shall not apply if the Superintendent or designee determines that the contracting entity is providing services in an emergency or exceptional situation, such as when student health or safety is endangered or when repairs are needed to make school facilities safe and habitable. (Education Code 45125.1)

In addition, these requirements shall not apply if the Superintendent or designee determines that the employees of the contracting entity will have limited contact with students. In determining whether a contract employee has limited contact with students, the Superintendent or designee shall consider the totality of the circumstances, including the following factors: (Education Code 45125.1)

1. The length of time the contractors will be on school grounds
2. Whether students will be in proximity with the site where the contractors will be working
3. Whether the contractors will be working by themselves or with others

Upon a determination that an employee shall have limited contact with students, the Superintendent or designee shall take appropriate steps to protect the safety of any student who may come in contact with this employee. (Education Code 45125.1)

These steps may include, but not be limited to, ensuring that the employee is working during nonschool hours, providing for regular patrols or supervision of the site from district security or personnel, ensuring that the employee is not working alone when students are present, limiting the employee's access to school grounds and/or providing the employee with a visible means of identification.

(cf. 3515.3 - District Police/Security Department)

CRIMINAL BACKGROUND CHECKS FOR CONTRACTORS (continued)

Other Facility Contractors

When the district contracts for construction, reconstruction, rehabilitation or repair of a school facility where the employees of the entity will have contact, other than limited contact with students, the Superintendent or designee shall ensure the safety of students by utilizing one or more of the following methods: (Education Code 45125.2)

1. The installation of a physical barrier at the worksite to limit contact with students.
2. Continual supervision and monitoring of all employees of the entity by an employee of the entity whom the Department of Justice has ascertained has not been convicted of a violent or serious felony.

The supervising employee may submit his/her fingerprints to the Department of Justice pursuant to Education Code 45125.1.

3. Surveillance of employees of the entity by school personnel.

These requirements shall not apply if the Superintendent or designee determines that the contracting entity is providing construction, reconstruction, rehabilitation or repair services in an emergency or exceptional situation, such as when student health or safety is endangered or when repairs are needed to make school facilities safe and habitable. (Education Code 45125.2)

Legal Reference:

EDUCATION CODE

41302.5 School districts, definition

45122.1 Classified employees, conviction of a violent or serious felony

45125.1 Criminal background checks for contractors

45125.2 Criminal background checks for construction

PENAL CODE

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

EMERGENCIES AND DISASTER PREPAREDNESS PLAN

In order to save lives and protect property, all District staff and students must be prepared to respond quickly and responsibly to emergencies, disasters, and events which lead to threats of disaster.

The Superintendent or designee shall develop and maintain a Disaster Preparedness Plan, which details provisions for handling emergencies and disasters and which shall be included in the District Comprehensive School Safety Plan. The Superintendent or designee may appoint a committee to regularly review the Disaster Preparedness Plan and recommend changes.

The Superintendent or designee shall develop and maintain emergency plans for each school site. The principal or designee shall augment the District plan with working plans and procedures specific to each school. He/she shall present a copy of these site plans and procedures to the Superintendent.

District and site plans shall address at least the following situations:

1. Fire on or off school grounds which endangers students
2. Natural or man-made disasters, including earthquakes and pandemics

(cf. 3516.3 - Earthquake Emergency Procedure System)

3. Bomb threat or actual detonation, including terrorist attacks

(cf. 3516.2 - Bomb Threats)

4. Attack or disturbance by individuals or groups

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1400 - Relations between Other Governmental Agencies and the Schools)

(cf. 3514 - Environmental Safety)

(cf. 3515 - Campus Security)

(cf. 3515.2 - Disruptions)

(cf. 3530 - Risk Management/Insurance)

(cf. 5131.4 - Campus Disturbances)

The Superintendent or designee should ensure that the plan includes:

1. Procedures for personal safety and security
2. Ways to ensure smooth administrative control of operations during a crisis
3. Procedures to establish a clear, effective communications system

EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)

4. Guidelines for law enforcement involvement, including specific steps for law enforcement intervention depending upon the intensity of the crisis.

The Superintendent or designee shall use State-approved Standardized Emergency Management System guidelines, and integrate the National Incident Command System when updating District and site-level emergency and disaster preparedness plans.

The Superintendent or designee shall consult with city and county emergency responders, including local public health administrators so that District and site plans may provide the best possible way of handling each situation and also provide for emergency communications systems between these agencies and each District school.

The Superintendent or designee may provide a plan which allows bus seating capacity limits to be exceeded when a disaster or hazard requires students to be moved immediately to ensure their safety. (Education Code 39834)

The Governing Board shall grant the use of school buildings, grounds, and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Governing Board shall cooperate with such agencies in furnishing and maintaining whatever services they deem necessary to meet the community's needs.

(cf. 1330 – Use of School Facilities)
(cf. 3543 - Transportation Safety and Emergencies)

Disaster preparedness exercises shall be held regularly at each school site and shall demonstrate how safety procedures may be applied to various types of emergencies. All students and employees shall receive instruction regarding emergency plans.

The Governing Board encourages all employees to become proficient in first aid and cardiopulmonary resuscitation (CPR). The Superintendent or designee shall ascertain that at least one staff member at each school site holds a valid certificate in these areas. The Superintendent or designee shall provide for CPR in-service training to be offered at least once a year for District staff.

School employees are considered disaster service workers and are subject to disaster service activities assigned to them. (Government Code 3100)

(cf. 4112.3/4212.3/4312.3 – Oath of Affirmation)
(cf. 4119.3/4219.3/4319.3 – Duties of Personnel)

EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)

Legal Reference:

EDUCATION CODE

32001 Fire Alarms and Drills

32040 Duty to Equip School with First Aid Kit

32280-32289 School Safety Plans

32290 Safety Devices

39834 Operating Overloaded Bus

46390-46392 Emergency Average Daily Attendance in Case of Disaster

49505 Natural Disaster; Meals for Homeless Students; Reimbursement

GOVERNMENT CODE

3100 Public Employees as Disaster Service Workers

8607 Standard Emergency Management System

CODE OF REGULATIONS, TITLE 5

550 Fire Drills

560 Civil Defense and Disaster Preparedness Plans

CODE OF REGULATIONS, TITLE 19

2400 et seq. Standardized Emergency Management System

UNITED STATES CODE, TITLE 42

12010-12213 Americans with Disabilities Act

Management Resources:

CSBA PUBLICATIONS

Avian Influenza, Governance and Policy Services Fact Sheet, April 2006

911: A Manual for Schools and the Media During a Campus Crisis, 2001

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

Pandemic Influenza Planning Checklist, 2006

CONTRA COSTA COUNTY OFFICE OF EDUCATION

Pandemic Flu School Action Kit, June 2006

GOVERNOR'S OFFICE OF EMERGENCY SERVICES

School Emergency Response: Using SEMS at Districts and Sites, June 1998

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities, May 2003

WEB SITES

CSBA: <http://www.csba.org>

American Red Cross: <http://www.redcross.org>

California Department of Education, Crisis Preparedness: <http://www.cde.ca.gov/lr/ss/cp>

California Office of Emergency Services: <http://www.oes.ca.gov>

California Seismic Safety Commission: <http://www.seismic.ca.gov>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Contra Costa County Office of Education, Pandemic Influenza Resources:

http://www.ccco.e.k12.ca.us/about/flu/resources_flu_action_kit

Federal Emergency Management Agency: <http://www.fema.gov>

U.S. Department of Education, Emergency Planning:

<http://www.ed.gov/admins/lead/safety/emergency/plan>

U.S. Department of Homeland Security: <http://www.dhs.gov>

Adopted: February 7, 2007

EMERGENCIES AND DISASTER PREPAREDNESS PLAN

The district disaster preparedness plan shall be available to staff, students and the public in the office of the Superintendent and in the office of each principal. Individual school site disaster plans shall be provided to each teacher and shall be available for public inspection at the principal's office. The principal shall make certain that students and staff are familiar with their site plan.

The Governing Board shall grant the use of school buildings, grounds and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Governing Board shall cooperate with such agencies in furnishing and maintaining whatever services it deems necessary to meet the community's needs. (Education Code 38132)

Release of Students

The following procedures shall be followed in releasing students in the event of an emergency or disaster:

1. The principal or designee shall receive authorization from the Superintendent or designee before releasing students.
2. Individual students shall not leave a school site without receiving permission from the principal or designee.
3. If possible, staff shall release students only to persons authorized on the student emergency card.
4. In absence of an emergency card or in an emergency in which reference to the emergency card is impossible, individual students shall be released, upon presentation of identification, to parents/guardians, persons authorized by the parents/guardians, or to authorized persons representing public agencies that may take responsibility, when necessary, for the safety of the student.
5. The principal or designee shall record the release of all students.

Role of Staff

School staff are considered disaster service workers and are subject to disaster service activities assigned to them. (Government Code 3100)

(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)

During an emergency, staff shall fulfill the following roles:

(cf. 4119.3/4219.3/4319.3 - Duties of Personnel)

EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)

1. The principal or designee shall assume overall control and supervision of activities at the school site during an emergency. He/she shall have authority to use discretionary judgment in emergency situations which do not permit execution of prearranged plans. The principal or designee shall:
 - a. Direct evacuation of buildings
 - b. Arrange for transfer of students when their safety is threatened
 - c. Inform the Superintendent or designee of all emergency actions taken as soon as possible
 - d. Schedule periodical fire drills and other disaster preparedness exercises and keep appropriate records
 - e. Post directions for fire drills and civil defense drills in classrooms, multipurpose rooms, etc.

2. Teachers shall be responsible for supervision of students in their charge. Teachers shall:
 - a. Direct evacuation of students in their charge in accordance with the principal's instruction
 - b. Give the DROP command as necessary
 - c. Take attendance, stay with the students and provide supervision
 - d. Report missing students to the principal or designee
 - e. Send students in need of first aid to the school nurse or person trained in first aid

3. Custodians are responsible for the use of emergency equipment, the handling of supplies and the use of available utilities. Custodians shall:
 - a. Survey and report damage to the principal
 - b. Direct rescue operations as required
 - c. Direct fire-fighting efforts until regular fire-fighting personnel take over
 - d. Control main shutoff valves for gas, water and electricity and ascertain that no hazard results from broken gas, water mains or fallen electrical lines
 - e. Disburse supplies and equipment as needed

EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)

4. The school secretary and secretarial staff shall:
 - a. Report a fire or disaster to the appropriate authorities
 - b. Answer telephones and monitor radio emergency broadcasts
 - c. Provide for the safety of essential school records and documents
 - d. Assist the principal as needed
5. The school nurse shall:
 - a. Administer first aid
 - b. Supervise the administration of first aid
 - c. Organize first aid and medical supplies
6. The cafeteria manager shall direct the use and preparation of the cafeteria stock and water supply whenever the feeding of students becomes necessary during a disaster.
7. The bus driver(s) shall:
 - a. Supervise students if a disaster occurs while they are on the bus
 - b. Issue the DROP command as necessary while students are on the bus
 - c. Transfer students to a new location when directed by the principal
 - d. Assist the custodian in damage control

FIRE DRILLS AND FIRES

Fire Drills

The principal shall cause the fire alarm signal to be sounded at least once every month. (Education Code 32001)

The principal shall also hold fire drills at least once a month at the elementary level, four times every school year at the intermediate level, and not less than twice every school year at the secondary level. (Education Code 32001)

1. The principal shall notify staff as to the schedule for fire drills.
2. Whenever a fire drill is held, all students, teachers and other employees shall be directed to leave the building. (5 CCR 550)
3. Teachers shall ascertain that no student remains in the building.
4. Teachers shall be prepared to select alternate exits and shall direct their classes to these exits whenever the designated escape route is blocked.
5. The principal or designee shall keep a record of each fire drill conducted and file a copy of this record with the office of the Superintendent or designee.

Fires

When a fire is discovered in any part of the school, the following actions shall be taken:

1. The principal or designee shall sound fire signals, unless the school and/or building is equipped with an automatic fire detection and alarm system. (Education Code 32001)
2. The principal or designee shall call 911.
3. All persons shall be directed to leave the building and shall proceed outside to designated assembly areas.
4. Staff shall give students clear direction and supervision and help maintain a calm and orderly response.
5. In outside assembly areas, teachers shall take roll, report missing students, and provide assistance to any injured students.
6. In outside assembly areas, the principal, designee and/or each department head shall account for their staff, report missing staff, and provide assistance to any injured staff.

FIRE DRILLS AND FIRES (continued)

7. If the fire is extensive, students shall be taken to an alternate location for protective custody until parents/guardians can pick them up or until they can be safely transported to their homes.

(cf. 0450 - School Safety Plan)

(cf. 3516 - Emergency and Disaster Preparedness Plan)

Legal Reference:

EDUCATION CODE

17074.50-17074.56 Automatic fire detection, alarm and sprinkler systems

32001 Uniform fire signals

32040 Duty to equip school with first aid kit

CODE OF REGULATIONS, TITLE 5

550 Fire drills

BOMB THREATS

Receiving Threats

Any staff member receiving a telephoned bomb threat shall try to keep the caller on the line so as to gather information about the location and timing of the bomb and the person(s) responsible. He/she should also try to determine the caller's gender and age and should take note of any distinctive features of voice or speech and any background noises such as music, traffic, machinery or other voices.

Staff members who customarily receive telephone calls or handle packages shall receive training related to bomb threats.

Procedures

1. Any employee who receives a bomb threat shall report the threat to the principal or designee. If the threat is in writing, he/she shall place the message in an envelope and take note of where and by whom it was found.
2. Any student or employee seeing a suspicious package shall promptly notify the principal or designee.
3. The principal or designee shall immediately use fire drill signals and institute standard evacuation procedures as specified in the emergency plan.

(cf. 3516 - Emergency and Disaster Preparedness Plan)

(cf. 3516.1 - Fire Drills and Fires)

4. The principal or designee shall turn off any two-way radio equipment which is located in a threatened building.

Law enforcement and/or fire department staff shall conduct the bomb search. School police officers may assist in this search. No other school staff shall search for or handle any explosive or incendiary device.

Except for school police officers, no staff or students shall reenter the threatened building(s) until the law enforcement and/or fire department staff advises the principal or designee that reentry is safe.

Any student who makes a bomb threat shall be subject to disciplinary procedures.

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

Legal Reference: (see next page)

BOMB THREATS (continued)

Legal Reference:

EDUCATION CODE

44810 Willful interference with classroom conduct

48900 Grounds for suspension or expulsion

51202 Instruction in personal and public health and safety

PENAL CODE

17 Felony, misdemeanor, classification of offenses

148.1 False report of explosive or facsimile bomb

245 Assault with deadly weapon or force likely to produce great bodily injury; punishment

594 Vandalism; penalty

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM

The Superintendent or designee shall establish an emergency procedure system to be followed in case of earthquakes. This system shall include, but not be limited to, the following: (Education Code 35297)

1. A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of students and staff
2. A DROP procedure in which students and staff members:
 - a. Drop to their knees
 - b. Take cover under a table or desk
 - c. Protect their head with their arms
 - d. Face away from the windows
3. Protective measures to be taken before, during and after an earthquake
4. A training program to ensure that all students and all certificated and classified staff are aware of, and properly skilled in, the earthquake emergency procedure system

School disaster plans shall outline roles, responsibilities and procedures for students and staff.

(cf. 3516 - Emergency and Disaster Preparedness Plan)

DROP procedures may be expanded to ensure that students get under stationary desks or tables where available, or otherwise get next to an inside wall or under an inside doorway. Students should stay in the drop position until the emergency is over or until further instructions are given.

Earthquake Education

DROP procedures shall be practiced at least once each school quarter in elementary schools and at least once each semester in secondary schools. (Education Code 35297)

Students also shall be taught to take the following safety precautions during an earthquake if adults are not present to give specific directions:

1. If you are in the open, stay there.
2. Move away from buildings, trees and exposed wires.
3. After the earthquake, if you are on your way to school, continue to school.

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

4. After the earthquake, if you are on your way home, continue home.

Earthquake While Indoors at School

When an earthquake occurs, the following actions shall be taken inside buildings and classrooms:

1. Teachers shall have students perform the DROP procedure.
2. As soon as possible, teachers shall move the students away from windows and out from under heavy suspended light fixtures.
3. Teachers shall have students leave the building in an orderly manner when the earthquake is over.

Earthquake While on School Grounds

When an earthquake occurs, the following actions shall be taken by teachers or other persons in authority and students who are on school grounds:

1. The teacher shall direct students to walk away from buildings, trees, poles or exposed wires.
2. The teacher shall have students perform the drop procedure, covering as much skin surface as possible, closing eyes and covering ears.
3. Teachers and students shall stay in the open until the earthquake is over or until further directions are given.

Earthquake While on the Bus

When students are on the school bus and an earthquake occurs, the following actions shall be taken:

1. The bus driver shall pull to the side of the road away from any buildings, poles, wires, overhead structures or bridges, if possible, and have students perform the DROP procedure.
2. The driver shall set the brakes, turn off the ignition, and wait until the earthquake is over before proceeding on the route.
3. As soon as possible, the driver shall contact the director of transportation for instructions.

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

Subsequent Emergency Procedures

1. In outside assembly areas, teachers shall provide assistance to any injured students, take roll and report missing students to the principal or designee.
2. The principal shall request assistance as needed from the county or city civil defense office or fire and police departments. He/she shall consider the possibility of aftershocks and shall determine the advisability of closing the school, with the advice of the county or city officials, as appropriate. He/she shall also contact the Superintendent or designee for further instructions.
3. The principal shall post guards at a safe distance from all building entrances to see that no one reenters until the buildings are declared safe. Monitors may be custodians, teachers or students.
4. Following the earthquake, the principal and custodian shall inspect all buildings for water and gas leaks, electrical breakages and large cracks or earth slippage affecting buildings. The principal shall notify utility companies of any break or suspected break in lines which may present an additional hazard. If damage has occurred, the custodian shall shut off all utilities at the main valve.
5. Teachers or students shall not light any stoves or burners after the earthquake until the area is declared safe.
6. If the principal believes the school is damaged sufficiently to be a hazard, he/she shall notify the Superintendent or designee and ask that the county or city building inspector check for structural failure and equipment adequacy. Until this is done, the building shall not be occupied.

Legal Reference:

EDUCATION CODE

35295-35297 Emergency earthquake procedures

EMERGENCY SCHEDULES

In order to provide for the safety of students and staff, the Governing Board authorizes the Superintendent or designee to close a school site, to change the regular school day schedule, or to take any necessary action when adverse weather conditions or other emergencies warrant.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 4157/4257/4357 - Employee Safety)
(cf. 5142 - Safety)
(cf. 6112 - School Day)

The Superintendent or designee shall establish a system for informing students and parents/guardians when school buses are not operating or when the school day schedule is changed or the school is closed.

(cf. 3542 – School Bus Drivers)
(cf. 3543 - Transportation Safety and Emergencies)

In the event that students arrive at school when the school day schedule changes or the schedule changes after school has begun, the Superintendent or designee shall ensure that supervision is provided in accordance with the procedures specified in the district's emergency and disaster preparedness plan.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 3516.1 - Fire Drills and Fires)
(cf. 3516.2 - Bomb Threats)
(cf. 3516.3 - Earthquake Emergency Procedure System)

The Superintendent or designee may provide a means to compensate for lost instructional time later during the year. Students and parents/guardians shall receive timely advanced notice of any resulting changes in the school calendar or school day schedule.

(cf. 6111 - School Calendar)

Legal Reference:

EDUCATION CODE

- 41422 Schools not maintained for 175 days
- 46010 Total days of attendance
- 46100-46192 Attendance; maximum credit; minimum day
- 46390 Calculation of ADA in emergency
- 46392 Decreased attendance in emergency situation

VEHICLE CODE

- 34501.6 School buses; reduced visibility

RISK MANAGEMENT/INSURANCE

The Governing Board strongly supports a risk management program that protects district resources and promotes the safety of students, staff and the public.

The Superintendent or designee shall establish a risk management program that uses effective safety and loss control practices. The district shall strive to keep its liability at a minimum and its insurance premiums as low as possible while maintaining adequate protection. To determine the most economical means of insuring the district consistent with required services, the Superintendent or designee shall annually review the district's options for obtaining coverage, including qualified insurance agents, a joint powers agency, self-insurance or a combination of these means.

The Governing Board reserves the right to remove an insurance agent-of-record or a participating agent whenever, in the judgment of the Governing Board, such action becomes desirable for the best interests of the district.

To attempt to minimize the district's exposure to liability, the Governing Board shall adopt clear policies related to discrimination, harassment, safety procedures, and the timely handling of claims. The Superintendent or designee shall ensure that these policies and related procedures are enforced fairly and consistently.

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

(cf. 3320 - Claims and Actions Against the District)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4119.11/4219.11/4319.11- Sexual Harassment)

(cf. 4132/4232/4332- Publication or Creation of Materials)

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

(cf. 4158/4258/4358- Employee Security)

(cf. 5141.4 - Child Abuse Reporting Procedures)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 6162.6 - Use of Copyrighted Materials)

(cf. 9260 - Legal Protection)

The Superintendent or designee shall report to the Governing Board twice a year on the district's risk management activities.

Legal Reference: (see next page)

RISK MANAGEMENT/INSURANCE (continued)

Legal Reference:

EDUCATION CODE

17029.5 Contract funding; board liability

17565-17592 Board duties re property maintenance and control

32350 Liability on equipment loaned to district

35162 Power to sue, be sued, hold and convey property

35200-35214 Liabilities, especially:

35208 Liability insurance

35211 Driver training civil liability insurance

35213 Reimbursement for loss, destruction or damage of personal property

35214 Liability self-insurance

35331 Medical or hospital service for students on field trip

39837 Transportation of pupils to places of summer employment

41021 Requirement for employees' indemnity bonds

44873 Qualifications for physician (liability coverage)

49470-49474 District medical services and insurance

GOVERNMENT CODE

820.9 Board members not vicariously liable for injuries caused by district

989-991.2 Local public entity insurance

LABOR CODE

3200-4855 Workers' compensation

RISK MANAGEMENT/INSURANCE

Risk Management

The Superintendent or designee shall take action to:

1. Identify the risks inherent in the operation of district programs
2. Assess the above risks and keep records of accidents, losses and damage
3. Mitigate risks through loss control and safety-related activities
4. Determine the extent to which risks should be assumed by the district or covered by the purchase of insurance or pooling with other districts

Employees are expected to take reasonable precautions for the care and safety of the school equipment with which they have been entrusted. Employees may be held responsible for recurring damage or losses that occur due to their negligence or lack of supervision. Responsibilities related to safety and loss control shall be included in employee job descriptions.

- (cf. 0450 - Comprehensive Safety Plan)*
- (cf. 1240 - Volunteer Assistance)*
- (cf. 1330 - Use of School Facilities)*
- (cf. 3400 - Management of District Assets/Accounts)*
- (cf. 3430 - Investing)*
- (cf. 3440 - Inventories)*
- (cf. 3512 - Equipment)*
- (cf. 3514 - Environmental Safety)*
- (cf. 3514.1 - Hazardous Substances)*
- (cf. 3515.1 - Crime Data Reporting)*
- (cf. 3515.4 - Recovery for Property Loss or Damage)*
- (cf. 3516 - Emergencies and Disaster Preparedness Plan)*
- (cf. 3541.1 - Transportation for School-Related Trips)*
- (cf. 3543 - Transportation Safety and Emergencies)*
- (cf. 4112.42/4212.42/4312.43 - Drug and Alcohol Testing for School Bus Drivers)*
- (cf. 4119.3/4219.3/4319.3 - Duties of Personnel)*
- (cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)*
- (cf. 4157/4257/4357- Employee Safety)*
- (cf. 4212.5 - Criminal Record Check)*
- (cf. 5131.1 - Bus Conduct)*
- (cf. 5131.61 - Drug Testing)*
- (cf. 5141 - Health Care and Emergencies)*
- (cf. 5141.1 - Accidents)*
- (cf. 5141.23 - Infectious Disease Prevention)*
- (cf. 5142 - Safety)*
- (cf. 6145.2 - Athletic Competition)*
- (cf. 6153 - School-Sponsored Trips)*
- (cf. 9260 - Legal Protection)*

RISK MANAGEMENT/INSURANCE (continued)

Insurance

Insurance coverage shall include, but may not be limited to:

1. Liability insurance (Education Code 35200-35214)
2. Fire insurance for buildings, equipment and vehicles (Education Code 17565)
3. Workers' compensation insurance (Labor Code 3700)
4. Fidelity bond insurance (Education Code 41021)

A suitable bond indemnifying the district against loss shall be purchased for employees responsible for handling district funds and may be purchased for employees responsible for handling district property. The district shall bear the cost of this bonding. (Education Code 41021)

(cf. 1330 - Use of School Facilities)

(cf. 4154/4254/4354 - Health and Welfare Benefits)

(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

(cf. 5143 - Insurance)

(cf. 9260 - Legal Protection)

**COMPENSATION TO EMPLOYEES WHO SUFFER LOSS OR DAMAGE TO
PERSONAL PROPERTY**

1. Reimbursement shall be made only when approval for the use of the personal property in the schools was given before the property was brought to school and when the value of the property was agreed upon by the person or persons bringing the property and the school administrator or person appointed by him for this purpose at the time the approval for its use was given.
2. Equipment devices and other property used by the employee must be registered in the school or district department and described fully, including name, make, model and serial number, value, nature of use, location, date brought on the school or district premises, and estimated length of time will be in use. The principal or department head must approve such use and also shall be notified when the property is removed from the school or district premises. Such notification shall be on forms provided by the district. The item must be secured when not in use.
3. The district shall compensate the employee either by replacing the lost or damaged item or paying its current value to the maximum established by district policy. The district reserves the right to determine the means of compensation.
4. Claims for compensation shall be submitted promptly on forms provided by the district.
5. Compensation does not include loss or damage due to normal wear and tear to items usually or normally worn or used by employee, such as: eyeglasses, dentures, hearing aid, maintenance personnel clothing or loss due to mysterious disappearance. Exception to these limitations may be made when the loss or damage results from unusual circumstances that have been confirmed by the employee's manager.
6. The damage or loss must be a direct result of duties required by the employee's job.

TRANSPORTATION

The Governing Board desires to provide for the safe and efficient transportation of students to and from school as necessary to ensure student access to the educational program, promote regular attendance and reduce tardiness. The extent to which the district provides for transportation services shall depend upon student and community needs and a continuing assessment of financial resources.

- (cf. 3100 - Budget)*
- (cf. 3250 - Transportation Fees)*
- (cf. 3541 - Transportation Routes and Services)*
- (cf. 3541.1 - Transportation for School-Related Trips)*
- (cf. 3541.2 - Transportation for Students with Disabilities)*
- (cf. 5116.1 - Intradistrict Open Enrollment)*
- (cf. 5117.1 - Interdistrict Attendance Agreements)*
- (cf. 5117.2 - Alternative Interdistrict Attendance Program)*

The Superintendent or designee shall recommend to the Governing Board the most economical and appropriate means of providing transportation services.

The Superintendent or designee shall develop procedures to promote safety for students traveling on school buses.

- (cf. 3543 - Transportation Safety and Emergencies)*
- (cf. 5131.1 - Bus Conduct)*

The Superintendent or designee shall ensure the qualifications of bus drivers and related staff employed by the district, provide for the maintenance and operation of district-owned school buses and other equipment, and ensure adequate facilities for equipment storage and maintenance.

- (cf. 3542 - School Bus Drivers)*

Legal Reference: (see next page)

TRANSPORTATION (continued)

Legal Reference:

EDUCATION CODE

35330 *Excursions and field trips*

35350 *Authority to transport pupils*

39800-39860 *Transportation, especially:*

39800 *Powers of governing board to provide transportation for pupils to and from school; definition of "municipally owned transit system"*

39801 *Contract with County Superintendent of Schools to provide transportation*

39802-39803 *Bids and contracts for transportation services*

39806 *Payments to parents in lieu of transportation*

39807 *Food and lodging payments in lieu of transportation*

38807.5 *Transportation fees*

39808 *District transportation of private school students*

41850-41854 *Allowances for transportation*

41860-41862 *Supplemental allowances for transportation*

45125.1 *Criminal background checks for contractors*

GOVERNMENT CODE

3540-3549.3 *Educational Employment Relations Act*

CODE OF REGULATIONS, TITLE 5

14100-14103 *Use of school buses and school pupil activity buses*

15240-15343 *Allowances for student transportation, especially:*

15253-15272 *District records related to transportation*

VEHICLE CODE

2807 *School bus inspection*

COURT DECISIONS

Arcadia Unified School District et. al. v. State Department of Education, 2 Cal. 4th 251 (1992)

TRANSPORTATION

No student shall be required to be transported for any reason without the written permission of the student's parent/guardian, except in emergency situations involving illness or injury to the student. (Education Code 35350)

Means of Transportation

To provide transportation services, the Governing Board may purchase, rent or lease vehicles; contract with a common carrier or municipally owned transit system; contract with responsible private parties including the parent/guardian of the student being transported; and/or contract with the County Superintendent of Schools. (Education Code 35330, 39800, 39801)

In contracting for transportation services, the district shall comply with all applicable laws related to bids and contracts. (Education Code 39802- 39803)

(cf. 3311 - Bids)
(cf. 3312 - Contracts)

In lieu of providing transportation in whole or in part, the district may pay the student's parents/guardians either their actual and necessary expenses in transporting the student or the cost of the student's food and lodging at a place convenient to the school. In either case, the amount of the payment shall not exceed the cost that would be incurred by the district to provide for the transportation of the student to and from school. (Education Code 39806-39807)

TRANSPORTATION ROUTES AND SERVICES

Routes and Bus Stops

The Superintendent or designee shall design transportation routes and stops to promote the safety of students and maximum efficiency in the use of buses.

Students may be furnished transportation by school bus in accordance with the following distance standards:

- a. Grades kindergarten through 5th, school bus stops will not be located less than three-quarters (3/4) of a mile from the designated school of attendance. Once school bus stops have been established, additional stops will not be established if the existing stop is within three-quarters (3/4) of a mile of the student's residence.
- b. Grades 6th through 8th, school bus stops will not be located less than one (1) mile from the designated school of attendance. Once school bus stops have been established, additional stops will not be established if the existing stop is within one (1) mile of the student's residence.
- c. Grades 9th through 12th, school bus stops will not be located less than two (2) miles from the designated school of attendance. Once school bus stops have been established, additional stops will not be established if the existing stop is within two (2) miles of the student's residence.
- d. Exceptions to the above school bus stops may be adjusted at the discretion of the Superintendent or designee.

If space is available, students who live less than the minimum distances listed above may be transported on the bus. They will be required to walk to the nearest bus stop and to pay the required transportation fees.

Students who attend a school outside their attendance area may be eligible for transportation services in accordance with Governing Board policy.

(cf. 5116.1- Intradistrict Open Enrollment)
(cf. 5117.1 - Interdistrict Attendance Agreements)
(cf. 5117.2 - Alternative Interdistrict Attendance Program)

The Superintendent or designee shall communicate in writing to parents/guardians regarding bus routes, schedules and stops and/or shall arrange for local media to publish such information.

(cf. 1112 - Media Relations)
(cf. 5145.6 - Parental Notifications)

TRANSPORTATION ROUTES AND SERVICES (continued)

Transportation Services

With the Governing Board's authorization, transportation services may be provided or arranged by the district for:

1. Students traveling to and from school during the regular school day (Education Code 39800)
2. Field trips and excursions (Education Code 35330)
(cf. 3541.1 - Transportation for School-Related Trips)
3. School activities, expositions or fairs, or other activities determined to be for the benefit of students (Education Code 39860)
4. District employees or parents/guardians traveling to and from educational activities authorized by the district (Education Code 39837.5)
5. Preschool or nursery school students (Education Code 39800)
6. Students traveling to full-time occupational classes provided by a Regional Occupational Program or Center (Education Code 39807.5, 41850)
7. Students traveling to and from their places of employment during the summer in connection with a summer employment program for youth (Education Code 39837)
8. Matriculated or enrolled adults traveling to and from school, or adults pursuing other educational purposes (Education Code 39801.5)
9. Private school students, in the same manner and on the same routes provided for district students (Education Code 39808)
10. Nonschool purposes as allowed by law, such as:
 - a. Community recreation (Education Code 39835)
 - b. Public transportation (Education Code 39841)
 - c. Transportation of government employees to and from their places of employment (Education Code 39840)

TRANSPORTATION ROUTES AND SERVICES (continued)

The district shall provide home-to-school transportation and additional transportation services as needed for students with disabilities as specified in their individualized education programs. (Education Code 41850; 20 USC 1400-1491; 34 CFR 104.4)

(cf. 3541.2 - Transportation for Students with Disabilities)

The Superintendent or designee shall provide transportation to homeless children in accordance with law, Governing Board policy and administrative regulation.

School Bus Overload Procedure

1. At a Bus Stop

- a. The driver shall inform the remaining students that a bus will return to pick them up at the earliest possible time. Younger students (kindergarten, first and second grade students) shall be loaded first and older students left and instructed to stay at the stop until the next bus arrives.

When a bus is overloaded and the driver arrives at a stop having only very young students waiting, the bus driver is to inform them that a bus will be back to pick them up, but no students, though older, from other bus stops are to be unloaded in order to make room for the younger students.

No bus stop may be passed by the driver delegated to pick up students at that stop, even if the bus is already loaded to capacity. The driver shall stop and inform the students as mentioned above.

Two or more students shall always be left. No single student is to be left alone.

- b. The driver will proceed with the regularly scheduled run but at the very earliest opportunity will communicate with the Transportation Department and advise of the number and location of the students who were not able to board the bus. The appropriate school will then be notified by the Transportation Department.

2. At a School

- a. Whenever a bus is not able to accommodate all the passengers waiting to board at a school, the driver shall advise those remaining that a bus will return to pick them up as soon as possible.
- b. The driver shall notify the supervising school person and request that the school notify (1) the parents of those children remaining that there will be a delay (2) the Transportation Department.

TRANSPORTATION ROUTES AND SERVICES (continued)

- c. School authorities shall not grant permission for children to walk home unless the parent has either granted that permission by telephone or has a standing written permission slip filed with the school. Likewise, the driver shall not instruct or advise the children to walk to school from a bus stop or to home from school in the event of an overload.

Legal Reference:

EDUCATION CODE

10900.5 *Use of school buses for community recreation*

35330 *Excursions and field trips*

35350 *Authority to transport pupils*

39800-39860 *Transportation, especially:*

39800 *Powers of governing board to provide transportation to and from school*

39801.5 *Transportation for adults*

39808 *Transportation for private school students*

39835 *Use of school buses for community recreation*

39837 *Transportation to summer employment program*

39837.5 *Transportation of employees and parents/guardians to school activities*

39840 *Transportation of government employees*

39841 *Use of school buses for public transportation*

39860 *Transportation to school activities*

41850 *Transportation to ROP/C occupational classes*

41851-41863 *Allowances and supplemental allowances for transportation*

CODE OF REGULATIONS, TITLE 5

15240-15244 *Allowances for student transportation*

UNITED STATES CODE, TITLE 20

1400-1487 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 42

11432 *McKinney Homeless Assistance Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

104.4 *Equal opportunity under the Rehabilitation Act of 1973, Section 504*

TRANSPORTATION FOR SCHOOL-RELATED TRIPS

The district may provide transportation for students, employees and other individuals for field trips and excursions approved according to Governing Board policy and administrative regulations.

(cf. 3541 - Transportation Routes and Services)
(cf. 6153 - School-Sponsored Trips)

The Superintendent or designee shall determine the most appropriate and cost-effective mode of transportation for each approved trip.

(cf. 3312.2 - Educational Travel Program Contracts)
(cf. 3540 - Transportation)

When district transportation is provided, students may be released from using district transportation only with the advance written permission of their parent/guardian.

School-related organizations requesting transportation shall be fully responsible for the costs of their trips unless funding has been approved by the Governing Board.

(cf. 1230 - School-Connected Organizations)

The Superintendent or designee shall ensure that the district has sufficient liability insurance when field trips or excursions involve either transportation by district vehicles or travel to and from a foreign country. When a trip to a foreign country is authorized, liability insurance shall be secured from a carrier licensed to transact insurance business in that country. (Education Code 35330)

(cf. 3530 - Risk Management/Insurance)

Transportation by Private Vehicle

The Superintendent or designee may authorize the transportation of students by private vehicle when the vehicle is driven by an adult age 21 or older who possesses a valid California driver's license or a valid license from his/her state of residence if he/she is a nonresident on active military duty in California. A driver shall be required to have a good driving record and possess at least the minimum insurance required by law. Any person providing transportation in a private vehicle shall have registered with the district for such purposes.

(cf. 1240 - Volunteer Assistance)

Drivers shall receive safety and emergency instructions which shall be kept in their vehicle.

All student passengers shall submit permission slips signed by their parents/guardians. Teachers shall ensure that each driver has a copy of the permission slip for each student riding in his/her vehicle.

TRANSPORTATION FOR SCHOOL-RELATED TRIPS (continued)

The number of passengers, including the driver, shall not exceed the capacity for which the vehicle was designed. Motor trucks may not transport more persons than can safely sit in the passenger compartment. The driver shall also ensure that manufacturer's recommendations for his/her vehicle are followed regarding the seating of children in seats equipped with airbags.

Passenger Restraint Systems

All drivers shall wear seat belts in accordance with law. In addition, drivers shall ensure that: (Vehicle Code 27315, 27360, 27360.5, 27363)

1. A child who is under age 6 or under 60 pounds, unless exempted by law, is properly secured in an appropriate child passenger restraint system meeting federal safety standards.
2. A child who is age 6 or older or weighs 60 pounds or more uses a seat belt.
3. All other passengers wear seat belts.

Legal Reference:

EDUCATION CODE

35330 *Excursions and field trips*

35332 *Transportation by air*

39830 *School bus*

39830.1 *School pupil activity bus*

39860 *Transportation to special activities by district*

44808 *Liability when students not on school property*

VEHICLE CODE

27315 *Mandatory use of seat belts in private passenger vehicles*

27360-27360.5 *Child passenger restraint systems*

27363 *Child passenger restraint systems, exemptions*

Management Resources:

WEB SITES

California Highway Patrol: <http://www.chp.ca.gov>

Office of Traffic Safety: <http://www.ots.ca.gov>

Department of Motor Vehicles: <http://www.dmv.ca.gov>

National Transportation Safety Board: <http://www.nts.gov>

National Highway Traffic Safety Administration: <http://www.nhtsa.dot.gov>

TRANSPORTATION FOR SCHOOL-RELATED TRIPS

SCHOOL DRIVER REGISTRATION FORM

Driver (circle one): Employee Parent/Guardian Volunteer

Name: _____ Date of Birth: _____

Address: _____ Driver's License No.: _____

Telephone No.: () _____ Expiration Date: _____

VEHICLE INFORMATION

Name of Owner: _____ Year: _____

Address: _____ Make: _____

_____ License Plate No.: _____

Registration Expiration: _____ Seating Capacity: _____

INSURANCE INFORMATION

Insurance Company: _____ Policy No.: _____

Telephone No.: _____ Expiration Date: _____

Liability Limits of Policy: _____

DRIVER STATEMENT

I certify that I have not been convicted of reckless driving or driving under the influence of drugs or alcohol within the past five years and that the information given above is true and correct. I understand that if an accident occurs, my insurance coverage shall bear primary responsibility for any losses or claims for damages.

I certify that I will ensure that all children will be restrained using the appropriate passenger restraint systems.

Name: _____ Date: _____

TRANSPORTATION FOR SCHOOL-RELATED TRIPS

DRIVER INSTRUCTIONS

When using your vehicle to transport students on field trips or other school activity trips, please:

1. Be sure that you have registered with the district for such purposes and have a valid driver's license and current liability insurance at or above the minimum amount required by law for each occurrence.
2. Check the safety of your vehicle: tires, brakes, lights, horn, suspension, etc.
3. Carry only the number of passengers for which your vehicle was designed. If you have a pickup truck, carry only as many as can safely sit in the passenger compartment.
4. Require each passenger to use an appropriate child passenger restraint system (child car seat or booster seat) or safety belt in accordance with law.

In case of emergency, keep all the children together and call 911 and the district office.

TRANSPORTATION FOR STUDENTS WITH DISABILITIES

The Governing Board shall ensure that appropriate transportation services are provided for students with disabilities as specified in their individualized education program (IEP) or accommodation plan. The district shall make home-to-school transportation available for students at no cost to parents/guardians as specified in the student's IEP.

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 3250 - Transportation Fees)

(cf. 6159 - Individualized Education Program (IEP))

(cf. 6159.2 - Nonpublic Nonsectarian School and Agency Services for Special Education)

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

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

The Superintendent or designee shall establish criteria and procedures for determining the most appropriate mode of transportation for an individual student based on identified needs as determined in the IEP or accommodation plan.

(cf. 3540 - Transportation)

The Superintendent or designee shall arrange transportation schedules so that students with disabilities do not spend an excessive amount of time on buses compared to other students. Arrivals and departures shall not reduce the length of the school day for these students except as may be prescribed on an individual basis.

(cf. 3541 - Transportation Routes and Services)

The Superintendent or designee shall establish procedures to ensure compatibility between mobile seating devices and bus securement systems.

(cf. 3542 - School Bus Drivers)

Legal Reference: (see next page)

TRANSPORTATION FOR STUDENTS WITH DISABILITIES (continued)

Legal Reference:

EDUCATION CODE

39807.5 *Payment of transportation cost*

39839 *Guide dogs, signal dogs and service dogs on bus*

41850-41854 *Allowances for transportation*

48209-48209.16 *Alternative interdistrict attendance program*

48915.5 *Expulsion of students with exceptional needs*

56195.8 *Adoption of policies*

56327 *Assessment for special education and related services*

56345 *Individualized education program*

56366 *Nonpublic nonsectarian schools or agencies*

56366.1 *Waiver of requirements under section 56365 and 56366*

CODE OF REGULATIONS, TITLE 5

15050 *Transfer of funds to child development fund and development center for handicapped pupils fund*

15243 *Physically handicapped minors*

15271 *Exclusion from report*

UNITED STATES CODE, TITLE 20

1400-1487 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

794 *Section 504 of the Rehabilitation Act of 1973*

CODE OF FEDERAL REGULATIONS, TITLE 34

104.4 *Equal opportunity under the Rehabilitation Act of 1973, Section 504*

CODE OF FEDERAL REGULATIONS, TITLE 49

571.222 *Federal requirements for bus securement systems*

Management Resources:

CDE MANAGEMENT ADVISORIES

0500.92 *Implementation of Special Education Transportation Apportionment (#92-02)*

CDE PROGRAM ADVISORIES

0609.95 *School transportation fee exemption for handicapped children and pupils whose parents or guardians are indigent (LO: 2-95)*

TRANSPORTATION FOR STUDENTS WITH DISABILITIES

Transportation for students with disabilities shall be provided in accordance with a student's Individualized Education Program (IEP) or Section 504 accommodation plan.

(cf. 3540 – Transportation)

(cf. 6159 – Individualized Education Program (IEP))

(cf. 6164.4 – Identification of Individuals for Special Education)

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

If a disabled student is excluded from school bus transportation, the district shall provide alternative transportation at no cost to the student or parent/guardian provided that transportation is specified in the student's IEP. (Education Code 48915.5)

(cf. 5131.1 – Bus Conduct)

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

When contracting with a nonpublic, nonsectarian school or agency to provide special education services, the Superintendent or designee shall ensure that the contract includes general administrative and financial agreements related to the provision of transportation services specified in the student's IEP. (Education Code 56366)

Guide dogs, signal dogs and service dogs trained to provide assistance to disabled persons may be transported in a school bus when accompanied by disabled students, disabled teachers or persons training the dogs. (Education Code 39839)

SCHOOL BUS DRIVERS

Authority

Students transported in a school bus or in a student activity bus shall be under the authority of, and responsible directly to, the driver of the bus. The driver shall be held responsible for the orderly conduct of the students while they are on the bus or being escorted across a street, highway or road. (5 CCR 14103)

(cf. 3540 - Transportation)

(cf. 5131.1 - Bus Conduct)

A bus driver shall have the authority to discontinue the operation of a school bus whenever he/she determines that it is unsafe to continue.

Administrative regulations related to bus driver authority shall be made available to parents/guardians, students, teachers and other interested parties. (5 CCR 14103)

(cf. 5145.6 - Parental Notifications)

Qualifications, Training and Monitoring

All drivers employed to operate school buses or student activity buses shall possess, at a minimum, both of the following documents issued by the state Department of Motor Vehicles: (Vehicle Code 12517)

1. A valid driver's license for the appropriate class of vehicle to be driven
2. A certificate which permits the driver to operate either school buses or student activity buses

(cf. 4200 - Classified Personnel)

(cf. 4211 - Recruitment and Selection)

A driver who possesses a valid certificate to drive a student activity bus shall not be entitled to drive a school bus unless he/she obtains the license and certificate required for that position. (Education Code 39830.1)

The district's electronic fingerprinting system, managed by the California Department of Justice, may be used to fingerprint an applicant for an original certificate to drive a school bus or student activity bus. (Vehicle Code 12517.3)

The Superintendent or designee shall ensure that school bus drivers receive training which includes:

1. Necessary first aid practices (Vehicle Code 12522)

SCHOOL BUS DRIVERS (continued)

2. The proper actions to be taken in the event that a school bus is hijacked (Education Code 39831)
3. The proper installation of mobile seating devices in the bus securement systems (Education Code 56195.8)

(cf. 3541.2 - Transportation for Students with Disabilities)
(cf. 4231 - Staff Development)

School bus drivers shall be subject to drug and alcohol testing in accordance with Governing Board policy and the requirements of federal law.

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

The Superintendent or designee shall notify the Department of Motor Vehicles within five days whenever any school bus driver has tested positive for drugs or alcohol, is dismissed for a cause related to student transportation safety, or whenever a driver so dismissed has been reinstated. (Vehicle Code 1808.8, 13376)

(cf. 4215 - Evaluation/Supervision)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Responsibilities

The school bus driver's major responsibility is to safely transport students to and from school and school activities. He/she shall follow procedures contained in the district's transportation safety plan.

(cf. 3543 - Transportation Safety and Emergencies)

Drivers shall not require any student to leave the bus en route between home and school or other destinations. (5 CCR 14103)

Drivers shall stop to load or unload students only at a school bus stop designated by the Superintendent or designee, or authorized by the Superintendent or designee for school activity trips. (Vehicle Code 22112)

(cf. 3541 - Transportation Routes and Services)

Drivers shall activate the flashing amber light warning system, if the bus is so equipped, beginning 200 feet before any bus stop where students are loading or unloading. They shall operate the flashing red signal lights and stop signal arm at all times when the bus is stopped to load or unload students. The flashing amber warning lights, flashing red signal lights and stop signal arm shall not be operated at any other time, or at any place where traffic is controlled by a traffic officer. (Vehicle Code 22112)

SCHOOL BUS DRIVERS (continued)

When the bus is stopped on a highway or private road to load or unload students and traffic is not controlled by a traffic officer, the driver shall: (Vehicle Code 22112)

1. Check for approaching traffic in all directions and activate the flashing red light signal system and, if the bus is so equipped, the stop signal arm.
2. Before opening the door, ensure that the flashing red signal lights and stop signal arm are activated and that it is safe to exit the bus.

When the bus is stopped on a highway or private road to load or unload students and traffic is not controlled by a traffic officer or official traffic control system, the driver shall: (Vehicle Code 22112)

1. Escort all students in grades prekindergarten through 8 who need to cross the highway or private road, using an approved hand-held "STOP" sign while so doing.
2. Require all students to walk in front of the bus as they cross the road or highway.
3. Ensure that all students who need to cross the road or highway have crossed safely and that all other unloaded students and pedestrians are a safe distance from the bus before setting the bus in motion.

Except when loading or unloading students at a location where students must cross a highway or private road upon which the bus is stopped, the flashing red signal lights and stop signal arm requirements do not apply at any of the following locations: (Vehicle Code 22112)

1. School bus loading zones on or adjacent to school grounds or during an activity trip, if the school bus is lawfully parked
2. Where the school bus is disabled due to mechanical breakdown
3. Where students require physical assistance to board or leave the school bus
4. Where the roadway surface on which the bus is stopped is partially or completely covered by snow or ice and requiring traffic to stop would pose a safety hazard
5. On a state highway with a posted speed limit of 55 miles per hour or higher where the school bus is completely off the main traveled portion of the highway
6. Any location determined by the Superintendent or designee, with the approval of the California Highway Patrol, to present a traffic or safety hazard

Drivers shall immediately report all school bus accidents to the California Highway Patrol, the Superintendent or designee, and the driver's employer. (13 CCR 1219)

SCHOOL BUS DRIVERS (continued)

School bus drivers also shall report the following to the Superintendent or designee:

1. Recurring and serious student misbehavior
2. Parental and student complaints
3. Traffic violations
4. Consistently late school dismissals which cause transportation delays
5. Overload runs
6. Mechanical or other problems with buses and equipment

Legal Reference:

EDUCATION CODE

39830.1 Drivers of school pupil activity buses

39831 Training in proper actions in event of hijacking

39831.5 Student instruction in bus safety

39833 Operating bus in violation of order or regulation or without operator's qualification

39842 School bus; unauthorized entry

40080-40090.5 Training required to obtain or renew bus driver certificate

45125.1 Criminal background checks for contractors

56195.8 Adoption of policies

PENAL CODE

241.3 Assault against school bus driver

243.3 Battery against school bus driver

VEHICLE CODE

1808.8 Dismissal for safety-related cause

2570-2575 Transportation of students

12517-12517.4 Certification requirements

12522 First aid training for school bus drivers

13376 Driver certificates; revocation or suspension; sex offense prosecution

22112 School bus signals; roadway crossings

25257 School bus; flashing light signal system

25257.2 School bus used for transportation of developmentally disabled person

34501.6 School buses; reduced visibility

34508.5 Investigation of accidents

CODE OF REGULATIONS, TITLE 5

14103 Authority of the driver

14104 School bus driver instructor

CODE OF REGULATIONS, TITLE 13

1200-1228 General provisions, school bus regulations

CODE OF FEDERAL REGULATIONS, TITLE 49

571.222 Federal motor vehicle safety standard #222

Regulation
approved:

WALNUT VALLEY UNIFIED SCHOOL DISTRICT
Walnut Valley, California

TRANSPORTATION SAFETY AND EMERGENCIES

Transportation Safety Plan

The Superintendent or designee shall develop a transportation safety plan to address student safety which includes all of the following: (Education Code 39831.3)

1. Procedures for determining if students in grades prekindergarten through 8 require escort to cross a private road or highway at a bus stop pursuant to Vehicle Code 22112

(cf. 3542 - School Bus Drivers)

2. Procedures for all students in grades prekindergarten through 8 to follow as they board and exit the bus at their bus stops

3. Procedures for boarding and exiting a school bus at a school or other trip destination

A copy of the plan shall be kept at each school site and made available upon request to the California Highway Patrol. (Education Code 39831.3)

Safe Bus Operations

School bus operations shall be limited when atmospheric conditions reduce visibility on the roadway to 200 feet or less during regular home-to-school transportation service. Bus drivers for school activity trips shall have the authority to discontinue bus operation whenever they determine that it is unsafe to continue operation because of reduced visibility. (Vehicle Code 34501.6)

(cf. 3516.5 - Emergency Schedules)

(cf. 3540 - Transportation)

(cf. 3541.1 - Transportation for School-Related Trips)

School buses and school student activity buses shall not be operated whenever the number of passengers exceeds bus seating capacity, except when necessary in emergency situations which require that students be moved immediately to ensure their safety.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

When a school bus or student activity bus is equipped with a passenger restraint system, all passengers shall be required to be properly restrained by that system while the bus is in motion.

Bus drivers shall be informed of procedures to be followed to reasonably ensure that all passengers are so restrained.

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

Each school bus shall be equipped with at least one fire extinguisher located in the driver's compartment which meets the standards specified in law. (Education Code 39838; 13 CCR 1242)

The Superintendent or designee shall review all investigations of bus incidents and accidents to develop preventative measures.

Student Instruction

All students transported in a school bus or student activity bus shall receive instruction in school bus emergency procedures and passenger safety. (Education Code 39831.5)

1. Each school year, the Superintendent or designee shall provide appropriate instruction in safe riding practices and emergency evacuation drills. Each student who receives home-to-school transportation in a school bus shall be required to receive this instruction. (5 CCR 14102)
2. At least once each school year, all students in grades prekindergarten through 8 who receive home-to-school transportation shall receive safety instruction which includes, but is not limited to: (Education Code 39831.5)
 - a. Proper loading and unloading procedures, including escorting by the driver
 - b. How to safely cross the street, highway or private road
 - c. When passenger restraint systems are installed in school buses, instruction in the use of such systems, including but not limited to the proper fastening and release of the passenger restraint system, acceptable placement of passenger restraint systems on students, times at which the passenger restraint systems should be fastened and released, and acceptable placement of the passenger restraint systems when not in use
 - d. Proper passenger conduct

(cf. 5131.1 - Bus Conduct)

- e. Bus evacuation
- f. Location of emergency equipment

As part of this instruction, students shall evacuate the school bus through emergency exit doors. Instruction also may include responsibilities of passengers seated next to an emergency exit. (Education Code 39831.5)

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

Each time the above instruction is given, the following information shall be documented: (Education Code 39831.5)

- a. District name
- b. School name and location
- c. Date of instruction
- d. Names of supervising adults
- e. Number of students participating
- f. Grade levels of students
- g. Subjects covered in instruction
- h. Amount of time taken for instruction
- i. Bus driver's name
- j. Bus number
- k. Additional remarks

This documentation shall be kept on file at the district office or the school for one year and shall be available for inspection by the California Highway Patrol. (Education Code 39831.5)

3. Before departing on a school activity trip, all students riding on a school bus or student activity bus shall receive safety instruction which includes, but is not limited to: (Education Code 39831.5)
 - a. Location of emergency exits
 - b. Location and use of emergency equipment

This instruction also may include responsibilities of passengers seated next to an emergency exit. (Education Code 39831.5)

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

Notifications

The Superintendent or designee shall provide written safety information to the parents/guardians of all students in grades prekindergarten through 6 who have not previously been transported in a school bus or student activity bus. This information shall be provided upon registration and shall include: (Education Code 39831.5)

1. A list of school bus stops near each student's home
2. General rules of conduct at school bus loading zones
3. Red light crossing instructions
4. School bus danger zone
5. Walking to and from school bus stops

(cf. 5145.6 - Parental Notifications)

Legal Reference: (see next page)

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

Legal Reference:

EDUCATION CODE

39830-39842 *Transportation, school buses*

51202 *Instruction in personal and public health and safety*

PENAL CODE

241.3 *Assault against school bus driver*

243.3 *Battery against school bus driver*

VEHICLE CODE

545-546 *Definition of school bus and school pupil activity bus*

22112 *Loading and unloading passengers*

27316 *Passenger restraint systems*

34500 *California Highway Patrol responsibility to regulate safe operation of school buses*

34501.5 *California Highway Patrol responsibility to adopt rules re: safe operation of school buses*

34501.5 *School buses; reduced visibility*

34508 *California Highway Patrol responsibility to adopt rules re: equipment and operations of school buses*

34508.5 *Investigation of accidents*

CODE OF REGULATIONS, TITLE 5

14102 *Instruction in bus safety and evacuation*

14103 *Authority of the driver*

CODE OF REGULATIONS, TITLE 13

1200-1293 *Motor carrier safety*

Management Resources:

WEB SITES

CDE: <http://www.cde.ca.gov>

CHP: <http://www.chp.ca.gov>

National Transportation Safety Board: <http://www.nts.gov>

National Coalition for School Bus Safety: <http://www.ncsbs.org>

FOOD SERVICE/CHILD NUTRITION PROGRAM

The Governing Board recognizes that students need adequate, nourishing food in order to grow, learn and maintain good health. To reinforce the district's nutrition education program, foods available on school premises shall be:

1. Carefully selected so as to contribute to students' nutritional well-being and the prevention of disease
2. Prepared in ways which will appeal to students, retain nutritive quality and foster healthful eating habits
3. Served in age-appropriate quantities and at reasonable prices

(cf. 3551 - Food Service Operations/Cafeteria Fund)
(cf. 3553 - Free and Reduced Price Meals)
(cf. 3554 - Other Food Sales)
(cf. 5141.32 - Child Health and Disability Prevention Program)
(cf. 6142.8 - Comprehensive Health Education)

The Superintendent or designee shall ensure that the meals offered by the district's food service program meet all legal requirements for participation in the National School Lunch and School Breakfast Programs.

The Superintendent or designee shall develop strategies designed to encourage the participation of students and parents/guardians in the selection of foods of good nutritional quality for school menus. Parents/guardians are encouraged to support the district's nutrition education efforts by considering nutritional quality when selecting any snacks which they may donate for occasional class parties.

Legal Reference: (see next page)

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

Legal Reference:

EDUCATION CODE

38080-38103 *Cafeterias - establishment and use*
45103.5 *Contracts for management consulting services; restrictions*
49490-49493 *School breakfast and lunch programs*
49500-49505 *School meals*
49510-49520 *Nutrition*
49530-49536 *Child Nutrition Act*
49540-49546 *Child care food program*
49547-49548.3 *Comprehensive nutrition services*
49550-49560 *Meals for needy students*
49570 *National School Lunch Act*

CODE OF REGULATIONS, TITLE 5

15500-15501 *Food sales by student organizations*
15510 *Mandatory meals for needy students*
15530-15535 *Nutrition education*
15550-15565 *School lunch and breakfast programs*

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 *National School Lunch Program*
220.1-220.21 *National School Breakfast Program*

Management Resources:

WEB SITES

CDE, Nutrition Services Division: <http://www.cde.ca.gov/nsd/>
California Project L.E.A.N: <http://www.dhs.cahwnet.gov/lean>
U.S. Department of Agriculture; Child Nutrition Programs:
<http://www.fns.usda.gov/cnd/>

FOOD SERVICE OPERATIONS/CAFETERIA FUND

The Governing Board intends that, insofar as possible, school food services shall be a self-supporting, nonprofit program. Upon recommendation of the Superintendent or designee, the Governing Board shall review and approve meal prices. Program financial reports shall be presented regularly to the Governing Board.

Meals may be offered to employees and Governing Board members as a matter of convenience. Since these meals may include federally donated food commodities, their price shall be set in accordance with state and federal guidelines.

Meals may be served to adults other than employees and Governing Board members who are on campus during meal times for a legitimate purpose, such as serving as a classroom volunteer. Since these meals may include federally donated food commodities, their price shall be set in accordance with state and federal guidelines.

Cafeteria Fund

The Superintendent or designee shall establish a cafeteria fund independent of the district's general fund.

The wages, salaries and benefits of food service employees shall be paid from the cafeteria fund. (Education Code 38103)

To increase cost effectiveness, the Superintendent or designee shall centralize and direct the purchasing of food and supplies, the planning of menus, and the auditing of all food service accounts for the district.

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3553 - Free and Reduced Price Meals)

Contracts with Outside Providers

With Governing Board approval, the district may enter into a contract for management consulting services related to food service on a year-to-year basis.

With Governing Board approval, the district may enter into a contract with a private company that enables a school to operate a franchise offering fast food items for sale to students. The franchise agreement and food purchases shall be subject to the competitive bidding requirements of the National School Lunch and School Breakfast Programs.

Legal Reference: (see next page)

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Legal Reference:

EDUCATION CODE

38090-38095 Cafeterias, funds and accounts

38100-38103 Cafeterias, allocation of charges

42646 Alternate payroll procedure

45103.5 Contracts for management consulting services

49490-49493 School breakfast and lunch programs

49500-49505 School meals

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

Management Resources:

CDE MANAGEMENT ADVISORIES

0701.00 Adult and Sibling Meals in the National School Lunch and School Breakfast Programs, No. 00-111

WEB SITES

CDE, Nutrition Services Division: <http://www.cde.ca.gov/nsd/>

U.S. Department of Agriculture; Child Nutrition Programs: <http://www.fns.usda.gov/cnd/>

FOOD SERVICE OPERATIONS/CAFETERIA FUND

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. The income and expenditures of any cafeteria revolving account established by the Governing Board shall be recorded as income and expenditures of the cafeteria fund. (Education Code 38090, 38091, and 38092)

The cafeteria fund shall be used only for Governing Board-authorized expenditures necessary for the operation of school cafeterias as defined in the California School Accounting Manual or appropriately reported to the California Department of Education. (Education Code 38091, 38101)

These expenditures may include, but are not limited to, expenditures for the following: (Education Code 38091)

1. Construction, alteration, or improvement of a central food processing plant
2. Lease, purchase or installation of additional cafeteria equipment of the central food processing plant
3. Vending machines and their installation and housing
4. Computer equipment and related software
5. Lease or purchase of vehicles used primarily in connection with the central food processing plant

Any charges to, or transfers from, a food service program shall be dated and accompanied by a written explanation of the expenditure's purpose and basis. (Education Code 38101)

Any funds derived from the sale of cafeteria food and deposited in a Governing Board-established cafeteria equipment reserve shall be used only for the purchase, lease, maintenance or replacement of cafeteria equipment. (Education Code 38102)

Management Consulting Services

The term of any contract for management consulting services related to food services management shall not exceed one year. Any renewal of the contract or further requests for proposals to provide such services shall be considered on a year-to-year basis. (Education Code 45103.5)

A contract for food service management consulting services shall not result in the supervision of food service classified staff by the management consultant, nor shall it result in the elimination of any food service classified staff or position or have any adverse effect on the wages, benefits or other terms and conditions of employment of classified food service staff or positions. (Education Code 45103.5)

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Health criteria established by the district for classified staff shall be applicable to all persons providing food service management consulting services. (Education Code 45103.5)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

FREE AND REDUCED PRICE MEALS

The Governing Board recognizes that adequate nutrition is essential to child development and learning and that some families may be unable to provide breakfast and lunch for their children. In accordance with law, the District shall provide nutritionally adequate free and reduced price meals for students whose families meet federal eligibility criteria.

The Superintendent or designee shall recommend, for Governing Board approval, a plan that ensures students eligible to receive free or reduced price meals and milk are not treated differently from other students or easily identified by their peers.

(cf.0410 – Nondiscrimination in District Programs and Activities)
(cf.5145.3 – Nondiscriminatory Harassment)

Upon approval, by the Governing Board, this plan shall be submitted to the California Department of Education for approval. (Education Code 49557)

All applications and records related to eligibility for the free or reduced price meal program shall be confidential except as provided by law. (Education Code 49558)

The Governing Board authorizes designated employees to use individual records pertaining to student eligibility for any free and reduced price meal program for the purpose of:

1. Disaggregation of academic achievement data in accordance with federal and State law and regulation.
2. Identification of students eligible for school choice and supplemental educational services in any school identified for program improvement

(cf. 0520.2 – Title I Program Improvement Schools)
(cf. 5125 - Student Records)
(cf. 6162.51 - Student Testing and Reporting Program)
(cf. 6171 - Title I Programs)
(cf. 6190 - Evaluation of the Instructional Program)

The Governing Board further authorizes the release of information on the school lunch program application to the local agency that determines Medi-Cal program eligibility, provided that the student is approved for free meals and the parent/guardian consents to the sharing of information as provided by Education Code 49557.2.

(cf. 5141.6 – Student Health and Social Services)

FREE AND REDUCED PRICE MEALS (continued)

Legal Reference:

EDUCATION CODE

48980 Notice at Beginning of Term

49490-49493 School Breakfast and Lunch Programs

49500-49505 School Meals

49510-49520 Nutrition

49530-49536 Child Nutrition Act of 1974

49547-49548.3 Comprehensive Nutrition Service

CODE OF REGULATIONS, TITLE 5

15510 Mandatory Meals for Needy Students

15530-15535 Nutrition Education

15550-15565 School Lunch and Breakfast Programs

UNITED STATES CODE, TITLE 20

1232g Federal Educational Rights and Privacy Act

6301-6514 Title I Programs

UNITED STATES CODE, TITLE 42

1751-1769 National Lunch Programs

1771-1791 Child Nutrition

CODE OF FEDERAL REGULATIONS, TITLE 7

245.1 – 245.13 Determination of Eligibility for Free and Reduced Price Meals

Management Resources:

CDE LEGAL ADVISORIES

0325.98 Education Code Section 49558 LO: 1-98

CSBA PUBLICATIONS

Healthy Food Policy Resource Guide, 2003

USDA PUBLICATIONS

Team Nutrition, Food and Nutrition Services, Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000.

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Nutrition Division: <http://www.cde.ca.gov/ls/nu>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN: <http://www.californiaprojectlean.org>

U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov/cnd>

Adopted: February 7, 2007

FREE AND REDUCED PRICE MEALS

The district's plan for students receiving free or reduced price meals shall set forth the following conditions: (Education Code 49557)

1. The names of the students shall not be published, posted or announced in any manner, or used for any other purpose other than the National School Lunch and School Breakfast Programs.
2. There shall be no overt identification of any of the students by the use of special tokens or tickets or by any other means.
3. The students shall not be required to work for their meals or milk.
4. The students shall not be required to use a separate dining area, go through a separate entrance, or consume their meals or milk at a different time.
5. When more than one lunch, breakfast or type of milk is offered, the students shall have the same choice of meals or milk as is available to those students who pay the full price.

This plan shall be submitted to the California Department of Education for approval. (Education Code 49557)

Applications and Records

An application form for free or reduced price meals shall be distributed to all parents/guardians at the beginning of each school year, together with information about eligibility standards, application procedures and appeal procedures. This form and information shall also be provided whenever a new student is enrolled. (Education Code 49520, 48980)

(cf. 5145.6 - Parental Notifications)

Applications for free or reduced price meal programs shall be available to students at all times during the regular school day and shall contain the following statements: (Education Code 49557)

1. Applications for free or reduced price meals may be submitted at any time during a school day.
2. Children participating in the National School Lunch and School Breakfast Programs will not be overtly identified by the use of special tokens, special tickets, special serving lines, separate entrances, separate dining areas, or by any other means.

FREE AND REDUCED PRICE MEALS (continued)

All applications and records related to eligibility for the free or reduced price meal program shall be confidential. They shall be open to examination only for purposes of this program or for any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any free and reduced price meal program. (Education Code 49558)

The Governing Board designates the following district employees to use individual records pertaining to student participation in the free or reduced price meal program solely for the purpose of disaggregation of academic achievement data:

Assistant Superintendent - Elementary Educational Services (or designee)

Assistant Superintendent – Secondary Educational Services (or designee)

In using these records for that purpose, the following conditions shall be satisfied: (Education Code 49558)

1. No individual indicators of participation in the free or reduced price meal program shall be maintained in the permanent records of any students if not otherwise allowed by law.

(cf. 5125 - Student Records)

2. Information regarding individual student participation in the free or reduced price meal program shall not be publicly released.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

3. All other confidentiality provisions required by law shall be met.

OTHER FOOD SALES

The Governing Board believes that foods and beverages sold to students on school campuses during the school day should promote student health and reduce childhood obesity. Any food sales conducted outside the District's Food Services Program shall meet nutritional standards specified in law, Board Policy and Administrative Regulations, and shall not reduce student participation in the District's Food Services Program.

(cf. 5030 – Student Wellness)

The Governing Board authorizes the Superintendent or designee to approve the sale of foods and beverages outside the District's Food Services Program, including sales by student or adult organizations, sales through vending machines, and/or sales at secondary school student stores for fundraising purposes.

(cf. 3550 – Food Service/Child Nutrition Program)
(cf. 3551 – Food Service Operations/Cafeteria Fund)
(cf. 3553 – Free and Reduced Price Meals)

Food sales are prohibited during school hours, and within one hour before and after school hours, unless the organization is legally organized as a nonpartisan, charitable organization, the purpose of the solicitation is nonpartisan and charitable, and the solicitation has been approved in accordance with Board Policy. (Education Code 51520)

(cf. 1230 – School-Connected Organizations)
(cf. 1321 – Solicitations of Funds from and by Students)

When vending machines are sponsored by the District or a student or adult organization, the Superintendent or designee shall determine how and where vending machines may be placed at school sites, District Office, or other school facilities.

(cf. 3312 – Contracts)

Legal Reference:

EDUCATION CODE

38085 Sale of Specified Food Items

48931 Authorization and Sale of Food

49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001

51520 School Premises; Prohibited Solicitations

CODE OF REGULATIONS, TITLE 5

15500 Food Sales in Elementary Schools

15501 Sales in High Schools and Junior High Schools

HEALTH AND SAFETY CODE

113700-114455 California Uniform Retail Food Facilities Law, including: 114200-114245
Vending Machines

OTHER FOOD SALES (continued)

Legal Reference (continued):

UNITED STATES CODE, TITLE 42

1751-1769h National School Lunch Act, including: 1751 Note Local Wellness Policy

1771-1791 Child Nutrition

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

Management Resources:

CSBA POLICY BRIEFS

The New Nutrition Standards: Implications for Student Wellness Policies, November 2005

CSBA PUBLICATIONS

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2005

CENTERS FOR DISEASE CONTROL PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, 2000

FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

Associated Student Body Accounting Manual and Desk Reference, 2002

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Team Nutrition, Food and Nutrition Services, Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000

WEB SITES

CSBA: <http://www.csba.org>

California Association of School Business Officials: <http://www.casbo.org>

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

Diary Council of California: <http://www.diarycouncilofca.org>

Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>

National Association of State Boards of Education (NASBE): <http://www.nasbe.org>

National School Boards Association: <http://www.nsba.org>

U.S. Dept. of Agriculture, Food and Nutrition Information Center (FNIC):

<http://www.nal.usda.gov/fnic>

Adopted: February 7, 2007

OTHER FOOD SALES

The sale of foods during meal periods in food service areas shall be allowed only if all income from the sale, including the sale of approved foods or drinks from vending machines, accrues to the benefit of the school, the school food service program, or the student organization(s) sponsoring the sale. (7 CFR 210.11, 220.12)

In order to be eligible to conduct food sales during school hours and within one hour before and one hour after school hours, organizations not under the control of school authorities (e.g., a parent/guardian group or outside group) must be legally organized for charitable and nonpartisan purposes pursuant to Education Code 51520.

Additional Requirements for the Sale of Food Items by Student Organizations

Student organizations may sell nutritious food items approved by the Governing Board only if such sales are conducted in compliance with 5 CCR 15500-15501. Items sold during the regular school day must not be food items prepared on school premises or sold in the food service program at school during that day. (5 CCR 15500-15501)

In schools with any of grades kindergarten through 8, a student organization may sell not more than one food item per sale. The food item sold shall be a dessert-type food such as pastry, ice cream or fruit, and there shall be no more than four such sales per year per school. In addition, these sales shall not begin until after the close of the regularly scheduled midday food service period. (5 CCR 15500)

In high schools and junior high schools, a student organization may be approved to sell food at any time during the school day, including the regularly scheduled food service periods. Only one organization each school day may sell no more than three types of food or beverage items at any time during the school day. In addition, up to four days during the school year may be designated on which any number of organizations may conduct the sale of any food items. (5 CCR 15501)

Definitions

Nutritious beverage means:

- Drinking water
- Milk, including chocolate milk, soy milk, rice milk, and other similar dairy or nondairy milk
- An electrolyte replacement beverage that contains 42 grams or less of added sweetener per 20 ounce serving
- A 100 percent fruit juice, or fruit-based drink that is composed of 50 percent or more fruit juice and that has no added sweeteners

Added sweetener means any additive that enhances the sweetness of the beverage, including, but not limited to, added sugar but not the natural sugar or sugars that are contained within any fruit juice that is a component of the beverage.

OTHER FOOD SALES (continued)

Nutritious food means food sold as part of the full meal in the school breakfast or lunch program and that meets any of the following standards:

- Less than 35 percent of its total calories are from fat
- Less than 10 percent of its total calories are from saturated fat
- Less than 35 percent of its total weight is composed of sugar (does not apply to fruits or vegetables)

NUTRITION PROGRAM COMPLIANCE

The Governing Board recognizes the district's responsibility to comply with state and federal nondiscrimination laws as they apply to the district's nutrition programs. The district shall not deny any individual the benefits or service of any nutrition program or discriminate against him/her on any basis prohibited by law.

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

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5030 - Student Wellness)

Coordinator

The Board designates the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the district's civil rights coordinator to ensure compliance with the laws governing its nutrition programs and to investigate any related complaints.

The responsibilities of the compliance officer or the civil rights coordinator include, but are not limited to:

1. Providing the name of the civil rights coordinator, Section 504 coordinator, and Title IX coordinator, if different from the civil rights coordinator, to the California Department of Education and other interested parties

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

2. Annually providing mandatory civil rights training to all frontline staff who interact with program applicants or participants and to those who supervise frontline staff

The subject matter of such training shall include, but not be limited to, collection and use of data, effective public notification systems, complaint procedures, compliance review techniques, resolution of noncompliance, requirements for reasonable accommodation of persons with disabilities, requirements for language assistance, conflict resolution, and customer service.

3. Establishing admission and enrollment procedures that do not restrict enrollment of students on the basis of race, ethnicity, national origin, or disability, including preventing staff from incorrectly denying applications and ensuring that such persons have equal access to all programs

(cf. 6159 - Individualized Education Program)

NUTRITION PROGRAM COMPLIANCE (continued)

4. Sending a public release announcing the availability of the child nutrition programs and/or changes in the programs to public media and to community and grassroots organizations that interact directly with eligible or potentially eligible participants
5. Communicating the program's nondiscrimination policy and applicable complaint procedures, as provided in the section "Notifications" below
6. Providing appropriate translation services when a significant number of persons in the surrounding population have limited English proficiency
7. Ensuring that every part of a facility is accessible to and usable by persons with disabilities and that participants with disabilities are not excluded from the benefits or services due to inaccessibility of facilities
8. Ensuring that special meals are made available to participants with disabilities who have a medical statement on file documenting that their disability restricts their diet
9. Implementing procedures to process and resolve civil rights (discrimination) complaints and program-related complaints, including maintaining a complaint log and working with the appropriate person to resolve any complaint
10. Developing a method, which preferably uses self-identification or self-reporting, to collect racial and ethnic data for potentially eligible populations, applicants, and participants

(cf. 5022 - Students and Family Privacy Rights)

(cf. 5125 - Student Records)

Notifications

The U.S. Department of Agriculture's (USDA) "And Justice for All" civil rights poster or a substitute poster approved by the USDA's Food and Nutrition Service shall be displayed in areas visible to the district's nutrition program participants, such as food service areas and school offices.

The coordinator shall notify the public, all program applicants, participants, and potentially eligible persons of their program rights and responsibilities and steps necessary for participation. Applicants, participants, and the public also shall be advised of their right to file a complaint, how to file a complaint, the complaint procedures, and that a complaint may be file anonymously or by a third party.

(cf. 5145.6 - Parental Notifications)

NUTRITION PROGRAM COMPLIANCE (continued)

In addition, all forms of communication available to the public regarding program availability shall contain, in a prominent location, the following statement:

"In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

Mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or

Fax: (202) 690-7442; or

Email: program.intake@usda.gov.

This institution is an equal opportunity provider."

Forms of communication requiring this nondiscrimination statement include, but are not limited to, web sites, public information releases, publications, and posters, but exclude menus. The nondiscrimination statement need not be included on every page of program information on the district's or school's web site, but the statement or a link to the statement shall be included on the home page of the program information.

NUTRITION PROGRAM COMPLIANCE (continued)

A short version of the nondiscrimination statement, stating "This institution is an equal opportunity provider," may be used on pamphlets, brochures, and flyers in the same print size as the rest of the text.

Complaints

Any complaint concerning the district's nutrition programs shall be investigated using the process identified in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

When a complaint alleging discrimination on the basis of race, color, national origin, sex, age, or disability is unresolved at the district level, the coordinator shall notify the complainant of the option to contact and/or forward his/her complaint to one of the following agencies:

1. Child Nutrition Program Civil Rights and Program Complaint Coordinator, California Department of Education, Nutrition Services Division, 1430 N Street, Room 4503, Sacramento, CA 95814-2342 or call (916) 323-8531 or (800) 952-5609
2. U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410, (866) 632-9992, (800) 877-8339 (Federal Relay Service - English), (800) 845-6136 (Federal Relay Service - Spanish), fax (202) 690-7442, or email program.intake.usda.gov.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

49060-49079 Student records

49490-49590 Child nutrition programs

PENAL CODE

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

NUTRITION PROGRAM COMPLIANCE (continued)

Legal Reference (continued):

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210.23 National School Lunch Program, district responsibilities

215.7 Special Milk Program, requirements for participation

215.14 Special Milk Program, nondiscrimination

220.7 School Breakfast Program, requirements for participation

225.3 Summer Food Service Program, administration

225.7 Summer Food Service Program, program monitoring

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 Dissemination of policy

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Civil Rights and Complaint Procedures for the U.S. Department of Agriculture Child Nutrition Programs, rev. November 2015

U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE PUBLICATIONS

Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1, November 2005

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Notice of Non-Discrimination, August 2010

WEB SITES

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

U.S. Department of Agriculture, Food and Nutrition Services: <http://www.fns.usda.gov>

U.S. Department of Agriculture, Office for Civil Rights: <http://www.ascr.usda.gov>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

Adopted: _____ March 14, 2018

DISTRICT RECORDS

District records shall be developed, maintained and disposed of in accordance with law and California Department of Education regulations.

- (cf. 1340 - Access to District Records)*
- (cf. 3440 - Inventories)*
- (cf. 4040 - Employee Use of Technology)*
- (cf. 4112.6/4212.6/4312.6 - Personnel Files)*
- (cf. 5125 - Student Records)*
- (cf. 5125.1 - Release of Directory Information)*

The Superintendent or designee shall establish regulations that define records which are permanent, optional and disposable and specify how each type of record is to be maintained or destroyed. Any microfilm or electronic copies of original records shall be permanently retained.

The Superintendent or designee shall ensure the confidentiality of records as required by law and shall establish regulations to safeguard data against damage or loss.

Safe at Home Program

District public records shall not include the actual addresses of students, parents/guardians or employees when a substitute address is designated by the Secretary of State for victims of domestic violence or stalking. (Government Code 6207)

- (cf. 5111.1 - District Residency)*

Legal Reference:

EDUCATION CODE

- 35145 Public meetings*
- 35163 Official actions, minutes and journal*
- 35250-35255 Records and reports*
- 44031 Personnel file contents and inspection*
- 49065 Reasonable charge for transcripts*

GOVERNMENT CODE

- 6205-6211 Confidentiality of addresses for victims of domestic violence*
- 6252-6265 Inspection of public records*
- 12946 Retention of employment applications and records for two years*

CODE OF REGULATIONS, TITLE 5

- 432 Varieties of pupil records*
- 16020-16022 Records-general provisions*
- 16023-16027 Retention of records*

Management Resources:

SECRETARY OF STATE

Letter re: California Confidential Address Program Implementation (SB 489), August 27, 1999

WEB SITES

California Secretary of State: <http://www.ss.ca.gov>

DISTRICT RECORDS

The Superintendent or designee shall ensure that appropriate computer software is used to safeguard any data stored on computers, including computers connected to networks. To further prevent the damage or theft of data, computers and related equipment, he/she shall maintain complete and accurate inventories, specify user responsibilities for damages, and provide appropriate supervision in areas where computers are used.

Classification of Records

Before January 1, the Superintendent or designee shall review documents and papers originating during the prior school year and classify them as Class 1 (Permanent), Class 2 (Optional), or Class 3 (Disposable). Records of continuing nature (active and useful for administrative, legal, fiscal or other purposes over a period of years) shall not be classified until such usefulness has ceased. A student's cumulative record is a continuing record until the student ceases to be enrolled in the district. (5 CCR 16022)

Class 1 - Permanent Record (5 CCR 16023)

The original of each of the following records, or one exact copy of it when the original is required by law to be filed with another agency, is a Class 1 (Permanent) Record and shall be retained indefinitely unless microfilmed in accordance with 5 CCR 16022:

1. Annual Reports
 - a. Official budget
 - b. Financial reports of all funds, including cafeteria and student body funds
 - c. Audit of all funds
 - d. Average daily attendance, including Period 1 and Period 2 reports
 - e. Other major annual reports, including:
 - (1) Those containing information relating to property, activities, financial condition or transactions
 - (2) Those declared by Governing Board minutes to be permanent
2. Official Actions
 - a. Minutes of the Governing Board or Governing Board committees, including the text of rules, regulations, policies or resolutions included by reference only

DISTRICT RECORDS (continued)

- b. The call for and the result of any elections called, conducted or canvassed by the Governing Board
- c. Records transmitted by another agency pertaining to its action with respect to district reorganization

3. Personnel Records

a. Employees

All detailed records relating to employment, assignment, amounts and dates of service rendered, termination or dismissal of an employee in any position, sick leave record, rate of compensation, salaries or wages paid, deductions or withholdings made and the person or agency to whom such amounts were paid. In lieu of the detailed records, a complete proven summary payroll record for each employee containing the same data may be classified as Class 1 (Permanent), and the detailed records may then be classified as Class 3 (Disposable).

Information of a derogatory nature as defined in Education Code 44031 shall be Class 1 (Permanent) only when the time for filing a grievance has passed or the document has been sustained by the grievance process.

b. Students

The records of enrollment and scholarship for each student required by 5 CCR 432, and all records pertaining to any accident or injury involving a minor for which a claim for damages had been filed as required by law. This includes

any related policy of liability insurance except that these records cease to be Class 1 (Permanent) one year after the claim has been settled or the statute of limitations has run.

4. Property Records

All detailed records relating to land, buildings, and equipment. In lieu of detailed records, a complete property ledger may be classified as Class 1 (Permanent). The detailed records may then be classified as Class 3 (Disposable) if the property ledger includes all fixed assets, an equipment inventory and, for each piece of property, the date of acquisition, name of previous owner, a legal description, the amount paid, and comparable data if the unit is disposed of.

DISTRICT RECORDS (continued)

Class 2 - Optional Records (5 CCR 16024)

Any record considered worth keeping, but which is not a Class 1 record, may be classified as Class 2 (Optional) and shall be retained until it is reclassified as Class 3 (Disposable). If by agreement of the Governing Board and Superintendent or designee, classification of the prior year records has not been made before January 1, all records of the prior year may be classified Class 2 (Optional) until they are classified as required by 5 CCR 16022. Such classification must occur within one year.

Class 3 - Disposable Records (5 CCR 16025, 16026, 16027)

All records not classified as Class 1 (Permanent) or as Class 2 (Optional) shall be classified as Class 3 (Disposable). These include but are not limited to: detailed records basic to audit, including those relating to attendance, average daily attendance, or business or financial transactions; detailed records used in preparing another report; teachers' registers if all information required by 5 CCR 432 is retained in other records or if the General Records pages are removed from the register and classified as Class 1 (Permanent); and periodic reports, including daily, weekly and monthly reports, bulletins and instructions.

Class 3 (Disposable) records shall be destroyed during the third school year after the later of the following:

1. The completion of any legally required audit
2. The retention period required by any agency other than the State of California
3. The school year in which the records originated

CONSULTANTS

The Governing Board authorizes the use of consultants to provide expert professional advice or specialized technical or training services which are not needed on a continuing basis and which cannot be provided by district staff because of limitations of time, experience or knowledge. Individuals, firms or organizations employed as consultants may assist management with decisions and/or project development related to financial, economic, accounting, engineering, legal, administrative, instructional or other matters.

As part of the contract process, the Superintendent or designee shall determine, in accordance with Internal Revenue Service guidelines, that the consultant is properly classified as an independent contractor. District employees who perform extra-duty consultant services shall not be retained as independent contractors. They shall be considered employees for all purposes, even if the additional services are not related to their regular duties.

(cf. 4117.12/4317.12 - Retirement Consultancy Contracts)

All consultant contracts shall be brought to the Governing Board for approval.

(cf. 3312 - Contracts)

The district shall not contract for consulting services that can be performed without charge by a public agency or official unless these services are unavailable from the public source for reasons beyond the district's control.

All qualified firms or resource persons shall be accorded equal opportunity for consultant contracts regardless of race, creed, color, gender, national or ethnic origin, age or disability.

(cf. 3311 - Bids)

(cf. 3551 - Food Service Operations/Cafeteria Fund)

(cf. 4030 - Nondiscrimination in Employment)

Independent contractors applying for a consultant contract shall submit a written conflict of interest statement disclosing financial interests as determined necessary by the Superintendent or designee, depending on the range of duties to be performed by the consultant. The Superintendent or designee shall consider this statement when deciding whether to recommend the consultant's employment.

(cf. 9270 - Conflict of Interest)

When employees of a public university, county office of education or other public agency serve as consultant or resource persons for the district, they shall certify as part of the consultant agreement that they will not receive salary or remuneration other than vacation pay from any other public agency for the specific days when they work for this district.

Legal Reference: (see next page)

CONSULTANTS (continued)

Legal Reference:

EDUCATION CODE

10400-10407 Cooperative improvement programs

17596 Limit on continuing contracts

35010 Control of districts; prescription and enforcement of rules

35172(a) Promotional activities

35204 Contract with attorney

44925 Part-time readers employed as independent contractors

45103 Classified service in districts not incorporating the merit system

45103.5 Contracts for food service consulting services

45134-45135 Employment of retired classified employee

45256 Merit system districts; classified service; positions established for professional experts on a temporary basis

GOVERNMENT CODE

53060 Contract for special services and advice

Management Resources:

INTERNAL REVENUE SERVICE PUBLICATIONS

15-A Employer's Supplemental Tax Guide