

**SERIES 3000**

**BUSINESS & NONINSTRUCTIONAL OPERATIONS**

NOTE: This manual contains only those Board policies (BP), administrative regulations (AR) and exhibits (E) specified in the right-hand column. The Boards' adoption date is indicated in the right column.

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0.	Concepts and Roles .....	3000	BP	5/08
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	B. Claims and Actions Against the District.....	3320	BP AR	5/08
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	A. Operation and Maintenance of Plant.....			
	1. Energy and Water Conservation .....	3511	BP AR	5/08
	a. Integrated Waste Management .....	3511.1	BP AR	5/08
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	b. Tobacco-Free Schools .....	3513.3	BP AR	5/08
	4. Environmental Safety .....	3514	BP AR	5/08
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**BUSINESS & NONINSTRUCTIONAL OPERATIONS**

-continued-

		CODE			
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	a. Transportation for School-Related Trips.....	3541.1	AR		5/08
	b. Transportation for Students with Disabilities .....	3541.2	BP	AR	5/08
	2. School Bus Drivers.....	3542	AR		5/08
	3. Transportation Safety and Emergencies .....	3543	AR		5/10
E.	Food Service/Child Nutrition Program .....	3550	BP	AR	5/08
	1. Food Service Operations/Cafeteria Fund.....	3551	BP	AR	5/08
	2. Free and Reduced Price Meals .....	3553	BP	AR	5/08
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F.	District Records .....	3580	BP		5/08
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**CONCEPTS AND ROLES**

The Governing Board recognizes that the business and other noninstructional operations of the district support the educational program by maximizing and prioritizing resources and providing a safe and healthy environment for students and staff. The Superintendent or designee shall ensure that the district's business and noninstructional operations are efficient and responsive to the needs of students, parents/guardians, staff, and the community.

- (cf. 3511 - Energy and Water Conservation)*
- (cf. 3511.1 - Integrated Waste Management)*
- (cf. 3512 - Equipment)*
- (cf. 3517 - Facilities Inspection)*
- (cf. 3540 - Transportation)*
- (cf. 3550 - Food Service/Child Nutrition Program)*
- (cf. 5030 - Student Wellness)*

The district shall maintain 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. 3514.2 - Integrated Pest Management)*
- (cf. 3515 - Campus Security)*
- (cf. 3515.6 - Criminal Background Checks for Contractors)*
- (cf. 3516 - Emergencies and Disaster Preparedness Plan)*
- (cf. 3530 - Risk Management/Insurance)*
- (cf. 3543 - Transportation Safety and Emergencies)*

In the development of a district budget, the Board and the Superintendent or designee shall establish a calendar that reflects the full budget cycle and a process that satisfies the requirements of law, including opportunities for public input. The Superintendent or designee shall provide fiscal data and prepare a proposed budget document within the budget priorities and parameters set by the Board. The Board shall adopt a budget that is aligned with the district's vision and goals and enables the district to meet its fiscal obligations.

- (cf. 0000 - Vision)*
- (cf. 0100 - Philosophy)*
- (cf. 0200 - Goals for the School District)*
- (cf. 3100 - Budget)*
- (cf. 9000 - Role of the Board)*

The Board expects sound fiscal management from the administration. The Superintendent or designee shall administer the adopted budget in accordance with Board policies and accepted business practices.

- (cf. 3110 - Transfer of Funds)*
- (cf. 3300 - Expenditures and Purchases)*
- (cf. 3311 - Bids)*
- (cf. 3312 - Contracts)*
- (cf. 3400 - Management of District Assets/Accounts)*
- (cf. 3430 - Investing)*
- (cf. 3440 - Inventories)*

## CONCEPTS AND ROLES (continued)

The Board shall monitor financial operations so as to ensure the district's fiscal integrity and accountability to the community. The Superintendent or designee shall complete all required financial reports, facilitate the independent audit process, recommend financial plans for meeting program needs, and keep the Board informed about the district's fiscal and noninstructional operations.

(cf. 0500 - Accountability)

(cf. 3460 - Financial Reports and Accountability)

### *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

44518-44519.2 Chief business officer training program

### *Management Resources:*

#### CSBA PUBLICATIONS

Maximizing School Board Governance: Understanding California's Public School Finance System, 2006

Maximizing School Board Governance: Budget Planning and Adoption, 2006

Maximizing School Board Governance: Understanding District Budgets, 2006

Maximizing School Board Governance: Fiscal Accountability, 2006

School Finance CD-ROM, 2005

#### WEB SITES

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

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

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

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

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

**BUDGET**

The Board of Education accepts responsibility for adopting a sound budget for each fiscal year which is aligned with the district's vision, goals, and priorities. 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. 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. (Education Code 42122)

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.

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

The Board encourages public input in the budget development process and shall hold public hearings and meetings in accordance with law.

The Superintendent or designee may appoint a budget advisory committee composed of members of the community and staff. The committee shall provide recommendations to the Superintendent during the budget development process. Duties of the committee shall be clearly defined and communicated to all members.

In order to provide guidance in the development of the budget, the Board shall annually establish budget priorities based on identified district needs and goals and on realistic projections of available funds. The Board also shall establish budget assumptions or parameters which may take into consideration the stability of funding sources, enrollment trends, legal requirements and constraints, anticipated increases and/or decreases in the cost of services and supplies, use of one-time resources, categorical program requirements, scheduled salary increases, and any other factors necessary to ensure that the budget is a realistic plan for district revenues and expenditures.

The Board shall establish and maintain a general fund reserve for economic uncertainty that meets or exceeds the requirements of 5 CCR 15443.

**BUDGET** (continued)

Prior to adopting the budget, the Board shall conduct a first-tier review, and if necessary a second-tier review, to ensure that the budget meets standards and criteria adopted by the State Board of Education. (Education Code 33127, 33128, 33129; 5 CCR 15440-15452)

The Superintendent or designee shall ensure that the district budget is clearly presented and effectively communicated to the Board, staff, and public. He/she may adapt or supplement the state-required budget format as necessary for these purposes.

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. When final figures for the prior-year budget are available, this information shall be used as soon as possible to update the current-year budget's beginning balance and projected revenues and expenditures. In addition, budget amendments shall be submitted for Board approval when the state budget is adopted, collective bargaining agreements are accepted, and at the times of the first and second interim reports.

**Transfer Balance**

The Board shall adopt a formal resolution that provides classification of fund balances in the general fund and is compliant with Governmental Accounting Standards Board (GASB) Statement 54. The resolution also shall:

1. Establish specific steps for committing funds that are cannot be used for any other purpose unless the Board takes action to remove or change the constraint
2. Express the authority of the Board and/or delegate authority to other person(s) to identify intended uses of assigned funds
3. Establish the order in which fund balances will be spent when multiple fund balance types are available for an expenditure
4. Address the minimum fund balance in the general fund by establishing an appropriate level of unrestricted fund balance that will be maintained in the general fund, the circumstances under which the unrestricted balance can be spent down, and the procedure for replenishing deficiencies

The Board reserves the authority to review and amend this resolution as needed to reflect changing circumstances and district need.

*(cf. 3110 - Transfer of Funds)*

*Legal Reference: (see next page)*

**BUDGET (continued)**

*Legal Reference:*

EDUCATION CODE

33127 *Development of standards and criteria for local budgets and expenditures*

33128 *Standards and criteria*

33129 *Standards and criteria; use by local agencies*

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; publication of notice of hearing*

42120-42129 *Budget requirements*

42132 *Resolutions identifying estimated appropriations limit*

42602 *Use of unbudgeted funds*

42610 *Appropriation of excess funds and limitation thereon*

44518-44519.2 *Chief business officer training program*

45253 *Annual budget of personnel commission*

45254 *First year budget of personnel commission*

GOVERNMENT CODE

7900-7914 *Expenditure limitations*

CODE OF REGULATIONS, TITLE 5

15060 *Standardized account code structure*

15440-15452 *Criteria and standards for school district budgets*

*Management Resources:*

CSBA PUBLICATIONS

*Maximizing School Board Governance: Budget Planning and Adoption, 2005*

*Maximizing School Board Governance: Understanding District Budgets, 2005*

CDE PUBLICATIONS

*California School Accounting Manual*

GOVERNMENTAL ACCOUNTING STANDARDS BOARD

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

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

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>

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>

**BUDGET**

**Budget Adoption and Submission Process**

Before adopting the district budget for the subsequent fiscal year, the Board of Education 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, in sufficient time for the County Superintendent to publish such information in a newspaper of general circulation at least 10 days but not more than 45 days before the hearing.

During the hearing, any district resident may speak to the proposed budget or to any item in the budget. The hearing may conclude when all residents who have requested to be heard have had the opportunity to speak. (Education Code 42103)

*(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)

*(cf. 1340 - Access to District Records)*

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 Board shall review and respond to his/her recommendations at a public meeting on or before September 8. The response shall include any revisions to the adopted budget and any other proposed actions to be taken as a result of those recommendations. (Education Code 42127)



**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 Board of Education on adoption of a resolution by a majority vote.

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

**End-of-the-Year Procedures**

At the close of the school year, the Superintendent or designee may, with 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)

**Temporary Transfers Between Classifications**

The 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 obligations of the district, 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 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 Board may amend the resolution to specify additional purposes or to withdraw any previously designated purpose. (Education Code 42841)

The 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 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)

**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.

**TRANSFER OF FUNDS (continued)**

**State School Building Funds**

The 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 Board of Education 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 Board shall submit a report, by March 1, to the Legislature, with copies to the Superintendent of Public Instruction, the State Board of Education, 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 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 Board of Education 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.

The Board encourages staff and community members to participate in determining how lottery funds will be used. The Superintendent or designee may solicit input through district advisory groups, school site councils, and/or individual students, staff, parents/guardians and community members.

*(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>*

Policy  
adopted: May 7, 2008

**PAJARO VALLEY UNIFIED SCHOOL DISTRICT**  
Watsonville, California

**FEES AND CHARGES**

The Board of Education 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 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 Board of Education (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 Board of Education:

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. 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)*

5. 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)

6. 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)*

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

8. Physical education uniforms

*(cf. 6142.7 - Physical Education)*

9. 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)*

**FEES AND CHARGES (continued)**

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

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

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

*(cf. 5142 - Safety)*

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

*(cf. 1340 - Access to District Records)*

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

*(cf. 5020 - Parent Rights and Responsibilities)*

15. 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)*

16. 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)*

17. 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)*

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

*(cf. 6200 - Adult Education)*

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

*(cf. 5148 - Child Care and Development)*



**FEES AND CHARGES** (continued)

20. 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 Board of Education, 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 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

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. 3440 - Inventories)*

*Legal Reference:*

EDUCATION CODE

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

*17545-17555 Sale of personal property*

*42291.5 Temporary school bus designation*

*42303 School bus sale to another district*

*60500 Determination of obsolescence*

*60510-60511 Donation or sale*

*60520-60521 Disposition of sale proceeds*

*60530 Methods of destruction*

GOVERNMENT CODE

*25505 District property; disposition; proceeds*

UNITED STATES CODE, TITLE 40

*484 Surplus property*

CODE OF FEDERAL REGULATIONS, TITLE 34

*80.32 Equipment acquired under a grant or subgrant*

**SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES**

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

1. If the Board members attending a meeting unanimously agree that the property is worth no more than \$2,500, the Board may designate any district employee to sell the property without advertising. (Education Code 17546)
2. The Board may advertise for bids and either sell the property to the highest responsible bidder or reject all bids. (Education Code 17545)

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)

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

3. The Board may authorize the sale of the 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 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 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 Board and approved by the County Superintendent of Schools. (Education Code 17542)
6. If the 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 Board or may be disposed of by dumping. (Education Code 17546)

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)

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

### **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 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)

At least 60 days before disposing of these instructional materials, the Board shall notify the public of its intention to do so through a public service announcement on a local television station, in a local newspaper, or by another means the Board believes will most effectively reach the entities described above. The Board shall also permit representatives of these entities and members of the public to address the Board regarding the distribution of these materials.

*(cf. 9323 - Meeting Conduct)*

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 may be sold for scrap at the highest obtainable price
2. By being destroyed by any economical means at least 30 days after the Board has given notice to all persons who have requested such notice

*(cf. 9323.2 - Actions by the Board)*

### **School Buses**

Upon receiving a state apportionment for the replacement of a school bus, the 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 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.

**SALE, LEASE, RENTAL OF DISTRICT-OWNED REAL PROPERTY**

The Governing Board believes that the district should utilize its facilities and resources in the most economical and practical manner. To that end, the Superintendent or designee shall periodically study the current and projected use of all district facilities in order to ensure the efficient utilization of space and the effective delivery of instruction.

*(cf. 1330 - Use of School Facilities)*  
*(cf. 7110 - Facilities Master Plan)*  
*(cf. 7111 - Evaluating Existing Buildings)*  
*(cf. 7160 - Charter School Facilities)*

Upon determination that district property is no longer needed or may not be needed until some future time, the Board shall offer to sell or lease district-owned real property in accordance with priorities and procedures specified in law, including, but not limited to, Education Code 17230, 17464, 17485-17500, and Government Code 54222.

*(cf. 5148 - Child Care and Development)*  
*(cf. 5148.2 - Before/After School Programs)*  
*(cf. 6300 - Preschool/Early Childhood Education)*

When required by law, the Board shall appoint a district advisory committee to advise the 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)

*(cf. 1220 - Citizen Advisory Committees)*

Before ordering the sale or lease of any real property, the Board shall adopt a resolution by a two-thirds vote of all of its members at a regular, open meeting. The resolution shall describe the property proposed to be sold or leased in such a manner as to identify it, specify the minimum price or rental, describe the terms upon which it will be sold or leased, and specify the commission or rate, if any, which the Board will pay to a licensed real estate broker out of the minimum price or rental. The resolution shall fix a time, not less than three weeks thereafter, for a public meeting, held at the Board's regular meeting place, at which sealed proposals to purchase or lease will be received and considered. (Education Code 17466)

*(cf. 9323.2 - Actions by the Board)*

The Superintendent or designee shall ensure that notice of the resolution of intention to sell or lease property is provided in accordance with Education Code 17469-17470.

At the public meeting specified in the resolution, the Board shall open, examine, and declare all sealed bids. Before accepting any written proposal, the Board shall call for oral bids in accordance with law. The Board may reject any and all bids, either written or oral, and withdraw the properties from sale when the Board determines that rejection is for the best public interest. (Education Code 17472, 17473)

**SALE, LEASE, RENTAL OF DISTRICT-OWNED REAL PROPERTY** (continued)

Of the proposals submitted by responsible bidders which conform to all terms and conditions specified in the resolution of intention to sell or lease, the Board shall finally accept the highest bid, after deducting commission, if any, to be paid to a licensed real estate broker, unless the Board accepts a higher oral bid or rejects all bids. (Education Code 17472)

The final acceptance of the bid may be made either at the same meeting specified in the resolution or at any adjourned meeting of the same meeting held within 10 days. Upon acceptance of the bid, the Board may adopt a resolution of acceptance that directs the Board president, or any other Board member, to execute the deed or lease and to deliver the document upon performance and compliance by the successful bidder of all of the terms and conditions of the contract. (Education Code 17472-17478)

*(cf. 1431 - Waivers)*

*(cf. 9320 - Meetings and Notices)*

The Superintendent or designee shall ensure that proceeds from the sale or lease with an option to purchase of district surplus property are used in accordance with law.

*Legal Reference: (see next page)*

**SALE, LEASE, RENTAL OF DISTRICT-OWNED REAL PROPERTY (continued)**

*Legal Reference:*

EDUCATION CODE

8469.5 *Use of school facilities or grounds for school age child care*  
17219 *Acquisition of property not utilized as school site; nonuse payments; exemptions*  
17230-17234 *Surplus property*  
17385 *Conveyances to and from school districts*  
17387-17391 *Advisory committees for use of excess school facilities*  
17400-17429 *Leasing property*  
17430-17447 *Leasing facilities*  
17453 *Lease of surplus district property*  
17455-17484 *Sale or lease of real property*  
17485-17500 *Surplus school playground (Naylor Act)*  
17515-17526 *Joint occupancy*  
17527-17535 *Joint use of district facilities*  
33050 *Request for waiver*  
38130-38139 *Civic Center Act*

GOVERNMENT CODE

54220-54232 *Surplus land*  
54222 *Offer to sell or lease property*  
54950-54963 *Brown Act, especially:*  
54952 *Legislative body, definition*

PUBLIC RESOURCES CODE

21000-21177 *California Environmental Quality Act*

COURT DECISIONS

*San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District, (2006) 139 Cal.App.4<sup>th</sup> 1356*

*Management Resources:*

OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS

*Unused Site Program Handbook, October 2004*

WEB SITES

*Coalition for Adequate School Housing: <http://www.cashnet.org>*  
*Office of Public School Construction: <http://www.dgs.ca.gov/opsc>*



**GIFTS, GRANTS AND BEQUESTS**

The Board of Education may accept any bequest or gift of money or property on behalf of the district. While greatly appreciating suitable donations, the 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 Board shall consider whether the gift:

1. Has a purpose consistent with the district's vision and philosophy
2. Begins a program which the 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 Board shall carefully evaluate any conditions or restrictions imposed by the donor in light of district philosophy and operations. If the 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

Policy  
adopted: May 7, 2008

**PAJARO VALLEY UNIFIED SCHOOL DISTRICT**  
Watsonville, California

**EXPENDITURES AND PURCHASES**

The Governing Board recognizes its fiduciary responsibility to oversee the prudent expenditure of district funds. In order to best serve district interests, the Superintendent or designee shall develop and maintain effective purchasing procedures that are consistent with sound financial controls and that ensure the district receives maximum value for items purchased. He/she shall ensure that records of expenditures and purchases are maintained in accordance with law.

- (cf. 3000 - Concepts and Roles)*
- (cf. 3100 - Budget)*
- (cf. 3350 - Travel Expenses)*
- (cf. 3400 - Management of District Assets/Accounts)*
- (cf. 3460 - Financial Reports and Accountability)*
- (cf. 9270 - Conflict of Interest)*

**Expending Authority**

The Superintendent or designee may purchase supplies, materials, apparatus, equipment, and services up to the amounts specified in Public Contract Code 20111, beyond which a competitive bidding process is required. The Board shall not recognize obligations incurred contrary to Board policy and administrative regulations.

- (cf. 3311 - Bids)*
- (cf. 3312 - Contracts)*

The Board shall review all transactions entered into by the Superintendent or designee on behalf of the Board every 60 days. (Education Code 17605)

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 Board.

- (cf. 3110 - Transfer of Funds)*

District funds shall not be expended for the purchase of alcoholic beverages. (Education Code 32435)

**Purchasing Procedures**

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. When price, fitness, and quality are equal, recycled products shall be preferred when procuring materials for use in district schools and buildings.

## **EXPENDITURES AND PURCHASES (continued)**

*(cf. 3314.2 - Revolving Funds)*

*(cf. 3440 - Inventories)*

*(cf. 3511.1 - Integrated Waste Management)*

All purchases shall be made by formal contract or purchase order or shall be accompanied by a receipt. In order to eliminate the processing of numerous small purchase orders, the Superintendent or designee may create a "blanket" or "open" purchase order system for the purchase of minor items as needed from a vendor. He/she shall ensure that the "open" purchase order system details a maximum purchase amount, the types of items that can be purchased under this order, the individuals authorized to approve purchases, and the expiration date of the "open" order.

### *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*

*32370-32376 Recycling paper*

*[32435](#) Prohibited use of public funds, alcoholic beverages*

*[35010](#) Control of district; prescription and enforcement of rules*

*[35035](#) Powers and duties of superintendent*

*35160 Authority of governing boards*

*35250 Duty to keep certain records and reports*

*[38083](#) Purchase of perishable foodstuffs and seasonal commodities*

*[41010](#) Accounting system*

*[41014](#) Requirement of budgetary accounting*

#### GOVERNMENT CODE

*4330-4334 California made materials*

#### PUBLIC CONTRACT CODE

*3410 U.S. produce and processed foods*

*[20111](#) Contracts over \$50,000; contracts for construction; award to lowest responsible bidder*

### *Management Resources:*

#### CSBA PUBLICATIONS

*[Maximizing School Board Governance: Fiscal Accountability, 2006](#)*

#### WEB SITES

*CSBA, Financial Services: <http://www.csba.org/fs>*

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

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

**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 Board of Education may request that a contract be competitively bid if the Board determines that it is in the best interest of the district to do so.

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

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.

To assist the district in determining whether bidders are responsible, the Board may require prequalification procedures as allowed by law and specified in administrative regulation.

*(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  
12200 Definitions, recycled goods, materials and supplies  
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

ATTORNEY GENERAL OPINIONS

89 Ops.Cal.Atty.Gen. 1 (2006)

*Management Resources:*

WEB SITES

CSBA: [www.csba.org](http://www.csba.org)  
California Association of School Business Officials: [www.casbo.org](http://www.casbo.org)

**BIDS**

**Advertised Bids**

The district shall seek competitive bids through advertisement for contracts involving an expenditure of \$15,000 or more for a public project. (Public Contract Code 20111)

*Public project* means 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 annual bid threshold as determined by the California Department of Education for the following: (Public Contract Code 20111; Government Code 53060)

1. The purchase of equipment, materials or supplies to be furnished, sold, or leased to the district
2. Services, not including construction services, or special services and advice in 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 Board of Education requires, or else all bids shall be rejected. (Public Contract Code 20111)

The 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 Board may let this contract to other than the lowest bidder. (Education Code 39802)

**BIDS** (continued)

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)

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

**Instructions and Procedures for Advertised Bids**

The Superintendent or designee shall call for bids by advertising in a local newspaper of general circulation published in the district, or 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 district may also post the notice on the district's web site or other electronic portal and may accept a bid submitted electronically or on paper. 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 shall certify the minimum, if not exact, percentage of post consumer materials in products, materials, goods, or supplies offered or sold. (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 20107, 20111)
  - a. Cash
  - b. A cashier's check made payable to the district
  - c. A certified check made payable to the district
  - d. A bidder's bond executed by an admitted surety insurer and made payable to the district

**BIDS** (continued)

- The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event later than 60 days after the bid is awarded. (Public Contract Code 20111)
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 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, 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 total of the bid prices 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 or proposed subcontractors or suppliers from being revealed to the district before the ranking of all bidders from lowest to highest has been determined.
  6. Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4.
  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, Board policy, and administrative regulation.



**BIDS** (continued)

**Alternative Bid Procedures for Technological Supplies and Equipment**

Upon a finding by the Board that a particular procurement qualifies for the alternative procedure, the district may acquire computers, software, telecommunications equipment, microwave equipment, and other related electronic equipment and apparatus through competitive negotiation. This procedure shall not apply to contracts for construction or for the procurement of any product that is available in substantial quantities to the general public. (Public Contract Code 20118.2)

The competitive negotiation shall include, but not be limited to, the following requirements: (Public Contract Code 20118.1)

1. The Superintendent or designee shall prepare a request for proposals that shall be submitted to an adequate number of qualified sources, as determined by the district, to permit reasonable competition consistent with the nature and requirement of the procurement.
2. Notice of the request for proposals shall be published at least twice in a newspaper of general circulation, at least 10 days before the date for receipt of the proposals.
3. The district shall make every effort to generate the maximum feasible number of proposals from qualified sources and shall make a finding to that effect before proceeding to negotiate if only a single response to the request for proposals is received.
4. The request for proposals shall identify all significant evaluation factors, including price, and their relative importance.
5. The district shall provide reasonable procedures for the technical evaluation of the proposals received, the identification of qualified sources, and the selection for the award of the contract.
6. An award shall be made to the qualified bidder whose proposal meets the evaluation standards and will be most advantageous to the district with price and all other factors considered.
7. If an award is not made to the bidder whose proposal contains the lowest price, then the district shall make a finding setting forth the basis for the award.
8. The district, at its discretion, may reject all proposals and request new proposals.

**BIDS** (continued)

9. Provisions in any contract concerning utilization of small business enterprises, that are in accordance with the request for proposals, shall not be subject to negotiation with the successful proposer.

**Bids Not Required**

Upon a determination that it is in the best interest of the district, the 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. 3310 - Purchasing Procedures)*

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)

Perishable commodities, such as foodstuffs, needed in the operations of cafeterias may be purchased through bid or on the open market. (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 Board may, by unanimous vote and with the approval of the County Superintendent of Schools, contract for labor and materials or supplies without advertising for or inviting bids. (Public Contract Code 20113)

*(cf. 3517 - Facilities Inspection)*  
*(cf. 9323.2 - Actions by the Board)*

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

**Sole Sourcing**

Specifications for contracts for construction, alteration, or repair of school facilities may not limit bidding, either directly or indirectly, to any one specific concern. Specifications designating a particular brand name shall follow the description with the words "or equal" so that bidders may furnish any equal material, product, thing, or service. (Public Contract Code 3400)

**BIDS** (continued)

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

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 that issued the invitation for bid or request for proposals

**Protests by Bidders**

A bidder may protest a bid award if he/she believes that the award was inconsistent with Board policy, 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 the protest documents in a timely manner 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 working days. The Superintendent or designee may also 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 Board. The Superintendent or designee shall provide reasonable notice to the bidder of the time for Board consideration of the contract award. The Board's decision shall be final.

**CONTRACTS**

Whenever state law invests the Board of Education with the power to enter into contracts on behalf of the district, the Board may, by a majority vote, delegate this power 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 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)*

When required by law, contracts and subcontracts made by the district for public works or for goods or services shall contain a nondiscrimination clause prohibiting discrimination by contractors or subcontractors. The nondiscrimination clause shall contain a provision requiring contractors and subcontractors to give written notice of their obligations to labor organizations with which they have a collective bargaining or other agreement. (Government Code 12990)

*(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 Non-Nutritious Foods or Beverages**

Effective July 1, 2007, the district or a district school shall not enter into or renew a contract for the sale of foods that do not meet the nutritional standards specified in Education Code 49431 or 49431.2 unless the contract specifies that such sales will occur later than one-half hour after the end of the school day and/or off school premises. (Education Code 49431, 49431.2)

*(cf. 3554 - Other Food Sales)*

In accordance with the dates specified in law, the district or a district school shall not enter into or renew a contract for the sale of beverages that do not meet the nutritional standards in Education Code 49431.5, or Board Policy 5030, unless the contract specifies that such sales will occur later than one-half hour after the end of the school day and/or off school premises.

**CONTRACTS** (continued)

Before the district or a district school enters into or renews a contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages, or non-nutritious food as defined in law, the Board 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 the contract benefit public education. (Education Code 35182.5)

The Superintendent or designee shall develop the district's internal control procedures to protect the integrity of public funds. 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.

*(cf. 3100 - Budget)*

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

*(cf. 3460 - Financial Reports and Accountability)*

In addition, the contract may specify whether contractor logos are permitted on district facilities, including but not limited to scoreboards and other equipment. If such logos are permitted, the contractor shall present the equipment to the Board as a gift. The gift may be accepted by the Board in accordance with Board policy and administrative regulation.

*(cf. 3290 - Gifts, Grants and Bequest)*

To ensure that funds raised by the contract benefit district schools and students:

1. The Superintendent or designee may involve parents/guardians, students, staff, and interested community members to make recommendations regarding the contract, including recommendations as to how the funds will be spent in a manner that benefits public education.

*(cf. 1220 - Citizen Advisory Committees)*

4. The Superintendent or designee shall ensure that the contract does not limit the ability of student and parent organizations to plan and operate fund-raising activities.

*(cf. 1230 - School-Connected Organizations)*

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

## **CONTRACTS (continued)**

The contract shall be entered into on a competitive bid basis pursuant to Public Contract Code 20111 or through the issuance of a Request for Proposal. (Education Code 35182.5)

*(cf. 3311 - Bids)*

The Board shall not enter into or renew a contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages, or non-nutritious food until parents/guardians, students, and members of the public have had an opportunity to comment on the contract at a public hearing held during a regularly scheduled board meeting or as otherwise authorized by Education Code 35182.5. The Board shall clearly, and in a manner recognizable to the general public, identify in the agenda the contract to be discussed at the meeting. (Education Code 35182.5)

*(cf. 9322 - Agendas/Meeting Materials)*

*(cf. 9323 - Meeting Conduct)*

The public hearing shall include but not be limited to a discussion of the nutritional value of food and beverages sold within the district; the availability of fresh fruit, vegetables, and grains in school meals and snacks, including locally grown and organic produce; the amount of fat, sugar, and additives in the food and beverages discussed; and barriers to student participation in school breakfast and lunch programs. (Education 35182.5)

*(cf. 5030 - Student Wellness)*

The contract shall be accessible to the public and may not include a confidentiality clause that would prevent the district or a district school from making any part of the contract public. (Education Code 35182.5)

*(cf. 1340 - Access to District Records)*

### **Contracts for Electronic Products or Services**

The Board shall not enter into a contract for electronic products or services that requires the dissemination of advertising to students, unless the Board: (Education Code 35182.5)

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

*(cf. 9320 - Meetings and Notices)*

2. Makes 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)*

**CONTRACTS (continued)**

3. Makes 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. As part of the district's normal, ongoing communication to parents/guardians, provides written notice that the advertising will be used in the classroom or other learning center.

*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

49431-49431.5 Nutritional standards

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

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:*

CSBA PUBLICATIONS

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2005

WEB SITES

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

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

**EDUCATIONAL TRAVEL PROGRAM CONTRACTS**

The Board of Education 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 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

**EDUCATIONAL TRAVEL PROGRAM CONTRACTS (continued)**

- 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
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 recognizes the importance of developing a system of internal control procedures in order to help fulfill its obligation to monitor and safeguard district resources. To facilitate warrant processing, the Superintendent or designee shall ensure that purchasing, receiving, and payment functions are kept separate. He/she shall also ensure that invoices are paid expeditiously so that the district may, to the extent possible, take advantage of available discounts and avoid finance charges.

*(cf. 3300 - Expenditures and Purchases)*

*(cf. 3312 - Contracts)*

*(cf. 3314.2 - Revolving Funds)*

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

*(cf. 9320 - Meetings and Notices)*

The Superintendent or designee shall sign all warrants and shall ensure that warrants have appropriate documentary support verifying that all goods and services to be paid for have been delivered or rendered in accordance with the purchase agreement.

The Board shall approve all warrants at a regularly scheduled Board meeting.

*(cf. 9320 - Meetings and Notices)*

The district shall not be responsible for unauthorized purchases.

*Legal Reference: (see next page)*

**PAYMENT FOR GOODS AND SERVICES (continued)**

*Legal Reference:*

EDUCATION CODE

17605 Delegation of authority for purchases  
42630-42651 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

16.5 Digital signatures  
5500-5506 Uniform Facsimile Signatures of Public Officials Act  
8111.2 Definition of public entity

PUBLIC CONTRACT CODE

7107 Retention proceeds; withholding; disbursement  
9203 Payment for projects costing over \$5000  
20104.50 Timely progress payments

CODE OF REGULATIONS, TITLE 2

22000-22005 Digital signatures

*Management Resources:*

CSBA PUBLICATIONS

Maximizing School Board Governance: Understanding California's Public School Finance System, 2006

Maximizing School Board Governance: Budget Planning and Adoption, 2006

Maximizing School Board Governance: Understanding District Budgets, 2006

Maximizing School Board Governance: Fiscal Accountability, 2006

School Finance CD-ROM, 2005

WEB SITES

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

California Secretary of State, digital signatures: <http://www.sos.ca.gov/digsig/digsig.htm>

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

**PAYMENT FOR GOODS AND SERVICES**

**Payments to Contractors**

The district shall make payment on any contract for the creation, construction, alteration, repair, or improvement of any public structure, building, or other improvement of any kind which costs over \$5,000 based on estimates of actual work completed that have been approved by the Governing Board. The district shall not make progress payments in excess of 95 percent of the actual work completed and may include 95 percent of the value of material delivered or stored but as yet unused. The district shall withhold at least five percent of the contract price until the final completion and acceptance of the project.

The Superintendent or designee shall ensure that requests for progress payments related to contracts for public works 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)

*(cf. 3312 - Contracts)*

Retention proceeds withheld by the district from payments to contractors for public works contracts 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 percent of the disputed amount. (Public Contract Code 7107)

**REVOLVING FUNDS**

**District Revolving Fund**

The Board of Education 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 Board, including supplemental payments required to correct any payroll errors. (Education Code 42800-42806, 45167)

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

The funds shall be deposited in a bank doing business locally, whose deposits are insured by FDIC. The Superintendent or designee shall be responsible for all payments into the account as well as expenditures from the account subject to the restrictions established by the Board.

The Board shall review and revise fund usage as appropriate.

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

**Additional Revolving Funds**

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 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 Board.

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

*(cf. 3530 - Risk Management/Insurance)*

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

*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

**RELATIONS WITH VENDORS**

No district employee or Board of Education 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 shall be presented to and acted upon in accordance with Board policy and administrative regulation.

Compliance with this policy and accompanying administrative regulation 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 district policies and procedures and the claims procedures set forth in the Government Code.

The Board of Education delegates to the Superintendent or designee the authority to allow, compromise or settle claims of \$50,000 or less. (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.

**Roster of Public Agencies**

The Superintendent or designee shall file the information required for the Roster of Public Agencies with the Secretary of State and the County Clerk. Any changes to such information shall be filed within 10 days after the change in facts. (Government Code 53051)

This information shall include the name of the school district, the mailing address of the Board, and the names and addresses of the Board presiding officer, the Board clerk or secretary and other members of the Board. (Government Code 53051)

*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*

PENAL CODE

72 *Fraudulent claims*

COURT DECISIONS

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



**CLAIMS AND ACTIONS AGAINST THE DISTRICT**

**Time Limitations**

The following time limitations apply to claims against the district:

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 Board of Education not later than six months after the accrual of the cause of action. (Government Code 905, 911.2)
2. 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)
3. Claims for money or damages as authorized in Government Code 905 and not included in item #1 above, including claims for damages to real property, shall be filed not later than one year after the accrual of the cause of action. (Government Code 905, 911.2)

**Late Claims**

Any person presenting a claim under item #1 or #2 above later than six months after the accrual of the cause of action shall present, along with the claim, an application to file a late claim. Such claim and application to file a late claim shall be filed not later than one year after the accrual of the cause of action. (Government Code 911.4)

If a claim under item #1 or #2 is filed late and is not accompanied by an application to file a late claim, the Board or Superintendent shall, within 45 days, give written notice that the claim was not filed timely and that it is being returned without further action.

The Board or Superintendent shall grant or deny the application to file a late claim within 45 days after it is presented. This 45-day period may be extended by written agreement of the claimant and the Board or Superintendent provided that such agreement is made before the expiration of the 45-day period. (Government Code 911.6)

The Board or Superintendent shall grant the application to file a late claim under any one of the following circumstances: (Government Code 911.6)

1. The failure to present the claim was through mistake, inadvertence, surprise or excusable neglect and the district was not prejudiced in its defense of the claim by the failure to present the claim within the time limit.
2. The person who sustained the alleged injury, damage or loss was a minor during all of the time specified for presentation of the claim.

**CLAIMS AND ACTIONS AGAINST THE DISTRICT** (continued)

3. The person who sustained the alleged injury, damage or loss was physically or mentally incapacitated during all of the time specified for presentation of the claim and the disability was the reason he/she failed to present the claim.
4. The person who sustained the alleged injury, damage or loss died before the expiration of the time specified for the presentation of the claim.

If the application to present a late claim is denied, the claimant shall be given notice in the form set forth in Government Code 911.3. (Government Code 911.3)

If the Board or Superintendent does not take action on the application to file a late claim within 45 days, the application 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. (Government Code 911.6)

**Delivery and Form of Claim**

A claim, any amendment thereto, or an application to present a late claim shall be deemed presented and received when delivered to the office of the Superintendent 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 shall be submitted on the district claim form. The Board or Superintendent may return a claim not using the district's claim form and the claim may be resubmitted using the district's form. (Government Code 910.4)

**Notice of Claim Insufficiency**

The Superintendent shall review all claims for sufficiency of information.

If the claim is found insufficient or found not to satisfy the form requirements under Government Code 910.4, the Board or Superintendent may, within 20 days of receipt of the claim, either personally deliver or mail to the claimant, at the address stated in the claim or application, a notice stating with particularity the defects or omission in the claim. (Government Code 910.8, 915.4)

The Superintendent or Board shall not act upon the claim until at least 15 days after such notice is given. (Government Code 910.8)

**CLAIMS AND ACTIONS AGAINST THE DISTRICT** (continued)

**Amendments to Claim**

Claims may be amended within the time limits provided under the section entitled "Time Limitations" above or prior to final action by the Board, whichever is later, if the claim, as amended, relates to the same transaction or occurrence which gave rise to the original claim. (Government Code 910.6)

**Action on Claim**

Within 45 days after the presentation or amendment of a claim, the Board shall take action on the claim. This time limit may be extended by written agreement before the expiration of the 45-day period. If the 45-day period has expired, the time limit may be extended if legal action has not been commenced or barred by legal limitations. (Government Code 912.4)

The Board may act on the claim in one of the following ways: (Government Code 912.6)

1. If the Board finds that the claim is not a proper charge against the district, the claim shall be rejected.
2. If the Board finds that the claim is a proper charge against the district and is for an amount justly due, the claim shall be allowed.
3. If the Board finds that the claim is a proper charge against the district but is for an amount greater than is justly due, the Board shall either reject the claim or allow it in the amount justly due and reject it as to the balance.
4. If legal liability of the district or the amount justly due is disputed, the Board may reject or compromise the claim.

If the Board allows the claim in whole or in part or compromises the claim and the claimant accepts the amount allowed or offered to settle the claim, the Board may require the claimant to accept it in settlement of the entire claim. (Government Code 912.6)

The Superintendent or designee shall transmit to the claimant written notice of action taken or inaction which is deemed rejection. The notice shall be in the form set forth in Government Code 913 and shall either be personally delivered or mailed to the address stated in the claim or application. (Government Code 913, 915.4)

**TRAVEL EXPENSES**

The Governing Board recognizes that district employees may incur expenses in the course of performing their assigned duties and responsibilities. To ensure the prudent use of public funds, the Superintendent or designee shall establish rules to keep such expenses to a minimum while affording employees a reasonable level of safety and convenience.

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

The Board shall authorize payment for actual and necessary travel expenses incurred by any employee performing authorized services for the district, whether within or outside district boundaries. (Education Code 44032)

The Superintendent or designee shall establish procedures for the approval of travel requests and the submission and verification of expense claims. He/she also shall establish reimbursement rates in accordance with law and Board policy.

An employee shall obtain approval from the Superintendent or designee prior to traveling. The Superintendent or designee may approve travel requests in accordance with the adopted budget and upon determining that the travel is authorized or assigned by the employee's supervisor, is necessary to attend a conference or other staff development opportunity that will enhance employee performance, and/or is otherwise necessary to the performance of the employee's duties. Travel expenses not previously budgeted may be approved on a case-by-case basis by the Superintendent or designee if he/she determines that the travel is essential and that resources may be obtained or redirected for this purpose.

*(cf. 3100 - Budget)*

*(cf. 3110 - Transfer of Funds)*

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

All out-of-state travel for which reimbursement will be claimed shall be approved in advance by the Board or Superintendent.

Reimbursable travel expenses may include, but are not limited to, costs of transportation, parking fees, bridge or road tolls, lodging when district business reasonably requires an overnight stay in accordance with Internal Revenue Service Regulations, registration fees for seminars and conferences, telephone and other communication expenses incurred on district business, and other necessary incidental expenses.

The district shall not reimburse personal travel expenses including, but not limited to, tips or gratuities, alcohol, entertainment, laundry, expenses of any family member who is accompanying the employee on district-related business, personal use of an automobile, and personal losses or traffic violation fees incurred while on district business.

**TRAVEL EXPENSES** (continued)

Except as otherwise provided, reimbursement of travel expenses shall be based on actual expenses as documented by receipts.

Authorized employees shall be reimbursed for the use of their own private vehicles in the performance of assigned duties, on either a mileage or monthly basis as determined by the Superintendent or designee. (Education Code 44033)

The mileage allowance provided by the district for employees' use of their private vehicles shall be equal to the rate established by the Internal Revenue Service.

Vehicles should be shared whenever possible to minimize travel costs. No employee shall be entitled to reimbursement for automobile travel when he/she is transported free of charge or by another employee who is entitled to the expense reimbursement.

The Superintendent or designee shall establish a per diem allowance for meal costs incurred while traveling on district business based on the location and hours of travel. The per diem allowance shall not exceed the standard meal allowance for business-related travel prescribed for within the Internal Revenue Service Regulations.

All expense reimbursement claims shall be submitted on a district form, within 3 months following return from travel. The form shall be accompanied by receipts and any explanation necessary to document that the expenses meet district criteria for reimbursement.

The Superintendent or designee shall approve expense claims only upon verifying that all necessary documentation is provided and that all expenses are appropriate and related to district business. If an expense claim is disallowed due to lack of documentation or inappropriate expenses, the employee may be personally responsible for any improper costs incurred.

When necessary, the Superintendent or designee may approve a cash advance, not to exceed the estimated out-of-pocket reimbursable expenses, to an employee authorized to travel on district business. Within 3 months following return from travel, the employee shall submit a final accounting with all necessary supporting documentation. He/she shall refund to the district any amount of cash advance exceeding the actual approved reimbursable expenses. Any funds not accounted for will be added to the employees W2 in accordance with Internal Revenue Service Regulations and could result in the amount being reported to a credit collection agency.

*Legal Reference: (see next page)*

**TRAVEL EXPENSES (continued)**

*Legal Reference:*

EDUCATION CODE

42634 *Itemization of expenses*

44016 *Travel expense to employment interview*

44032 *Travel expenses*

44033 *Automobile allowance*

44802 *Student teacher's travel expense*

*Management Resources:*

INTERNAL REVENUE SERVICE PUBLICATIONS

*Per Diem Rates (For Travel Within the Continental United States), Publication 1542*

WEB SITES

*Internal Revenue Service: <http://www.irs.gov>*

*U.S. General Services Administration, Per Diem Rates: <http://www.gsa.gov/perdiem>*

**TRAVEL AND JOB RELATED EXPENSES**

The district is required by law to comply with the requirements of the Internal Revenue Service, Employment Development Department, Education Code and other regulatory agencies along with our own Pajaro Valley Unified District Board Policy. The district is audited for compliance on an annual basis. The purpose of this AR is to document regulations and procedures for travel and job related expenses to ensure compliance. (Education Code 42100)

The Business Division Accounting Department shall be responsible for putting processes and procedures in place to ensure the district is in compliance.

**ACCOUNTING CONTROLS**

The Accounting office will establish appropriate controls and procedures in order to comply with all laws, regulations, and policies. This includes but is not limited to:

- Creating uniform forms for requests and claims.
- Maintaining a proper accounting system.
- Developing internal controls.
- Auditing for compliance.
- Researching discrepancies

**PROCESS AND PROCEDURE**

The following procedures are in line with all regulatory agencies and district board policy.

1. Authorization

- 1.1 Any expense incurred on behalf of Pajaro Valley Unified School District must be preauthorized by the appropriate administrator.
- 1.2 Authorization is considered granted when a designated district authorization form is filled out and signed by the requestors' immediate supervisor and/or a Cabinet member or designee. All out of state travel must be signed at Cabinet level.
- 1.3 Travel may not begin until authorization is granted.
- 1.4 The district authorization form must be completed regardless of amount or duration and shall include:
  - For Travel
    1. Purpose or justification. How this will benefit the district.
    2. Date(s) of travel away from regular duties
    3. Destination

**TRAVEL AND JOB RELATED EXPENSES (continued)**

4. Itemized listing of anticipated expenses with estimated costs
5. Account where funds are budgeted

- For Job Related Expenses
  1. Purpose or justification. Why is this necessary?

- 1.5 If requesting an advance in accordance with BP3350, this request must be stated on the authorization form and cannot exceed 75% of the estimated total cost and must be requested at least 30 days prior to the expenditure. Additional advances will not be issued with previous advances outstanding.
- 1.6 If authorization is granted, the form will go back to the requestor prior to date the expense is needed and a copy must accompany all related purchase requisitions and reimbursement requests.
- 1.7 Governing Board and Cabinet members will adhere to all policies and procedures established within this regulation and the Superintendent must have authorization from a member of the Governing Board.

**2. General Purchase Requests Information**

- 2.1 In accordance with Education Code 44032 and District Board Policy 3350, all payments/reimbursements will be at the lowest rates available except in extenuating circumstances outlined in this regulation.
- 2.2 All purchase requests must be submitted on a district purchase requisition. Unless the expenditure is less than \$100.
- 2.3 Every attempt should be made to pay a vendor directly for travel costs such as conference registrations, hotel stays, rental car, airfare, etc. When a vendor does not accept our district purchase order, a purchase requisition should be submitted requesting a prepaid check to be issued against the purchase order. It is the responsibility of the requestor to submit documentation to the Accounting Department such as a receipt or packing list from the vendor for the expenditure.
- 2.4 When a vendor does not accept either a purchase order or district warrant, the requestor may contact the Purchasing or Accounting Department to inquire about using a district credit card if possible.
- 2.5 Personal reimbursements must be submitted on the Pajaro Valley Unified School District Reimbursement Claim form to the Accounting Department within 3 months of purchase. Signed by the claimant with all original supporting documents securely attached which includes but not limited to conference agenda, registration form showing dates, location, and amounts, original proof of payment.



**TRAVEL AND JOB RELATED EXPENSES (continued)**

If the reimbursement claim is more than \$100, the purchase order number must be indicated on the form. If a purchase order is not required, the claimants' immediate supervisor must sign the form. If the reimbursement claim exceeds the authorized estimated costs, the program administrator must sign the form.

Personal reimbursements should be the last resort.

Original itemized proof of payment (receipts) are required for personal reimbursement claims. There may be times when both the itemized bill and the credit card statement are required in order to satisfy the itemization and the proof of payment requirement.

- 2.6 Payments will be made up to the amount approved on the authorization form plus 10% not to exceed \$50.
- 2.7 Cash should not be used when making a district purchase. Cash is not a traceable form of payment. Cash will only be reimbursed for a purchase if the receipt has printed from the register "paid by cash" or "cash tendered".
- 2.8 All claims must be submitted within the fiscal year (July 1-June 30) of the expenditure in accordance with BP3350. End of fiscal year deadlines are put in place by the District to allow adequate time to submit end of June claims. These District deadlines must be strictly adhered to.

### 3. Allowable Expenses

- 3.1 **Conference Registration** must be accompanied by the conference agenda or itinerary. It must state when, where, cost, and attendees. Individual membership will only be paid if the cost is the same for a nonmember as a member registration plus membership.

- 3.2 **Accommodations** will be allowable if the following criteria are met in accordance with GSA/IRS guidelines:

Destination is more than 60 miles away from requestors normal work location.

- The requestor may stay the night before the conference if the conference meets the first criteria and start time plus travel time is earlier than 8:00am.
- The requestor may stay the night after the conference if the conference meets the first criteria and the conference end time plus travel time places them back to their normal work location after 7:00pm.

Lowest rate will be used unless sharing a room with another district representative for the same conference.

**TRAVEL AND JOB RELATED EXPENSES (continued)**

If requesting a prepaid check to the hotel, all hotel prepay requirements must be listed on the purchase request and an itemized hotel reservation printout must be attached to the prepayment request.

If requesting a reimbursement, the original itemized closed folio with the requestors' name on it must be turned into Accounting with the reimbursement request.

**3.3**

**Transportation and Parking** costs will be reimbursed based on the GSA guidelines in accordance with BP3350.

Mileage will be paid for approved business use of a personal vehicle at the IRS rate per mile or the cost of the lowest air fare plus lowest estimated shuttle/transfer, whichever is less.

Mileage will be calculated to/from the work site. Unless the actual departure is from the residence and the distance is less. Under no circumstances will mileage be allowed between residence and work location.

All employees will be reimbursed based on the most economical mode of transportation in accordance with Education Code 44032 including but not limited to car rental, airfare, taxi or shuttle, and parking.

Hotel shuttle and self-parking options must be used where offered and will be reimbursed at those rates with original itemized receipts.

**3.4**

**Meals** are eligible for reimbursement based on either a per diem or actual rate with set limits. The rates are to be set each fiscal year in accordance with IRS rates for Santa Cruz County and will be in effect for the entire fiscal year (July 1-June30).

Meals are only eligible if the approved business travel extends beyond the District boundaries and involves an overnight stay. (The only exception is if the meal is provided and must be consumed at the meeting place per IRS regulations. In most cases, this meal is included in the cost of the registration and cannot be claimed on a per diem basis.)

Eligible meal allowances are determined as follows:

- Breakfast - travel commences prior to 7am or returns after 9:30am
- Lunch – travel commences prior to 11:30am or returns after 2pm
- Dinner – travel commences prior to 5:30pm or returns after 7pm

**TRAVEL AND JOB RELATED EXPENSES (continued)**

If a meal is offered by a conference/event and the employee elects to purchase a separate meal, the District will not reimburse for this meal without a written physician note stating medical necessity.

Employees may not claim per diems for other employees.

## 3.5

**Other Travel Related Expenses** are allowable as long as the expense serves a public purpose, was necessary for travel, and was preauthorized. Examples of allowable expenses are: reasonable technology communications, bridge tolls, one baggage fee if none were free, etc.

Personal travel expenses such as tips, gratuities, entertainment, laundry, traffic violations, and personal property loss are not reimbursable.

3.6 **Other Job Related Expenses** are allowable as long as the expense serves a public purpose, was preauthorized, and fits within the guidelines set forth in Education Code, Penal Code, IRS, and all other pertinent regulatory agencies including this District Administrative Regulation.

3.7 **Violations.** If there are any infractions of this regulation and the laws/policies it represents, no reimbursement of expenses will be permitted.

If an advance was issued and not accounted for within the 3 month period allowed, in accordance with BP3350, the funds will be reported to the IRS on the employees W2 in accordance with IRS regulations and could result in the amount being reported to a credit collection agency.

**MANAGEMENT OF DISTRICT ASSETS/ACCOUNTS**

The Governing Board recognizes its fiduciary responsibility to effectively manage and safeguard the district's assets and resources in order to help achieve the district's goals for student learning. The Superintendent or designee shall establish and maintain an accurate, efficient financial management system that enhances the district's ability to meet its fiscal obligations, produces reliable financial reports, and complies with laws, regulations, policies, and procedures. He/she shall ensure that the district's accounting system provides ongoing internal controls and meets generally accepted accounting standards.

*(cf. 3000 - Concepts and Roles)*

*(cf. 3100 - Budget)*

*(cf. 3300 - Expenditures and Purchases)*

*(cf. 3312 - Contracts)*

*(cf. 3314 - Payment for Goods and Services)*

*(cf. 3460 - Financial Reports and Accountability)*

**Capital Assets**

The Superintendent or designee shall develop a system to accurately identify and value 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 \$25,000 or more shall be considered capital assets. 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.

*(cf. 3440 - Inventories)*

**Internal Controls/Fraud Prevention**

The Board expects Board members, employees, consultants, vendors, contractors, and other parties maintaining a business relationship with the district to act with integrity and due diligence in dealings involving the district's assets and fiscal resources.

The Superintendent or designee shall develop internal controls which aid in the prevention and detection of fraud, financial impropriety, or irregularity within the district. These internal controls may include, but are not limited to, segregating employee duties relating to authorization, custody of assets, and recording or reporting of transactions; providing detailed, written job descriptions explaining the segregation of functions; adopting an integrated financial system; conducting background checks on business office employees; and requiring continuous in-service training for business office staff on the importance of fraud prevention.

All employees shall be alert for any indication of fraud, financial impropriety, or irregularity within their area of responsibility. Any employee who suspects fraud, impropriety, or

**MANAGEMENT OF DISTRICT ASSETS/ACCOUNTS (continued)**

irregularity shall immediately report those suspicions to his/her immediate supervisor and/or the Superintendent or designee.

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

The Superintendent or designee shall have primary responsibility for any necessary investigations of suspected fraud, impropriety, or irregularity, in coordination with legal counsel, the district's auditors, law enforcement agencies, or other governmental entities, as appropriate.

*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*

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:*

CSBA PUBLICATIONS

Maximizing School Board Governance: Budget Planning and Adoption, 2006

Maximizing School Board Governance: Fiscal Accountability, 2006

School Finance CD-ROM, 2005

GOVERNMENTAL ACCOUNTING STANDARDS BOARD

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>

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

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

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

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

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

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

**INVESTING**

All or part of the special reserve fund of the district, or any surplus monies not required for the immediate necessities of the district, may be invested as allowed by law for public funds. (Education Code 41015; Government Code 16430, 53601-53609, 53635)

The Board of Education authorizes the district's chief fiscal officer to invest and reinvest such funds on behalf of the district. He/she shall make monthly reports of those transactions to the Board. The Board retains the right to revoke this authority at any time.

The Board recognizes that the district's chief fiscal officer has fiduciary responsibility for any funds invested outside the county treasury and is subject to prudent investor standards for investment decisions. As such, he/she shall act with care, skill, prudence and diligence under the prevailing circumstances, including but not limited to the general economic conditions and the anticipated needs of the district. The investment objectives shall be to first safeguard the principal of the funds, then to meet the district's liquidity needs and, third, to achieve a return on the funds. (Government Code 53600.3, 53600.5)

*(cf. 9270 - Conflict of Interest)*

In order to enhance investment return, the district's goal shall be to generate an investment yield that attains or exceeds a market-average rate of return through economic cycles.

The 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 committee established for the purpose of overseeing county investments. In addition, the Superintendent or designee shall keep the Board informed about county policies that guide the investment of these funds.

The Board may establish an investment oversight committee to monitor the district's investments and make recommendations to the chief fiscal officer and the Board regarding investment policies.

*(cf. 1220 - Citizen Advisory Committees)*

*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 money*  
17581.5 *Mandates contingent upon state funding*  
27000.3 *Fiduciary for deposits in county treasury*  
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*

*Management Resources:*

CSBA PUBLICATIONS

*Maximizing School Board Governance: Fiscal Accountability, 2005*

*School Finance CD-ROM, 2005*

CALIFORNIA DEBT AND INVESTMENT ADVISORY COMMISSION PUBLICATIONS

*Local Agency Investment Guidelines, 2002, rev. 2004*

WEB SITES

*California State Treasurer's Office, California Debt and Investment Advisory Commission:*

*<http://www.treasurer.ca.gov/cdiac>*



**INVENTORIES**

In order to provide for the proper 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 federal funds that have a useful life of more than one year with an acquisition cost per unit of \$5,000 or more (34 CFR 80.3)

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

*(cf. 3290 - Gifts, Grants and Bequests)*

*(cf. 3512 - Equipment)*

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

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

The following information must also be recorded for items acquired with federal funds: (34 CFR 80.32)

1. Source of the property (funding source)
2. Use and condition of property
3. Percentage of federal participation in the cost of the property

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

**INVENTORIES** (continued)

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 state and federal consolidated application funds*

16023 *Class 1 - Permanent records*

16035 *Historical inventory of equipment*

UNITED STATES CODE, TITLE 20

2301-2471 *Carl D. Perkins Vocational Education Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

80.1-80.52 *Uniform administration requirements for grants to state and local governments*

*Management Resources:*

OFFICE OF MANAGEMENT AND BUDGET

*Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments, May 17, 1995*

**STUDENT ACTIVITY FUNDS**

The Governing Board recognizes that student organizations can provide students with an opportunity to conduct worthwhile cocurricular activities beyond those provided by the district and can also help students learn about effective financial practices. To that end, student organizations may raise and spend funds to support activities that promote the general welfare, morale, and educational experiences of the student body.

*(cf. 3260 - Fees and Charges)*

*(cf. 5000 - Concepts and Roles)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6145.5 - Student Organizations and Equal Access)*

**Fund-Raising Events**

Each principal or designee shall submit to the Superintendent or designee the fund-raising events that each student organization proposes to hold that year. The Superintendent or designee shall review the proposed events and determine whether the events contribute to the educational experience and are not in conflict with or detract from the school's educational program. When reviewing proposed events, the Superintendent or designee shall consider the effects of the activities on student health and safety, evaluate the risk of liability to the district, and ensure that the proposed activities are in compliance with law, Board policy, and administrative regulation.

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

*(cf. 3530 - Risk Management/Insurance)*

*(cf. 3554 - Other Food Sales)*

*(cf. 5030 - Student Wellness)*

*(cf. 5142 - Safety)*

*(cf. 5143 - Insurance)*

**Management of Funds**

Student body funds shall be managed in accordance with law and sound business procedures designed to encourage the largest possible educational return to students without sacrificing the security of funds.

The Superintendent or designee shall develop internal control procedures to safeguard the organization's assets, promote the success of fund-raising ventures, provide reliable financial information, and reduce the risk of fraud and abuse. These procedures shall detail the oversight of activities and funds including, but not limited to, the appropriate role and provision of training for staff and students, parameters for events on campus, appropriate and prohibited uses of funds, and accounting and record-keeping processes, including procedures for handling questionable expenditures.

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

**STUDENT ACTIVITY FUNDS** (continued)

The principal or designee shall be responsible for the proper conduct of all student organization financial activities. The budget adopted by the student body organization should serve as the financial plan for the school year and shall be submitted to the Superintendent or designee at the beginning of each school year. The Superintendent or designee shall periodically review the organization's use of funds to ensure compliance with the district's internal control procedures.

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

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

(cf. 3460 - *Financial Reports and Accountability*)

*Legal Reference:*EDUCATION CODE

35182.5 *Non-nutritious foods and beverages, vending machines*

35564 *Funds, obligation of the student body*

41020 *Requirement for annual audit*

48930-48938 *Student body organization*

49431 *Sale of food and beverages, elementary school*

49431.5 *Sale of food and beverages, middle and high schools*

51520 *School premise, prohibited solicitations*

51521 *Fund-raising projects*

CODE OF REGULATIONS, TITLE 5

15500 *Food sales, elementary schools*

15501 *Food sales, middle and junior high schools*

COURT DECISIONS

*Prince v. Jacoby, (2002) 303 F.3d 1074*

*Management Resources:*FISCAL CRISIS MANAGEMENT & ASSISTANCE TEAM PUBLICATIONS

Associated Student Body Accounting Manual & Desk Reference, 2005

WEB SITES

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

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

**FINANCIAL REPORTS AND ACCOUNTABILITY**

The Board of Education is committed to ensuring the fiscal health of the district and providing public accountability. The Board shall adopt sound fiscal policies, oversee the district's financial condition, and ensure that the financial systems support the district's goals for student achievement.

*(cf. 3100 - Budget)*

*(cf. 3110 - Transfer of Funds)*

*(cf. 3300 - Expenditures/Expending Authority)*

*(cf. 3430 - Investing)*

*(cf. 9000 - Role of the Board)*

The Superintendent or designee shall provide the Board with financial reports throughout the year in accordance with law and as otherwise requested by the Board.

The Superintendent or designee shall ensure that all financial reports are prepared in accordance with law and in conformity with generally accepted accounting principles and financial reporting standards stipulated by the Governmental Accounting Standards Board and the California Department of Education.

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

*(cf. 3440 - Inventories)*

The Board shall regularly communicate the district's financial position to the public and shall use financial reports to determine what actions and budget amendments, if any, are needed to ensure the district's financial stability.

If district conditions predict fiscal distress or indicate that the district might not be able to meet its fiscal obligations, the Board and Superintendent or designee shall act quickly to identify and resolve these conditions. The Board shall work cooperatively with the County Superintendent of Schools to improve the district's fiscal health and may contract with an external individual or organization to advise the district on fiscal matters.

*Legal Reference: (see next page)*

**FINANCIAL REPORTS AND ACCOUNTABILITY (continued)**

*Legal Reference:*

EDUCATION CODE

- 14500-14508 Financial and compliance audits*
- 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*
- 41326 Emergency apportionment*
- 41344 Repayment of apportionment significant audit exceptions*
- 41344.1 Appeals of audit findings*
- 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

- 15070 Submission of reports using standardized account code structure*
- 15453-15463 Criteria and standards for school district interim reports*

*Management Resources: (see next page)*

**FINANCIAL REPORTS AND ACCOUNTABILITY (continued)**

*Management Resources:*

CSBA PUBLICATIONS

*Maximizing School Board Governance: Fiscal Accountability, 2005*

CDE COMMUNICATIONS

*1208.00 Audit Resolution Process: Repayment Plans*

GOVERNMENTAL ACCOUNTING STANDARDS BOARD

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

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

U.S. GENERAL ACCOUNTING OFFICE AND PRESIDENT'S COUNCIL ON INTEGRITY AND EFFICIENCY (PCIE) PUBLICATIONS

*Financial Audit Manual, revised 2003*

STATE CONTROLLER PUBLICATIONS

*Standards and Procedures for Audits of California K-12 Local Educational Agencies (annual publication)*

WEB SITES

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

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

*California County Superintendents Educational Services Association: <http://www.ccsesa.org>*

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

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

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

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

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

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

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

**FINANCIAL REPORTS AND ACCOUNTABILITY**

**Interim Reports**

The Superintendent or designee shall submit two interim fiscal reports to the Board of Education, the first report covering the district's financial and budgetary status for the period ending October 31 and the second report covering the period ending January 31. The reports and supporting data shall also be made available by the district for public review. (Education Code 42130)

*(cf. 1340 - Access to District Records)*

Within 45 days after the close of the period reported, the Board shall assess the interim report on the basis of criteria adopted by the State Board of Education pursuant to Education Code 33127 and on current information regarding the adopted state budget, district property tax revenues if any, and ending balances for the preceding year. The Board shall approve the fiscal report and send it to the County Superintendent of Schools in a format or on forms prescribed by the Superintendent of Public Instruction. In addition, the Board shall submit its certification of the district's financial status based on current projections, in accordance with the following: (Education Code 42130, 42131; 5 CCR 15453-15463)

1. "Positive certification" indicating that the district will meet its financial obligations for the current fiscal year and two subsequent fiscal years
2. "Qualified certification" indicating that the district may not meet its financial obligations for the current fiscal year or two subsequent fiscal years
3. "Negative certification" indicating that the district will be unable to meet its financial obligations for the remainder of the fiscal year or the subsequent fiscal year

If the second interim report of the fiscal year is accompanied by a qualified or negative certification as determined by the Board or subsequently by the County Superintendent, the Superintendent or designee shall, no later than June 1, provide to the County Superintendent, the Controller, and the Superintendent of Public Instruction a financial statement that reports data for the period ending April 30 and projects the district's fund and cash balances as of June 30. (Education Code 42131)

Whenever the district has a qualified or negative certification, it shall allow the county office of education at least 10 working days to review and comment on any proposed agreement with exclusive representatives of employees. The district shall provide the County Superintendent with all information relevant to provide an understanding of the financial impact of any final collective bargaining agreement. (Government Code 3540.2)

*(cf. 4141/4241 - Collective Bargaining Agreement)*

*(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)*



## **FINANCIAL REPORTS AND ACCOUNTABILITY (continued)**

### **Annual Statement of Receipts and Expenditures**

On a form prescribed by the Superintendent of Public Instruction, the Superintendent or designee shall prepare a statement of all receipts and expenditures of the district for the preceding fiscal year. On or before September 15, the Board shall approve this statement and file it with the County Superintendent. (Education Code 42100)

### **Appropriations Limit Resolution**

The Board shall adopt a resolution by September 15 of each year to identify the estimated appropriations limit for the district for the current fiscal year and the actual appropriations limit of the district during the preceding year. Documentation used to identify these limits shall be made available to the public on the day of the Board meeting. (Education Code 42132)

### **Audit Report**

By April 1 of each year, the Board shall either provide for an audit of the district's books and accounts or make arrangements with the County Superintendent to provide for that audit. (Education Code 41020)

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

To conduct the audit, the Board shall select a certified public accountant, or public accountant licensed by the State Board of Accountancy, from among those deemed qualified by the State Controller. (Education Code 41020, 41020.5)

The Board shall not select any public accounting firm to provide audit services if the lead audit partner or coordinating audit partner having primary responsibility for the audit, or the audit partner responsible for reviewing the audit, has performed audit services for the district in each of the six previous fiscal years. (Education Code 41020)

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

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 and any other funds under the control or jurisdiction of the district, as well as an audit of student attendance procedures. (Education Code 41020)

**FINANCIAL REPORTS AND ACCOUNTABILITY (continued)**

*(cf. 3430 - Investing)*

*(cf. 3451 - Petty Cash Funds)*

*(cf. 3452 - Student Activity Funds)*

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

The district's audited financial reports shall include:

1. Management's discussion and analysis, which shall introduce the basic financial statements and provide an analytical overview of the district's financial activities, including:
  - a. An objective and easily readable analysis of the district's financial activities based on currently known facts, decisions, and conditions
  - b. Comparisons of the current year to the prior year
  - c. An analysis of the district's overall financial position, enabling a determination as to whether that position has improved or deteriorated as a result of the year's activities
  - d. An analysis of significant changes that occur in funds and significant budget variances
  - e. A description of capital asset and long-term debt activity during the year
  - f. A description of currently known facts, decisions, and conditions that are expected to have a significant effect on the district's financial position
2. Basic financial statements, including:
  - a. Districtwide financial statements, consisting of a statement of net assets and a statement of activities which report all of the assets, liabilities, revenues, expenses, and gains and losses of the district
  - b. Fund financial statements, consisting of a series of statements that focus on information about the district's major governmental and enterprise funds, including its blended component units
  - c. Notes to the financial statements that are essential to a user's understanding of the basic financial statements
3. Supplementary information required by the Governmental Standards Accounting Board, including but not limited to budgetary comparison schedules

## **FINANCIAL REPORTS AND ACCOUNTABILITY (continued)**

No later than December 15, the Superintendent or designee shall file the report of the audit for the preceding fiscal year with the County Superintendent, the California Department of Education, and the State Controller. (Education Code 41020)

By January 31 of each year, the Board shall review, at an open meeting, the annual district audit for the prior year, any audit exceptions identified in that audit, the recommendations or findings of any management letter issued by the auditor, and any description of correction or plans to correct any exceptions or any issue raised in a management letter. (Education Code 41020.3)

*(cf. 9322 - Agenda/Meeting Materials)*

### **Non-Voter-Approved Debt Report**

Whenever the Board approves the issuance of certificates of participation bonds, revenue bonds, or any agreement for financing school construction, the Superintendent or designee shall notify the County Superintendent 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. Within 15 days, the County Superintendent and county auditor may comment publicly to the Board regarding the district's capability to repay the debt. (Education Code 17150)

### **Accrued Benefits and Claims Report**

The Superintendent or designee shall plan for the implementation of the Governmental Accounting Standards Board Statement 45, including the procurement of a qualified actuary to determine the district's annual expense and liability for post-employment health and welfare benefits. In addition, the Superintendent or designee shall recommend actions to the Board to mitigate the financial impact to the district of any unfunded liabilities.

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

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

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 Board shall disclose, as a separate agenda item, whether or not it will reserve in the budget sufficient amounts to fund the present value of these claims or if it is otherwise decreasing the amount in its workers' compensation reserve fund. The Board shall annually certify to the County Superintendent the amount, if any, that it has decided to reserve in the budget for these costs. The Board shall submit to the County Superintendent any budget revisions that may be necessary to account for this budget reserve. (Education Code 42141)

**FINANCIAL REPORTS AND ACCOUNTABILITY (continued)**

**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 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
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

**ENERGY AND WATER CONSERVATION**

The Board of Education 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 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 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/>

**ENERGY AND WATER CONSERVATION**

The district's energy emergency action plan shall, at a minimum, address the following:

1. Procedures for student and staff safety during power outages
2. Methods to ensure administrative control of operations during power outages
3. Procedures to protect equipment that may be damaged by power outages, such as computers and pumps
4. Procedures to establish a clear, effective communications system with staff, students and parents/guardians
5. Guidelines for coordination with local fire, police and utility providers

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

The Superintendent or designees designates the following position as coordinator of the district's energy tracking, reporting, and conservation efforts:

Risk and Safety Manager and Director of Maintenance

District and school-site plans to conserve resources shall address energy and water use at each site, including plans for:

1. Reducing energy use during high-peak hours
2. Shutting down lights and equipment when facilities are not in use
3. Updating each site's preventative maintenance schedule for emergency lighting, generators, exit lighting, and other safety related equipment

The following operations shall also be reviewed in order to ensure that they further the district's energy and water conservation goals:

1. Educational programs
2. Classroom and building management and maintenance
3. Food services and equipment maintenance
4. Landscaping selection and irrigation
5. Transportation services and maintenance

**ENERGY AND WATER CONSERVATION (continued)**

6. New construction
7. Administrative operations
8. Use of facilities by outside groups

To enlist the support which is essential to achieving the district's energy and water conservation goals, the principal at each site shall:

1. Solicit input from staff, students, and parents/guardians related to district energy and water use
2. Develop strategies designed to ensure cooperation from students and staff in all conservation efforts
3. Recognize those who reduce energy and water use



**INTEGRATED WASTE MANAGEMENT**

The Board of Education believes that the conservation of water, energy and other natural resources as well as the protection of the environment are essential to the health and well-being of the community. The Superintendent or designee shall develop an integrated waste management program to reduce waste, conserve natural resources and protect the environment.

*(cf. 3511 - Energy and Water Conservation)*

*(cf. 3514 - Environmental Safety)*

*(cf. 3514.2 - Integrated Pest Management)*

The program shall include specific strategies designed to help the district reduce waste generation and improve efficiency in using natural resources in all areas of its operations.

The Superintendent or designee may collaborate with city, county and state agencies in developing and implementing the district's integrated waste management program.

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

*(cf. 7131 - Relations With Local Agencies)*

The Superintendent or designee shall make every effort to identify funding opportunities for the district's integrated waste management program including applying for available grants or other cost-reducing incentives.

The Superintendent or designee shall provide appropriate training opportunities to students and staff regarding the benefits and methods of conserving natural resources and protecting the environment.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

*(cf. 6142.5 - Environmental Education)*

*(cf. 6142.93 - Science Instruction)*

*Legal Reference: (see next page)*

## INTEGRATED WASTE MANAGEMENT (continued)

*Legal Reference:*

EDUCATION CODE

32370-32376 *Recycling paper*

33541 *Environmental education*

51226.4 *Environmental ambassador pilot program*

PUBLIC RESOURCES CODE

25410-25421 *Energy conservation assistance*

40050-40063 *Integrated waste management act*

41780 *Waste diversion*

42620-42622 *Source reduction and recycling programs*

42630-42647 *Schoolsite source reduction and recycling*

*Management Resources:*

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD PUBLICATIONS

*A District-wide Approach to Recycling- -A Guide for School Districts, Pub. # 500-94-009*

*Seeing Green through Waste Prevention - - A Guide for School Districts, Pub. # 500-94-010*

*Going Beyond Recycling, Buying Recycled - - A Guide for School Districts, Pub. # 322-95-001*

*Reusable School News*

WEB SITES

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

California Integrated Waste Management Board: <http://www.ciwmb.ca.gov>

California Division of State Architect: <http://www.dsa.ca.gov>

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

California Environmental Protection Agency: <http://www.calepa.ca.gov>

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

**INTEGRATED WASTE MANAGEMENT**

To ensure efficient utilization of natural and material resources, the Superintendent or designee shall work towards instituting the following measures and/or practices:

1. Reduce waste generation by reducing the consumption of disposable materials, composting of organic materials and fully utilizing all materials prior to disposal.
2. Recycle materials such as paper, glass, plastic and aluminum, and minimize the use of non-biodegradable products.
3. Prefer recycled and other environmentally preferable products when procuring materials for use in district schools and buildings or contracting for the construction or modernization of any district building.

*(cf. 3310 - Purchasing Procedures)*

*(cf. 3311 - Bids)*

*(cf. 3312 - Contracts)*

*(cf. 7110 - Facilities Master Plan)*

4. Work with vendors and contractors to use packaging and delivery materials that generate less waste.
5. Work with city, county or other government agencies to locate markets for the district's reusable and recyclable materials.

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

*(cf. 7131 - Relations With Local Agencies)*

**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. 3515.4 - Recovery for Property Loss or Damage)*
- (cf. 4040 - Employee Use of Technology)*
- (cf. 4118 - Suspension/Disciplinary Action)*
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)*
- (cf. 5144 - Discipline)*
- (cf. 6163.4 - Student Use of Technology)*

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, 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 principal 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 another site may be moved to the new location upon the approval of both principals.

**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)

**EQUIPMENT** (continued)

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:*

EDUCATION CODE

35160 Authority of governing boards

35168 Inventory of equipment

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

CODE OF FEDERAL REGULATIONS, TITLE 34

80.1-80.52 Uniform administration requirements for grants to state and local governments

UNITED STATES CODE, TITLE 20

6321 Fiscal requirements

**CELLULAR PHONE REIMBURSEMENT**

The Governing Board understands that cellular phones and other mobile communications devices are an efficient and important method of conducting district business and can help to ensure the safety and security of staff, students, and others, as well as helping to protect district property.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3515 - Campus Security)*  
*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*  
*(cf. 4040 - Employee Use of Technology)*  
*(cf. 5131 - Conduct)*

The Superintendent or designee shall determine, in accordance with administrative regulation, whether an employee needs a cell phone and/or other mobile communications device in order to perform his/her job responsibilities.

*(cf. 3542 - School Bus Drivers)*  
*(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)*

*Legal Reference:*

EDUCATION CODE

35213 Reimbursement for loss or damage of personal property

44032 Travel expense payment

48901.5 Electronic signaling devices

VEHICLE CODE

23123 Wireless telephones in vehicles

23125 Wireless telephones in school buses

CODE OF FEDERAL REGULATIONS, TITLE 26

1.132-5 Working conditions fringe benefit

*Management Resources:*

WEB SITES

Internal Revenue Service: <http://www.irs.gov>

**TOBACCO-FREE SCHOOLS**

The Board of Education 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 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 25 feet 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 nonvehicular sources

104350-104495 Tobacco use prevention, especially:

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 Nonsmoking policy for children's services

7111-7117 Safe and Drug Free Schools and Communities Act

PERB RULINGS

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

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

*Management Resources:*

WEB SITES

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

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

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

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

**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)

**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)*



**ENVIRONMENTAL SAFETY**

The Board of Education recognizes its obligation to provide a safe and healthy environment at school facilities for students, staff and community members. The Board shall identify and address potential risks to health and the environment and shall ensure that environmental resources are used in a responsible manner.

*(cf. 3513.3 - Tobacco-Free Schools)*

*(cf. 3514.1 - Hazardous Substances)*

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

*(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)*

*(cf. 4119.43/4219.43/4319.43 - Universal Precautions)*

*(cf. 4157/4257/4357 - Employee Safety)*

*(cf. 5142 - Safety)*

*(cf. 6161.3 - Toxic Art Supplies)*

*(cf. 7111 - Evaluating Existing Buildings)*

*(cf. 7150 - Site Selection and Development)*

The Superintendent or designee shall establish regulations to prevent and/or reduce environmental hazards in accordance with law and state guidelines. Strategies shall include but not necessarily be limited to:

1. Considering air quality in the siting and architectural design of new or remodeled facilities and in the selection of building materials and furnishings, and taking steps to reduce indoor air contaminants in maintenance operations
2. Ensuring the use of effective least toxic pest management practices at all district schools

*(cf. 3514.2 - Integrated Pest Management)*

3. Minimizing the exposure to lead in paint, soil or drinking water, especially in areas accessible to very young children
4. Inspecting and testing facilities for asbestos-containing materials and protecting persons during encapsulation and removal of any asbestos

The Superintendent or designee shall notify parents/guardians, as appropriate, if an environmental hazard is discovered at a school site. The notification shall detail the district's efforts to remedy the hazard.

*Legal Reference: (see next page)*

**ENVIRONMENTAL SAFETY (continued)**

*Legal Reference:*

EDUCATION CODE

17366 Legislative intent (fitness of buildings for occupancy)

17582 Deferred maintenance fund

17590 Asbestos abatement fund

17608-17613 Healthy Schools Act of 2000

32240-32245 Lead-Safe Schools Protection Act

48980.3 Notification of pesticides

49410-49410.7 Asbestos materials containment or removal

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

CODE OF REGULATIONS, TITLE 8

340-340.2 Employer's obligation to provide safety information

1532.1 Construction safety orders, lead standard

5142 Heating, ventilating and air conditioning systems; minimum ventilation

5143 Mechanical ventilating systems; inspection and maintenance

CODE OF REGULATIONS, TITLE 17

35001-35099 Accreditation in Lead Abatement Services

UNITED STATES CODE, TITLE 7

136-136y Insecticide, Fungicide and Rodenticide Act

UNITED STATES CODE, TITLE 15

2641-2656 Asbestos Hazard Emergency Response 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

DEPARTMENT OF HEALTH SERVICES ADVISORIES

Lead Hazards in California's Public Elementary Schools and Child Care Facilities: Report to the California State Legislature, April 1998

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 Health Services, Lead Poisoning Prevention Branch:

<http://www.dhs.ca.gov/childlead>

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

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

**ENVIRONMENTAL SAFETY**

**Air Quality**

The Superintendent or designee shall ensure that the following measures are taken in order to reduce indoor air contaminants:

1. Heating, ventilating and air conditioning systems shall be operated, inspected and maintained in accordance with 8 CCR 5142-5143. School buildings shall be inspected annually to ensure they have adequate ventilation systems, which are properly maintained so as to preclude the buildup of mold, mildew, and other air contaminants. Filters shall be changed frequently.
2. Indoor painting of school buildings shall be limited to those times when school is not in session.
3. Low-emission cleaning products shall be used whenever possible, and custodial duties that require polluting products shall be performed after classes are dismissed.
4. Paints, adhesives and solvents shall be used and stored in well-ventilated areas; these items shall be purchased in small quantities to avoid storage exposure.
5. Exterior wall and foundation cracks and openings shall be sealed as soon as possible, to control exposure to radon.
6. Water-damaged ceiling tiles, carpet, and other building materials shall be removed as soon as practicable.
7. Plain water or soap and water shall be used as cleaning agents; aerosols, including air fresheners, shall be avoided.
8. Pest control measures shall involve the use of integrated pest management (IPM) procedures.

*(cf. 3514.2 - Integrated Pest Management)*

**Lead Exposure Reduction**

The following steps shall be taken to minimize potential exposure to lead:

1. Painted surfaces shall be kept intact whenever possible. To minimize lead dust during maintenance operations, a tarp or plastic shall be placed under paint removal operations to collect old paint debris, paint shall be dampened before removing it with a scraper, nearby surfaces shall be cleaned with a wet mop or cloth after the job is completed, a High Efficiency Particulate Air (HEPA) attachment may be used on power sanders, and clean-up may be conducted with HEPA vacuums to remove lead dust. An open flame shall not be used to remove old paint.

**ENVIRONMENTAL SAFETY (continued)**

2. Soil with high lead content may be covered with grass, other plantings, concrete or asphalt. Children's access to bare soil shall be limited.
3. When drinking water is found to have unacceptable levels of lead, water outlets shall be flushed daily for at least 30 seconds prior to use. The Superintendent or designee also may reduce lead concentrations in the source water, install a corrosion control device at the school's point of entry, or provide bottled water as appropriate.
4. Lead exposure hazards shall be evaluated before any renovation or remodeling is begun, and children shall not be allowed in or near buildings in which these activities may create lead dust. Contractors and workers shall comply with state and federal standards related to the handling and disposal of lead debris and the clean-up and containment dust within the construction area.
5. The Superintendent or designee may provide parents/guardians and students with information about the prevention of lead poisoning.

*(cf. 5141.32 - Child Health and Disability Prevention Program)*

6. Remedial action to abate existing lead hazards shall be taken only by personnel qualified in accordance with law. (Education Code 32243)

**Asbestos Testing and Abatement**

Maintenance staff shall be trained in the location, identification, proper cleaning and ongoing maintenance of asbestos-containing materials and in the removal and decontamination of small amounts of such materials when needed to repair pipes or perform similar duties. Extensive asbestos abatement work shall be completed by state-certified asbestos abatement contractors in compliance with state and federal standards.

The district's complete, updated management plan for material containing asbestos in school buildings shall be available for inspection in district and school offices during normal business hours. Parent, teacher and employee organizations shall annually be informed of the availability of this plan. (40 CFR 763.93)

*(cf. 3580 - District Records)*

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

*(cf. 5145.6 - Parental Notifications)*

**Other Environmental Safety Precautions**

Principals or their designees shall enforce school rules designed to:

1. Prevent the accumulation of flammable, noxious or otherwise dangerous materials unless adequate safeguards are provided

**ENVIRONMENTAL SAFETY** (continued)

*(cf. 6161.3 - Toxic Art Supplies)*

2. Keep all school facilities free of debris
3. Keep walkways at all times open to pedestrian traffic and clear of obstructions

**HAZARDOUS SUBSTANCES**

The Board of Education 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 AGRICULTURAL 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 Agricultural 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.

**HAZARDOUS SUBSTANCES (continued)**

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.

**3. Employee Information and 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.



**HAZARDOUS SUBSTANCES (continued)**

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.

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**

**Definition**

*Integrated Pest Management (IPM)* means 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. Pesticides that pose the least possible hazard and are effective in a manner that minimizes risks to people, property, and the environment are used only after careful monitoring indicates they are needed according to pre-established guidelines and treatment thresholds. (Food and Agricultural Code 13181)

**Procedures**

The Superintendent or designee shall designate a staff person to develop, implement, and coordinate an IPM program that incorporates effective, least toxic pest management practices. The district's program shall include the following elements:

1. Carefully monitoring and identifying the pest population levels and identifying practices that could affect pest populations. 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. Setting action threshold levels to determine when pest populations or vegetation at a specific location might cause unacceptable health or economic hazard that would indicate corrective action should be taken.
3. Modifying or eliminating pest habitats to deter pest populations and minimize pest infestations.
4. Considering a full range of possible alternative treatments. Such alternative treatments may include taking no action or controlling the pest by physical, horticultural, or biological methods. Cost or staffing considerations alone will not be adequate justification for use of chemical control agents.
5. Selecting nonchemical pest management methods over chemical methods whenever such methods are effective in providing the desired control or, when it is determined that chemical methods must be used, giving preference to those chemicals that pose the least hazard to people and the environment.
6. Ensuring that persons applying pesticides follow label precautions and are trained in the principles and practices of IPM.

*(cf. 4231 - Staff Development)*

## **INTEGRATED PEST MANAGEMENT (continued)**

7. Limiting 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. They shall be stored and disposed of in accordance with state regulations and label directions registered with the U.S. Environmental Protection Agency (EPA) as well as any disposal requirements indicated on the product label.

*(cf. 3514.1 - Hazardous Substances)*

### **Prohibited Pesticides**

The IPM Coordinator shall not use a pesticide on a school site if that pesticide has been granted a conditional or interim registration or an experimental use permit by the California Department of Pesticide Regulation (DPR) or if the pesticide is subject to an experimental registration issued by the EPA and either of the following conditions exists: (Education Code 17610.1)

1. The pesticide contains a new active ingredient.
2. The pesticide is for new use.

In addition, the IPM Coordinator shall not use a pesticide on a school site if DPR cancels or suspends registration or requires that the pesticide be phased out from use. (Education Code 17610.1)

### **Notifications**

The IPM Coordinator 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 (<http://www.schoolipm.info>) used to access information on pesticides and pesticide use reduction developed by the DPR 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 IPM Coordinator shall notify such registered persons of individual pesticide applications at least 72 hours prior to the application. The notice shall include the product name, the active ingredient(s) in the product, and the intended date of application.

## **INTEGRATED PEST MANAGEMENT (continued)**

### **4. Other information deemed necessary by the Superintendent or IPM Coordinator.**

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

*(cf. 3517 - Facilities Inspection)*

*(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 a school site, the IPM Coordinator 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)

Whenever the IPM Coordinator deems that the immediate use of a pesticide is necessary to protect the health and safety of students, staff, or other persons at the school site, he/she shall make every effort to provide the required notifications prior to the application of the pesticide. (Education Code 17612)

*(cf. 3514 - Environmental Safety)*

### **Posting of Warning Signs**

The IPM Coordinator shall post a warning sign at each area of the school site where pesticides will be applied that shall be visible to all persons entering the treated area. The sign shall be posted at least 24 hours prior to the application and until 72 hours after the application. The warning sign shall display the following information: (Education Code 17612)

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

When advance posting is not possible due to an emergency condition requiring immediate use of a pesticide, the warning sign shall be posted immediately upon application and shall remain posted until 72 hours after the application. (Education Code 17609, 17612)

## INTEGRATED PEST MANAGEMENT (continued)

### 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 on that copy of the amount of the pesticide used. (Education Code 17611)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

#### Legal Reference:

##### EDUCATION CODE

17366 Legislative intent (fitness of buildings for occupancy)

17608-17613 Healthy Schools Act of 2000

48980 Notice at beginning of term

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

6250-6270 California Public Records Act

##### CODE OF REGULATIONS, TITLE 8

340-340.2 Employer's obligation to provide safety information

##### UNITED STATES CODE, TITLE 7

136-136y Insecticide, Fungicide and Rodenticide Act

#### Management Resources:

##### U.S. ENVIRONMENTAL PROTECTION AGENCY

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

##### WEB SITES

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

California Department of Pesticide Regulation, School IPM: <http://schoolipm.info>

U.S. Environmental Protection Agency, Integrated Pest Management at Schools:

<http://www.epa.gov/pesticides/ipm>

**CAMPUS SECURITY**

The Governing Board is committed to providing a school environment that promotes the safety of students, employees, and visitors to school grounds. The Board also recognizes the importance of protecting district property, facilities, and equipment from vandalism and theft.

The Superintendent or designee shall develop campus security procedures which are consistent with the goals and objectives of the district's comprehensive safety plan and site-level safety plans. Such procedures shall be regularly reviewed to reflect changed circumstances and to assess their effectiveness in achieving safe school objectives.

*(cf. 0450 - Comprehensive Safety Plan)*

**Surveillance Systems**

The Board believes that reasonable use of surveillance cameras will help the district achieve its goals for campus security. In consultation with relevant staff, the Superintendent or designee shall identify appropriate locations for the placement of surveillance cameras. Cameras shall not be placed in areas where students, staff, or community members have a reasonable expectation of privacy. Any audio capability on the district's surveillance equipment shall be disabled so that sounds are not recorded.

*(cf. 5131.1 - Bus Conduct)*

*(cf. 5145.12 - Search and Seizure)*

Prior to the operation of the surveillance system, the Superintendent or designee shall ensure that signs are posted at conspicuous locations at affected school buildings and grounds. These signs shall inform students, staff, and visitors that surveillance may occur and shall state whether the district's system is actively monitored by school personnel. The Superintendent or designee shall also provide prior written notice to students and parents/guardians about the district's surveillance system, including the locations where surveillance may occur, explaining that the recordings may be used in disciplinary proceedings, and that matters captured by the camera may be referred to local law enforcement, as appropriate.

*(cf. 5144 - Discipline)*

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

To the extent that any images from the district's surveillance system create a student or personnel record, the Superintendent or designee shall ensure that the images are accessed, retained, and disclosed in accordance with law, Board policy, administrative regulation, and any applicable collective bargaining agreements.

*(cf. 4112.6/4212.6/4312.6 - Personnel Records)*

*(cf. 5125 - Student Records)*

*(cf. 5125.1 - Release of Directory Information)*

**CAMPUS SECURITY (continued)**

*Legal Reference:*

EDUCATION CODE

32020 Access gates

32211 Threatened disruption or interference with classes

32280-32288 School safety plans

35160 Authority of governing boards

35160.1 Broad authority of school districts

38000-38005 Security patrols

49050-49051 Searches by school employees

49060-49079 Student records

PENAL CODE

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

626-626.10 Disruption of schools

CALIFORNIA CONSTITUTION

Article 1, Section 28(c) Right to Safe Schools

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

COURT DECISIONS

*New Jersey v. T.L.O.* (1985) 469 U.S. 325

ATTORNEY GENERAL OPINIONS

83 *Ops.Cal.Atty.Gen.* 257 (2000)

75 *Ops.Cal.Atty.Gen.* 155 (1992)

*Management Resources:*

CSBA PUBLICATIONS

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Safe Schools: A Planning Guide for Action, 2002*

NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS

*The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, 1999*

WEB SITES

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

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lss>

National Institute of Justice: <http://www.ojp.usdoj.gov/nij>

**CAMPUS SECURITY**

The Superintendent or designee shall ensure that the district's campus security plan includes strategies to:

1. Secure the campus perimeter and school facilities in order to prevent criminal activity

These strategies include a risk management analysis of each campus' security system, lighting system, and 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 strategies may include requiring visitor registration, staff and student identification tags, and patrolling of 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 strategies 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)*

*(cf. 5137 - Positive School Climate)*

4. Control access to keys and other school inventory

*(cf. 3440 - Inventories)*

5. Detect and intervene with school crime

These strategies may include the creation of a school watch program, an anonymous crime reporting system, analysis of school crime incidents, and collaboration with local law enforcement agencies, including providing for law enforcement presence.

*(cf. 3515.3 - District Police/Security Department)*

*(cf. 5116.1 - Intradistrict Open Enrollment)*

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

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

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*



**CAMPUS SECURITY** (continued)

**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 principal or designee shall create a key control system with a record of each key assigned and room(s) or building(s) which the key opens.

Keys shall be used only by authorized employees and shall never be loaned to students. The master key shall not be loaned.

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

**DISRUPTIONS**

The Governing Board is committed to providing a safe environment for district students, staff, and others while they are on district property or engaged in school activities.

The Superintendent or designee shall remove any individual who, by his/her presence or action, disrupts or threatens to disrupt normal district or school operations, threatens the health or safety of anyone on district property, or causes or threatens to cause damage to district property or to any property on school grounds.

- (cf. 1250 - Visitors/Outsiders)*
- (cf. 3515 - Campus Security)*
- (cf. 4118 - Suspension/Disciplinary Action)*
- (cf. 4158/4258/4358 - Employee Security)*
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)*
- (cf. 5131.4 - Student Disturbances)*

The Superintendent or designee shall establish a plan describing staff responsibilities and actions to be taken when an individual is causing a disruption. In developing such a plan, the Superintendent or designee shall consult with law enforcement to create guidelines for law enforcement support and intervention in the event of a disruption.

- (cf. 0450 - Comprehensive Safety Plan)*
- (cf. 3515.3 - District Police/Security Department)*
- (cf. 3516 - Emergencies and Disaster Preparedness Plan)*

The Superintendent or designee shall provide training to school staff on how to identify and respond to actions or situations that may constitute a disruption.

- (cf. 4131 - Staff Development)*
- (cf. 4231 - Staff Development)*
- (cf. 4331 - Staff Development)*

Any employee who believes that a disruption may occur shall immediately contact the principal. The principal or designee shall notify law enforcement in accordance with Education Code 48902 and 20 USC 7151 and in other situations, as appropriate.

**Safe School Zone**

Possession of a firearm within 1000 feet of any district school is prohibited except when authorized by law. (Penal Code 626.9)

Possession of any other unauthorized weapon or dangerous instrument is prohibited on school grounds or buses and at school-related or school-sponsored activities without the written permission of school authorities.

- (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))*

*Legal Reference: (see next page)*

## DISRUPTIONS (continued)

### *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*  
48902 *Notification of law enforcement authorities*  
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*  
626-626.11 *Schools, crimes, especially:*  
626.7 *Failure to leave campus or facility; wrongful return; penalties; notice; exceptions*  
626.8 *Disruptive presence at schools*  
626.81 *Misdemeanor for registered sex offender to come onto school grounds*  
626.85 *Misdemeanor for specified drug offender presence on school grounds*  
626.9 *Gun Free School Zone Act*  
627-627.10 *Access to school premises*  
653b *Loitering about schools or public places*

12556 *Imitation firearms*

#### UNITED STATES CODE, TITLE 20

7151 *Gun-Free Schools Act*

#### COURT DECISIONS

*Reeves v. Rocklin Unified School District*, (2003) 109 Cal.App.4th 652

*In Re Joseph F.*, (2000) 85 Cal.App.4th 975

*In Re Jimi A.*, (1989) 209 Cal.App.3d 482

*In Re Oscar R.*, (1984) 161 Cal.App.3d 770

#### ATTORNEY GENERAL OPINIONS

79 *Ops.Cal.Atty.Gen.* 58 (1996)

### *Management Resources:*

#### CSBA PUBLICATIONS

*911! A Manual for Schools and the Media During a Campus Crisis*, 2001

#### 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>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lss>

U.S. Department of Education, Emergency Planning:

<http://www.ed.gov/admins/lead/safety/emergencyplan>

**DISRUPTIONS**

The principal or designee may direct any person, except a student, school employee, or other person required by his/her employment to be on school grounds, to leave school grounds if: (Education Code 44810, 44811; Penal Code 415.5, 626.7, 626.8, 626.81, 626.85)

1. The principal or designee has reasonable basis for concluding that the person is committing or has entered the campus with the purpose of committing an act which is likely to interfere with the peaceful conduct, discipline, good order, or administration of the school or a school activity, or with the intent of inflicting damage to any person or property.

*(cf. 3515.3 - District Police/Security Department)*

2. The person fights or challenges another person to a fight, willfully disturbs another person by loud and unreasonable noise, or uses offensive language which could provoke a violent reaction.

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

3. The person loiters around a school without lawful business for being present or reenters a school within 72 hours after he/she was asked to leave.
4. The person is required to register as a sex offender pursuant to Penal Code 290.

However, a registered sex offender may be on school grounds if he/she has a lawful purpose and written permission from the principal or designee.

*(cf. 3515.5 - Sex Offender Notification)*

5. The person is a specified drug offender as defined in Penal Code 626.85.

*(cf. 1240 - Volunteer Assistance)*

However, a specified drug offender may be on school grounds with written permission from the principal or designee or, if he/she is a parent/guardian of a child enrolled in that school, to attend a school activity.

6. The person has otherwise established a continued pattern of unauthorized entry on school grounds.

The principal or designee shall allow a parent/guardian who was previously directed to leave school grounds to reenter for the purpose of retrieving his/her child for disciplinary reasons, medical attention, or family emergencies, or with the principal or designee's prior written permission. (Penal Code 626.7, 626.85)

**DISRUPTIONS** (continued)

When directing any person to leave school premises, the principal or designee shall inform the person that he/she may be guilty of a crime if he/she:

1. Fails to leave or remains after being directed to leave (Penal Code 626.7, 626.8, 626.85)
2. Returns to the campus without following the school's posted registration requirements (Penal Code 626.7)
3. Returns within seven days after being directed to leave (Penal Code 626.8, 626.85)

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 1250 - Visitors/Outsiders)*

**Appeal Procedure**

Any person who is asked to leave a 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. After reviewing the matter with the principal or designee and the person making the appeal, 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 Board shall consider and decide the appeal at its next scheduled regular or adjourned regular public meeting. The Board's decision shall be final. (Education Code 32211)

**DISTRICT SECURITY**

Duties of district or security officers shall be delineated in a job description developed by the Superintendent or designee.

*(cf. 4119.3/4219.3/4319.3 - Duties of Personnel)*

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

*(cf. 4200 - Classified Personnel)*

Persons employed or assigned as school security officers shall serve as watchpersons, security guards, or patrolpersons on or about district premises to protect persons or property, prevent the theft or unlawful taking of district property, or report unlawful activity to the district and local law enforcement agencies. (Education Code 38001.5)

When district 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 Board may contract with a private licensed security agency. In such cases, the Board shall make a specific finding that an emergency exists and shall include this finding in the Board minutes. (Education Code 38005)

The Board expects district 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 security officers shall conduct themselves in ways that promote goodwill and cooperation on the part of students, district staff and the general public.

**Firearms**

District security officers shall not carry firearms.

*Legal Reference: (see next page)*

**DISTRICT SECURITY (continued)**

*Legal Reference:*

EDUCATION CODE

35021.5 School police reserve corps

38000-38005 Security and police departments

39672 School peace officers, fingerprinting

41510-41514 School Safety Consolidated Competitive Grant

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

7583-7583.46 Private patrol operators

FAMILY CODE

6240-6274 Emergency protective orders

GOVERNMENT CODE

3300-3312 Public safety officers, rights and protections

8597-8598 Peace officers

PENAL CODE

290.45 Sex offenders, authority of peace officers

646.91 Emergency protective order for stalking

830-832.9 Peace officers, especially:

830.32 School district and community college police

830.6 Reserve police officers, powers and duties

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

13700-13702 Response to domestic violence

WELFARE AND INSTITUTIONS CODE

707 List of crimes

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

COURT CASES

San Diego Police Officers Association et al. v. City of San Diego Civil Service Commission et al., 104 Cal.App.4<sup>th</sup> 275 (2002)

*Management Resources:*

CDE PUBLICATIONS

Safe Schools: A Planning Guide for Action, 2002

WEB SITES

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

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

Attorney General's Office, Crime and Violence Prevention Center: <http://www.safestate.org>

**DISTRICT SECURITY**

To be employed as district security officers, persons shall meet all the requirements for classified personnel in addition to specialized requirements as described below.

*(cf. 4112.4/4212.4/4312.4 - Health Examinations)*  
*(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)*  
*(cf. 4211 - Recruitment and Selection)*  
*(cf. 4212 - Appointment and Conditions of Employment)*  
*(cf. 4215 - Evaluation/Supervision)*

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

**Qualifications of Security Officers**

Every school security officer shall: (Education Code 38001.5)

1. Under the conditions described in Education Code 38001.5, submit to the district copies of his/her fingerprints on forms or electronically, as prescribed by the Department of Justice
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)*

**Equipment**

Each district police or 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 for district security officers of all required uniforms, equipment, identification badges and cards. (Education Code 38003)



**RECOVERY FOR PROPERTY LOSS OR DAMAGE**

The Board of Education 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 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

594.1 Aerosol paint and etching cream

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 Board of Education 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, or attending school or a school-related activity, the Board of Education believes it is important that the district respond appropriately when a law enforcement agency notifies 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.

To protect the district and its employees from liability, employees shall disseminate sex offender information in good faith, and only in the manner and to the extent authorized by the law enforcement agency.

The Superintendent or designee may annually notify parents/guardians of the availability of information about registered sex offenders on the Department of Justice's Internet website.

*(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. 5142 - Safety)*

**Role of District Police/Security Department**

In accordance with law, Board policy and administrative regulation, the district police/security department may disseminate information about registered sex offenders to the school community. The district police/security department shall consult with local law enforcement and the Superintendent or designee prior to any such dissemination.

*(cf. 3515.3 - District Police/Security Department)*

The district police/security department shall maintain records of the means and dates of dissemination for five years. (Penal Code 290.45)

*Legal Reference: (see next page)*

**SEX OFFENDER NOTIFICATION (continued)**

*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

290.45 Release of sex offender information

290.46 Making information about certain sex offenders available via the Internet

290.9 Addresses of persons who violate duty to register

290.95 Disclosure by person required to register as sex offender

626.8 Disruptive entry or entry of sex offender upon school grounds

830.32 School district and community college police

3003 Parole, geographic placement

UNITED STATES CODE, TITLE 42

14071 Jacob Wetterling Crimes Against Children and Sexually Violent Offender  
Registration Program Act

ATTORNEY GENERAL OPINIONS

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

*Management Resources:*

WEB SITES

California Department of Justice, Megan's Law mapping: <http://www.meganslaw.ca.gov>

**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 district liaison 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 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 liaison.
3. The Superintendent or 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 liaison 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 and 290.45, including the fact that law enforcement is the agency best able to assess the relative danger of a sex offender
  - b. The ability of the parents/guardians to contact law enforcement for additional information and to view the information on the Megan's Law Internet website
5. When law enforcement notifies the district of the residency or employment of a sex offender within district boundaries, the Superintendent or district liaison shall consult with law enforcement about the appropriate scope of the disclosure. When authorized by law enforcement, the Superintendent or liaison may disclose information about a sex offender 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
  - b. Teachers and classified personnel at that school, including staff responsible for visitor registration

**SEX OFFENDER NOTIFICATION** (continued)

*(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 liaison in order to help ensure that the district is able to respond appropriately.
  7. If an identified sex offender is seen on or near 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**

When law enforcement has determined that parents/guardians should be notified regarding the presence of a sex offender in the community, the Superintendent or district liaison 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 and access the Department of Justice's Megan's Law Internet website 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 and access the Department of Justice's Megan's Law Internet website for additional information.
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 and access the Department of Justice's Megan's Law Internet website 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.

**CRIMINAL BACKGROUND CHECKS FOR CONTRACTORS** (continued)

*(cf. 3515.3 - District Police/Security Department)*

**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**

The Governing Board recognizes that all district staff and students must be prepared to respond quickly and responsibly to emergencies, disasters, and 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's comprehensive school safety plan. (Education Code 32282)

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3516.3 - Earthquake Emergency Procedure System)*

The Superintendent or designee shall also develop and maintain emergency plans for each school site.

In developing the district and school emergency plans, the Superintendent or designee shall collaborate with city and county emergency responders, including local public health administrators.

The Superintendent or designee shall use state-approved Standardized Emergency Management System guidelines and the National Incident Command System when updating district and site-level emergency and disaster preparedness plans.

The 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 Board shall cooperate with such agencies in furnishing and maintaining whatever services they deem necessary to meet the community's needs. (Education Code 32282)

*(cf. 1330 - Use of School Facilities)*

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 or Affirmation)*  
*(cf. 4119.3/4219.3/4319.3 - Duties of Personnel)*

*Legal Reference: (see next page)*

## 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 Standardized emergency management system

#### CODE OF REGULATIONS, TITLE 5

550 Fire drills  
560 Civil defense and disaster preparedness plans

#### CODE OF REGULATIONS, TITLE 19

2400-2450 Standardized emergency management system

#### UNITED STATES CODE, TITLE 42

12101-12213 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.cccoe.k12.ca.us/about/flu/resources\\_flu\\_action\\_kit](http://www.cccoe.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/emergencyplan>  
U.S. Department of Homeland Security: <http://www.dhs.gov>

**EMERGENCIES AND DISASTER PREPAREDNESS PLAN**

**Components of the Plan**

The Superintendent or designee shall ensure that district and school site plans address, at a minimum, the following types of emergencies and disasters:

1. Fire on or off school grounds which endangers students and staff

*(cf. 3516.1 - Fire Drills and Fires)*

2. Earthquake or other natural disasters

*(cf. 3516.3 - Earthquake Emergency Procedure System)*

3. Environmental hazards

*(cf. 3514 - Environmental Safety)*

*(cf. 3514.2 - Integrated Pest Management)*

4. Attack or disturbance, or threat of attack or disturbance, by an individual or group

*(cf. 3515 - Campus Security)*

*(cf. 3515.2 - Disruptions)*

*(cf. 5131.4 - Student Disturbances)*

5. Bomb threat or actual detonation

*(cf. 3516.2 - Bomb Threats)*

6. Biological, radiological, chemical, and other activities, or heightened warning of such activities

7. Medical emergencies and quarantines, such as a pandemic influenza outbreak

*(cf. 5141.22 - Infectious Diseases)*

The Superintendent or designee shall ensure that the district's procedures include strategies and actions for prevention/mitigation, preparedness, response, and recovery, including, but not limited to, the following:

1. Regular inspection of school facilities and equipment and identification of risks

*(cf. 3530 - Risk Management/Insurance)*

2. Instruction and practice for students and employees regarding emergency plans, including:

**EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)**

- a. Training of staff in first aid and cardiopulmonary resuscitation
- b. Regular practice of emergency procedures by students and staff

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

3. Specific determination of roles and responsibilities of staff during a disaster or other emergency, including determination of:

- a. The appropriate chain of command at the district and, if communication between the district and site is not possible, at each site
- b. Individuals responsible for specific duties
- c. Designation of the principal for the overall control and supervision of activities at each school during the emergency, including authorization to use his/her discretion in situations which do not permit execution of prearranged plans
- d. Identification of at least one person at each site who holds a valid certificate in first aid and cardiopulmonary resuscitation
- e. Assignment of responsibility for identification of injured persons and administration of first aid

4. Personal safety and security, including:

- a. Identification of areas of responsibility for supervision of students
- b. Procedures for evacuation of students and staff, including posting of evacuation routes
- c. Procedures for release of students, including a procedure to release students when reference to the emergency card is not feasible

*(cf. 5141 - Health Care and Emergencies)*

*(cf. 5142 - Safety)*

- d. Identification of transportation needs, including 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

*(cf. 3543 - Transportation Safety and Emergencies)*

- e. Provision of a first aid kit to each classroom

**EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)**

- f. Arrangements for students and staff with special needs

*(cf. 4032 - Reasonable Accommodation)*

*(cf. 6159 - Individualized Education Program)*

- g. Upon notification that a pandemic situation exists, adjustment of attendance policies for students and sick leave policies for staff with known or suspected pandemic influenza or other infectious disease

*(cf. 4161.1/4361.1 - Personal Illness/ Injury Leave)*

*(cf. 4261.1 - Personal Illness/Injury Leave)*

*(cf. 5113 - Absences and Excuses)*

*(cf. 6183 - Home and Hospital Instruction)*

5. Closure of schools, including an analysis of:

- a. The impact on student learning and methods to ensure continuity of instruction
- b. How to provide for continuity of operations for essential central office functions, such as payroll and ongoing communication with students and parents/guardians

*(cf. 3516.5 - Emergency Schedules)*

6. Communication among staff, parents/guardians, the Governing Board, other governmental agencies, and the media during an emergency, including:

- a. Identification of spokesperson(s)

*(cf. 1112 - Media Relations)*

- b. Development and testing of communication platforms, such as hotlines, telephone trees, and web sites

*(cf. 1113 - District and School Web Sites)*

- c. Development of methods to ensure that communications are, to the extent practicable, in a language and format that is easy for parents/guardians to understand
- d. Distribution of information about district and school site emergency procedures to staff, students, and parents/guardians

7. Cooperation with other state and local agencies, including:

**EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)**

- a. Development of guidelines for law enforcement involvement and intervention
- b. Collaboration with the local health department, including development of a tracking system to alert the local health department to a substantial increase of student or staff absenteeism as indicative of a potential outbreak of an infectious disease

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

8. Steps to be taken after the disaster or emergency, including:
  - a. Inspection of school facilities
  - b. Provision of mental health services for students and staff, as needed

*(cf. 6164.2 - Guidance/Counseling Services)*

**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 the alarm central station.
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 immediately call 911 and also 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*

**EMERGENCY SCHEDULES**

In order to provide for the safety of students and staff, the Board of Education 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*

**FACILITIES INSPECTION**

The Governing Board recognizes that the condition of school facilities may have an impact on safety, student achievement, and employee morale and desires to provide school facilities that are safe, clean, and functional, as defined in Education Code 17002.

*(cf. 0510 - School Accountability Report Card)*

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

*(cf. 3111 - Deferred Maintenance Funds)*

*(cf. 3514 - Environmental Safety)*

The Superintendent or designee shall develop a facilities inspection and maintenance program to ensure that school facilities are maintained in good repair in accordance with law. At a minimum, the program shall analyze those facility conditions specified on the facilities inspection tool developed by the Office of Public School Construction, including the following:

1. Gas Leaks: Gas systems and pipes appear safe, functional, and free of leaks.
2. Mechanical Systems: Heating, ventilation, and air conditioning systems as applicable are functional and unobstructed.
3. Windows/Doors/Gates/Fences (interior and exterior): Conditions that pose a safety and/or security risk are not evident.
4. Interior Surfaces (floors, ceilings, walls, and window casings): Interior surfaces appear to be clean, safe, and functional.
5. Hazardous Materials (interior and exterior): There does not appear to be evidence of hazardous materials that may pose a threat to students or staff.
6. Structural Damage: There does not appear to be structural damage that could create hazardous or uninhabitable conditions.
7. Fire Safety: The fire equipment and emergency systems appear to be functioning properly.
8. Electrical (interior and exterior): There is no evidence that any portion of the school has a power failure and electrical systems, components, and equipment appear to be working properly.
9. Pest/Vermin Infestation: Pest or vermin infestation is not evident.
10. Drinking Fountains (inside and outside): Drinking fountains appear to be accessible and functioning as intended.

**FACILITIES INSPECTION (continued)**

11. Restrooms: Restrooms appear to be accessible during school hours, are clean, functional, and in compliance with Education Code 35292.5 (operational and supplied).
12. Sewers: Sewer line stoppage is not evident.
13. Roofs (observed from the ground, inside/outside the building): Roof system appears to be functioning properly.
14. Playground/School Grounds: The playground equipment and school grounds appear to be clean, safe, and functional.
15. Overall Cleanliness: School grounds, buildings, common areas, and individual rooms appear to be cleaned regularly.

The Superintendent or designee shall ensure that any necessary repairs identified during the inspection are made in a timely and expeditious manner. The Superintendent or designee shall provide the Board with regular reports regarding the district's facility inspection program and updates of any visits to district schools by the County Superintendent of Schools.

*Legal Reference (see next page).*

## **FACILITIES INSPECTION (continued)**

### *Legal Reference:*

#### EDUCATION CODE

1240 County superintendent of schools, duties

17002 Definitions

17070.10-17077.10 Leroy F. Greene School Facilities Act of 1998

17565-17591 Property maintenance and control, especially:

17584 Deferred maintenance

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School accountability report card

35186 Williams uniform complaint procedure

#### CODE OF REGULATIONS, TITLE 2

1859.300-1859.330 Emergency Repair Program

### *Management Resources:*

#### CSBA PUBLICATIONS

*Williams Settlement and the Emergency Repair Program, Policy Brief, January 2008*

#### COALITION OF ADEQUATE SCHOOL HOUSING PUBLICATIONS

*Facility Inspection Tool Guidebook, February 2008*

#### WEB SITES

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

California County Superintendents Educational Services Association: <http://www.ccsesa.org>

California Department of Education, Williams Case: <http://www.cde.ca.gov/eo/ce/wc/index.asp>

Coalition of Adequate School Housing: <http://www.cashnet.org>

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

**RISK MANAGEMENT/INSURANCE**

The Board of Education 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 Board reserves the right to remove an insurance agent-of-record or a participating agent whenever, in the judgment of the Board, such action becomes desirable for the best interests of the district.

To attempt to minimize the district's exposure to liability, the 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 Prevention and Reporting)*

*(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 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. 3515.4 - 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. 5141.23 - 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)*

**TRANSPORTATION**

The Board of Education 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 - Interdistrict Attendance Agreements)*

The Superintendent or designee shall recommend to the 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 Board of Education 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)*

**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 shall be eligible for transportation service to and from school if the distance between their school-established bus stop and the school is beyond the minimum listed below:

1. For elementary school students:  
Grades K- 5/6: one mile
2. For students attending a three-year junior high school:  
Grades 6/7-8: one and a half mile
3. For students attending a four-year high school:  
Grades 9-12: two miles

The Superintendent or designee may authorize transportation within the walking distance when safety problems or hazards exist.

Students who attend a school outside their attendance area may be eligible for transportation services in accordance with Board policy.

*(cf. 5116.1- Intradistrict Open Enrollment)*  
*(cf. 5117.1 - Interdistrict 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)*

**Transportation Services**

With the Board of Education'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)

**TRANSPORTATION ROUTES AND SERVICES** (continued)

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 and 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 for educational purposes other than to and from school (Education Code 39801.5)
9. Charter school students, in the same manner and on the same routes provided for district students
10. Nonschool purposes as allowed by law, such as:
  - a. Community recreation (Education Code 39835)
  - b. Public transportation (Education Code 39841)

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 1400-1482; 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, Board policy and administrative regulation.

*(cf. 6173 - Education for Homeless Children)*

**TRANSPORTATION ROUTES AND SERVICES (continued)**

*Legal Reference:*

EDUCATION CODE

10900.5 *Use of school buses for community recreation*

35330 *Excursions and field trips*

35350 *Authority to transport pupils*

39800-39809.5 *Transportation, general provisions, especially:*

39800 *Powers of governing board to provide transportation to and from school*

39801.5 *Transportation for adults*

39808 *Transportation for private school students*

39830-39842 *School buses, especially:*

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*

39860 *Transportation to school activities*

41850-41857 *Allowances for transportation*

41860-41863 *Supplementary allowances for transportation*

CODE OF REGULATIONS, TITLE 5

15240-15244 *Allowances for student transportation*

UNITED STATES CODE, TITLE 20

1400-1482 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 42

11432 *McKinney-Vento Homeless Assistance Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

104.4 *Equal opportunity under the Rehabilitation Act of 1973, Section 504*

*Management Resources:*

WEB SITES

*California Department of Education, Office of School Transportation:*

*<http://www.cde.ca.gov/bus/index.html>*

*Pupil Transportation Safety Institute: <http://www.ptsi.org>*



**TRANSPORTATION FOR SCHOOL-RELATED TRIPS**

The district may provide transportation for students, employees, and other individuals for field trips and other school-related trips approved according to Board policy and administrative regulation.

*(cf. 3312.2 - Educational Travel Program Contracts)*

*(cf. 3540 - Transportation)*

*(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.

When district transportation is provided, students may be released from using district transportation only with the advance written permission of their parents/guardians.

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, if he/she is a nonresident on active military duty in California, possesses a valid license from his/her state of residence. To be approved, a driver shall have a good driving record and possess at least the minimum insurance required by law. Any person providing transportation to district students in a private vehicle shall register with the district for such purposes.

*(cf. 1240 - Volunteer Assistance)*

**TRANSPORTATION FOR SCHOOL-RELATED TRIPS (continued)**

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.

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 ensure that the manufacturer's recommendations for his/her vehicle are followed regarding the seating of children in seats equipped with airbags.

The driver or any other person shall not smoke or have in his/her immediate possession a lighted pipe, cigar, or cigarette containing tobacco or any other plant when there is a minor in the motor vehicle, whether the motor vehicle is in motion or at rest. (Health and Safety Code 118948)

**Passenger Restraint Systems**

All drivers shall wear safety 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 in accordance with Vehicle Code 27360 or 27363, is properly secured in a rear seat in an appropriate child passenger restraint system meeting federal safety standards.
2. All other children are properly secured in either a child passenger restraint system or safety belt.
3. All other passengers wear seat belts.

*Legal Reference: (see next page)*

**TRANSPORTATION FOR SCHOOL-RELATED TRIPS (continued)**

*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*

HEALTH AND SAFETY CODE

118947-118949 *Prohibition against smoking in motor vehicle with minor*

VEHICLE CODE

12814.6 *Limitations of provisional driver's license*

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 Department of Motor Vehicles: <http://www.dmv.ca.gov>*

*California Highway Patrol: <http://www.chp.ca.gov>*

*California Office of Traffic Safety: <http://www.ots.ca.gov>*

*National Highway Traffic Safety Administration: <http://www.nhtsa.dot.gov>*

**TRANSPORTATION FOR STUDENTS WITH DISABILITIES**

The Board of Education 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*

48300-48315 *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

1400-1482 *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, including transportation services, the Superintendent or designee shall ensure that the contract includes general administrative and financial agreements related to the provision of transportation services if specified in the student's IEP. (Education Code 56366)

*(cf. 6159.2 - Nonpublic Nonsectarian School and Agency Services for Special Education)*

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)*

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. 3516.5 - Emergency Schedules)*

*(cf. 3543 - Transportation Safety and Emergencies)*

*(cf. 5131.1 - Bus Conduct)*

**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: (Education Code 39830.1; 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, as applicable

*(cf. 4200 - Classified Personnel)*

*(cf. 4211 - Recruitment and Selection)*

The Superintendent or designee may use an electronic fingerprinting system, managed by the California Department of Justice, to fingerprint an applicant for an original certificate to drive a school bus or student activity bus. (Vehicle Code 12517.3)

*(cf. 4212.5 - Criminal Record Check)*

The Superintendent or designee shall ensure that school bus drivers receive training which includes:

1. 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 Board of Education 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 primary 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.

The driver shall not require any student to leave the bus en route between home and school or other destinations. (5 CCR 14103)

The driver shall stop to load or unload students only at school bus stops 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)*

The driver shall activate the amber warning light system, flashing red signal lights and stop arm signal and shall escort students in accordance with Vehicle Code 22112.

The driver 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)

The driver 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: (see next page)*

## **SCHOOL BUS DRIVERS (continued)**

*Legal Reference:*

EDUCATION CODE

39830-39842 School buses

40080-40090.5 Training required to obtain or renew bus driver certificate

45125.1 Criminal background checks for contractors

56195.8 Training in installation of mobile seating devices

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

*Management Resources:*

WEB SITES

California Highway Patrol: <http://www.chp.ca.gov>

California Department of Motor Vehicles: <http://www.dmv.ca.gov>

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

**TRANSPORTATION SAFETY AND EMERGENCIES**

**Safety Equipment**

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 ensure that any school bus which is purchased or leased by the district is equipped with a combination pelvic and upper torso passenger restraint system at all designated seating positions if that bus: (Vehicle Code 27316, 27316.5; 13 CCR 1201)

1. Is a Type 1 school bus designed for carrying more than 16 passengers and the driver and is manufactured on or after July 1, 2005
2. Is a Type 2 school bus or student activity bus designed for carrying 16 or fewer passengers and the driver, or designed for carrying 20 or fewer passengers and the driver and having a manufacturer's vehicle weight rating of 10,000 pounds or less, and is manufactured on or after July 1, 2004

The Superintendent or designee shall prioritize the allocation of school buses purchased, leased, or contracted to ensure that elementary students receive first priority for new school buses equipped with passenger restraint systems whenever feasible.

When a school bus or student activity bus is equipped with a passenger restraint system, all passengers shall use the passenger restraint system. (5 CCR 14105)

Bus drivers shall be informed of procedures to be followed to reasonably enforce proper use of the passenger restraint system.

**Safe Bus Operations**

School buses and 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 individuals be transported immediately to ensure their safety.

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

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)*

**TRANSPORTATION SAFETY AND EMERGENCIES (continued)**

*(cf. 3541.1 - Transportation for School-Related Trips)*  
*(cf. 3542 - School Bus Drivers)*

A person shall not drive a motor vehicle while using a wireless telephone, except under the following conditions: (Vehicle Code 23123, 23125)

1. When he/she uses a wireless telephone that is specifically designed and configured to allow hands-free listening and talking, provided it is used in that manner while driving
2. For emergency purposes, including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency service agency or entity
3. In the case of a school bus driver, for work-related purposes

*(cf. 3513.1 - Cellular Phone Reimbursement)*  
*(cf. 4040 - Employee Use of Technology)*

A person shall not drive a motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication, including, but not limited to, text messages, instant messages, and email. This prohibition does not include reading, selecting, or entering a telephone number or name in an electronic wireless communications device for the purpose of making or receiving a telephone call. (Vehicle Code 23123.5)

The Superintendent or designee shall review all investigations of bus incidents and accidents to develop preventative measures.

*(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)*

The Superintendent or designee may place a notice at bus entrances that warns against unauthorized entry. The driver or another school official may order any person to disembark if that person enters a bus without prior authorization. (Education Code 39842; 13 CCR 1256.5)

*(cf. 3515.2 - Disruptions)*

**Transportation Safety Plan for Boarding and Exiting Buses**

Note: The district should modify items #1-2 below to reflect grade levels offered by the district. A district that does not maintain any of grades prekindergarten through 8 should delete items #1-2.
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The Superintendent or designee shall develop a transportation safety plan containing procedures for school personnel to follow to ensure the safe transport of students. The plan shall include all of the following: (Education Code 39831.3)

**TRANSPORTATION SAFETY AND EMERGENCIES** (continued)

1. Procedures for determining if students in grades prekindergarten through 8 require an escort to cross a private road or highway at a bus stop pursuant to Vehicle Code 22112
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)

**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 contain: (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. A description of the school bus danger zone
5. Instructions for safety while walking to and from school bus stops

*(cf. 5145.6 - Parental Notifications)*

**Student Instruction**

All students who are transported in a school bus or student activity bus shall receive instruction in school bus emergency procedures and passenger safety. (Education Code 39831.5)

The Superintendent or designee shall ensure that instruction is provided to students as follows:

1. The Superintendent or designee shall annually provide appropriate instruction in safe riding practices and emergency evacuation drills to each student who receives home-to-school transportation in a school bus. (5 CCR 14102)

**TRANSPORTATION SAFETY AND EMERGENCIES** (continued)

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. In school buses with passenger restraint systems, instruction in the use of such systems as specified in 5 CCR 14105, 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 procedures
- 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)

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

**TRANSPORTATION SAFETY AND EMERGENCIES (continued)**

- 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)

*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

415 *Definition of motor vehicle*

545-546 *Definition of school bus and school pupil activity bus*

22112 *Loading and unloading passengers*

23123 *Use of wireless telephone prohibited while driving motor vehicle*

23123.5 *Text communications prohibited while driving motor vehicle*

23125 *Use of wireless telephone prohibited while driving school bus*

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*

34501.6 *School buses; reduced visibility*

34508 *California Highway Patrol responsibility to adopt rules re: equipment and operations of school buses*

CODE OF REGULATIONS, TITLE 5

14100-14105 *School buses and student activity buses*

CODE OF REGULATIONS, TITLE 13

1200-1293 *Motor carrier safety*

CODE OF FEDERAL REGULATIONS, TITLE 49

571.1-571.500 *Motor vehicle standards, including school buses*

*Management Resources:*

WEB SITES

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

*California Association of School Transportation Officials: <http://www.castoways.org>*

*California Department of Education, Office of School Transportation: <http://www.cde.ca.gov/ls/tn>*

*California Highway Patrol: <http://www.chp.ca.gov>*

*National Coalition for School Bus Safety: <http://www.ncsbs.org>*

*National Transportation Safety Board: <http://www.nts.gov>*

*U.S. Department of Transportation, National Highway Traffic Safety Administration:  
<http://www.nhtsa.dot.gov>*



**FOOD SERVICE/CHILD NUTRITION PROGRAM**

The Governing Board recognizes that students need adequate, nourishing food in order to grow, learn, and maintain good health. Foods and beverages available through the district's food service program shall:

1. Be carefully selected so as to contribute to students' nutritional well-being and the prevention of disease

*(cf. 5141.27 - Food Allergies/Special Dietary Needs)*

2. Meet or exceed nutritional standards specified in law and administrative regulation

*(cf. 3554 - Other Food Sales)*

*(cf. 5030 - Student Wellness)*

*(cf. 5148 - Child Care and Development)*

*(cf. 5148.2 - Before/After School Programs)*

*(cf. 6300 - Preschool/Early Childhood Education)*

3. Be prepared in ways that will appeal to students, retain nutritive quality, and foster lifelong healthful eating habits

*(cf. 6142.8 - Comprehensive Health Education)*

4. Be served in age-appropriate portions

The district's food service program shall give priority to serving unprocessed foods and fresh fruits and vegetables that are not deep fried.

The Superintendent or designee shall encourage the participation of students and parents/guardians in the selection of foods of good nutritional quality for school menus.

The Board desires to provide students with adequate time and space to eat meals. To the extent possible, school, recess, and transportation schedules shall be designed to encourage participation in school meal programs.

The Superintendent or designee shall periodically review the adequacy of school facilities for cafeteria eating and food preparation.

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

*(cf. 3517- Facilities Inspection)*

*(cf. 7110 - Facilities Master Plan)*

**FOOD SERVICE/CHILD NUTRITION PROGRAM** (continued)

In accordance with law, the Superintendent or designee shall develop and maintain a food safety program in order to reduce the risk of foodborne hazards at each step of the food preparation process, from receiving to service.

The Superintendent or designee may annually report to the Board regarding the district's compliance with state and federal nutritional standards for foods and beverages.

*(cf. 0500 - Accountability)*

*Legal Reference: (see next page)*

**FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)**

*Legal Reference:*

EDUCATION CODE

35182.5 *Contracts, non-nutritious beverages*  
38080-38103 *Cafeteria, establishment and use*  
45103.5 *Contracts for management consulting services; restrictions*  
49430-49436 *Pupil Nutrition, Health, and Achievement Act of 2001*  
49490-49494 *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*  
49550-49561 *Meals for needy students*  
49565-49565.8 *California Fresh Start pilot program*  
49570 *National School Lunch Act*

HEALTH AND SAFETY CODE

113700-114437 *California Retail Food Code*

CODE OF REGULATIONS, TITLE 5

15510 *Mandatory meals for needy students*  
15530-15535 *Nutrition education*  
15550-15565 *School lunch and breakfast programs*  
15566-15568 *California Fresh Start Program*

UNITED STATES CODE, TITLE 42

1751-1769h *School lunch programs, including:*  
1751 *Note Local wellness policy*  
1771-1791 *Child nutrition, especially:*  
1773 *School breakfast program*

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 PUBLICATIONS

*Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007*  
*Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007*  
*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006*

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

06-110 *Restrictions on Food and Beverage Sales Outside of the School Meal Program, August 2006*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Healthy Children Ready to Learn, January 2005*

CALIFORNIA PROJECT LEAN PUBLICATIONS

*Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006*

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

*Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles, June 2005*

*Management Resources continued: (see next page)*

**FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)**

*Management Resources: (continued)*

*U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS (continued)*

*Dietary Guidelines for Americans, 2005*

*WEB SITES*

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

*California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>*

*California Department of Public Health: <http://www.cdph.ca.gov>*

*California Healthy Kids Resource Center: <http://www.californiahealthykids.org>*

*California Project LEAN (Leaders Encouraging Activity and Nutrition):*

*<http://www.californiaprojectlean.org>*

*California School Nutrition Association: <http://www.calsna.org>*

*Centers for Disease Control and Prevention: <http://www.cdc.gov>*

*National Alliance for Nutrition and Activity: <http://www.cspinet.org/nutritionpolicy/nana.html>*

*National Association of State Boards of Education: <http://www.nasbe.org>*

*School Nutrition Association: <http://www.schoolnutrition.org>*

*U.S. Department of Agriculture, Food and Nutrition Information Center: <http://www.nal.usda.gov/fnic>*

**FOOD SERVICE/CHILD NUTRITION PROGRAM**

**Food Safety**

The Superintendent or designee shall ensure that the district's food service program meets the sanitation and safety requirements of the California Retail Food Code as set forth in Health and Safety Code 113700-114437.

For all district schools participating in the National School Lunch and/or School Breakfast Program, the Superintendent or designee shall implement a school food safety program for the preparation and service of school meals which complies with the national Hazard Analysis and Critical Control Point (HACCP) principles. (42 USC 1758)

The district's HACCP plan shall be in writing and shall address the components specified in Health and Safety Code 114419.1 including, but not limited to, methods for determining control measures needed to prevent hazards at each stage of food production, monitoring of the implementation of the food safety program, establishment of corrective actions to be taken if the proper time or temperature range is not met, training of food service employees and supervisors on food safety issues, recordkeeping, and periodic review of the food safety program.

The Superintendent or designee shall designate at least one staff member to be responsible for verification of the HACCP plan and shall provide the designated staff member with training in HACCP principles and the contents of the plan. Records of the training shall be retained for the duration of employment or a period of not less than two years, whichever is greater. In addition, the Superintendent or designee shall provide applicable HACCP training to food service employees who work in food preparation and shall document the date, trainer, and subject of the training. (Health and Safety Code 114419.2)

*(cf. 4231 - Staff Development)*

All food preparation and service areas shall be inspected in accordance with Health and Safety Code 113725-113725.1 and county regulations.

Each school participating in the National School Lunch and/or Breakfast Program shall, during each school year, request a minimum of two food safety inspections conducted by the county environmental health agency. (42 USC 1758; 7 CFR 210.13, 220.7)

All schools shall post a notice indicating that the most recent inspection report is available to any interested person upon request. (42 USC 1758; 7 CFR 210.13, 220.7; Health and Safety Code 113725.1)

*(cf. 1340 - Access to District Records)*

*(cf. 3580 - District Records)*

**FOOD SERVICE OPERATIONS/CAFETERIA FUND**

The Governing Board intends that, insofar as possible, school food services shall be a self-supporting, nonprofit program. To increase cost effectiveness, the Superintendent or designee shall centralize food services.

*(cf. 3100 - Budget)*

*(cf. 3300 - Expenditures and Purchases)*

*(cf. 3311 - Bids)*

*(cf. 3550 - Food Service/Child Nutrition Program)*

Meals may be sold to students, district employees, Board members, employees and other individuals and organizations. (Education Code 38082)

The Superintendent or designee shall recommend meal prices for students and nonstudents for approval by the Board. Students who are enrolled in the free or reduced-price meal programs shall receive meals free of charge or at a reduced price in accordance with law, Board policy, and administrative regulation.

*(cf. 3553 - Free and Reduced Price Meals)*

Any meals served to nonstudents shall not be subsidized by federal or state reimbursements, food service revenues, or U.S. Department of Agriculture commodities.

Program financial reports shall be presented regularly to the Board.

*(cf. 3460 - Financial Reports and Accountability)*

**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 district's general fund and be reimbursed from the cafeteria fund.

**Contracts with Outside Services/Providers**

With 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

38080-38085 Cafeteria, establishment and use  
38090-38095 Cafeterias, funds and accounts  
38100-38103 Cafeterias, allocation of charges  
42646 Alternate payroll procedure  
45103.5 Contracts for management consulting services; restrictions  
49490-49493 School breakfast and lunch programs  
49500-49505 School meals

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

UNITED STATES CODE, TITLE 42

1751-1769h School lunch programs  
1771-1791 Child nutrition, including:  
1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program  
220.1-220.21 National School Breakfast Program

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES

0701.00 Adult and Sibling Meals in the National School Lunch and School Breakfast Programs, No. 00-111

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

WEB SITES

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>  
California School Nutrition Association: <http://www.calsna.org>  
U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov/cnd>

**FOOD SERVICE OPERATIONS/CAFETERIA FUND**

**Payments**

With the exception of students who are eligible to receive meals at no cost, students or their parents/guardians may pay on a per-meal basis or may submit payments in advance. The Superintendent or designee shall maintain an account indicating payments received from each student or his/her parents/guardians for the purchase of school meals.

*(cf. 3550 - Food Service/Child Nutrition Program)*

*(cf. 3553 - Free and Reduced Price Meals)*

Students and their parents/guardians shall be notified whenever their account has a zero or negative balance.

Whenever a student's account has an unpaid balance of \$50 or more, parents/guardians shall be notified that full payment is due within seven school days from the date of the notice.

**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, 38092)

*(cf. 3100 - Budget)*

*(cf. 3300 - Expenditures and Purchases)*

The cafeteria fund shall be used only for 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)

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)

*(cf. 3110 - Transfer of Funds)*

Any funds derived from the sale of cafeteria food and deposited in a Board-established cafeteria equipment reserve shall be used only for the purchase, lease, maintenance, or replacement of cafeteria equipment. (Education Code 38102)



**FREE AND REDUCED PRICE MEALS**

The Governing Board recognizes that adequate nutrition is essential to the development, health, and learning of all students. The Superintendent or designee shall facilitate and encourage the participation of students from low-income families in the district's food service program.

The district shall provide at least one nutritionally adequate meal each school day, free of charge or at a reduced price, for students whose families meet federal eligibility criteria. (Education Code 49550, 49552)

*(cf. 3551 - Food Service Operations/Cafeteria Fund)*  
*(cf. 5148 - Child Care and Development)*  
*(cf. 5148.2 - Before/After School Programs)*  
*(cf. 6177 - Summer School)*  
*(cf. 6300 - Preschool/Early Childhood Education)*

The Superintendent or designee shall ensure that meals provided through the free and reduced-price meal program meet applicable state and/or federal nutritional standards in accordance with law, Board policy, and administrative regulation.

*(cf. 3550 - Food Service/Child Nutrition Program)*  
*(cf. 5030 - Student Wellness)*

The Board shall approve, and shall submit to the California Department of Education for approval, a plan that ensures that students eligible to receive free or reduced-price meals and milk are not treated differently from other students. (Education Code 49557)

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*

**Confidentiality/Release of Records**

All applications and records related to eligibility for the free and reduced-price meal program shall be confidential except as provided by law. (Education Code 49558)

The Board authorizes designated employees to use individual records pertaining to student eligibility for any free and reduced-price meal program for the purposes of: (Education Code 49558)

1. Disaggregation of academic achievement data
2. In any school identified for program improvement under Title I of the No Child Left Behind Act, identification of students eligible for school choice and supplemental educational services

*(cf. 0520.2 - Title I Program Improvement Schools)*  
*(cf. 5125 - Student Records)*  
*(cf. 6162.51 - Standardized Testing and Reporting Program)*  
*(cf. 6171 - Title I Programs)*

**FREE AND REDUCED PRICE MEALS** (continued)

The 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)

*Legal Reference:*

EDUCATION CODE

48980 Notice at beginning of term

49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001

49490-49494 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

49550-49561 Meals for needy students

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

1751-1769h School lunch program

1771-1791 Child nutrition, especially:

1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.10-220.21 National School Breakfast Program

245.1-245.13 Determination of eligibility for free and reduced-price meals and free milk

*Management Resources: (see next page)*

**FREE AND REDUCED PRICE MEALS (continued)**

*Management Resources:*

CSBA PUBLICATIONS

*Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, October 2007*

*Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007*

*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006*

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

*06-103 Conditions for Summer School Meal Waivers and Saturday School Meal Criteria, January 2006*

*04-103 Implementation of Final Rule on Verification of Applications for Free and Reduced-Price Meals, August 2004*

*98-101 Confidentiality of Free and Reduced-Price Eligibility Information, February 1998*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Feed More Kids, Improve Program Participation*

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

*Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002*

*Eligibility Guidance for School Meals Manual, August 2001*

WEB SITES

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

U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov/cnd>

**FREE AND REDUCED PRICE MEALS**

**Nondiscrimination Plan**

The district's plan for students receiving free or reduced-price meals shall ensure the following: (Education Code 49557)

1. The names of the students shall not be published, posted, or announced in any manner, or used for any purpose other than the National School Lunch and School Breakfast Programs, unless otherwise provided by law.
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 for milk.
4. The students shall not be required to use a separate dining area, go through a separate serving line or entrance, or consume their meals or milk at a different time.

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. (Education Code 49557; 7 CFR 245.8)

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*

**Applications**

An application form for free or reduced-price meals shall be made available 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 made available whenever a new student is enrolled. (Education Code 48980, 49520; 7 CFR 245.5)

*(cf. 5145.6 - Parental Notifications)*

Applications for the free and reduced-price meal program shall be available to students at all times during the regular school day and shall contain the following statements: (Education Code 49557; 7 CFR 245.5)

1. Applications may be submitted at any time during the school day.
2. Students participating in the National School Lunch and/or 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)

**Eligibility**

The Superintendent or designee shall determine students' eligibility for the free and reduced-price meal program based on the criteria specified in 42 USC 1758 and 1773 and 7 CFR 245.1-245.13 and made available by the California Department of Education.

When authorized by law, participants in other federal or state programs may be directly certified for enrollment in the free and reduced-price meal program. (Education Code 49561)

**Confidentiality/Release of Records**

The Superintendent designates the following district employee(s) to use individual records pertaining to student participation in the free and reduced-price meal program for the purpose of disaggregation of academic achievement data or for the identification of students in any program improvement school eligible for school choice and supplemental educational services pursuant to 20 USC 6316:

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(title or position)

In using the records for such purposes, the following conditions shall be satisfied: (Education Code 49558)

1. No individual indicators of participation in the free and reduced-price meal program shall be maintained in the permanent records of any student if not otherwise allowed by law.

*(cf. 5125 - Student Records)*

2. Information regarding individual student participation in the free and 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.
4. Information collected regarding individual students certified to participate in the free and reduced-price meal program shall be destroyed when no longer needed for its intended purpose.

**OTHER FOOD SALES**

The Governing Board believes that sales of foods and beverages at school during the school day should be aligned with the district's goals to promote student wellness. Any food sales conducted outside the district's food service program shall meet nutritional standards specified in law, Board policy, and administrative regulation and shall not reduce student participation in the district's food service program.

*(cf. 3550 - Food Service/Child Nutrition Program)*  
*(cf. 3551 - Food Service Operations/Cafeteria Fund)*  
*(cf. 3553 - Free and Reduced Price Meals)*  
*(cf. 5030 - Student Wellness)*  
*(cf. 5141.27 - Food Allergies/Special Dietary Needs)*

The Board authorizes the Superintendent or designee to approve the sale of foods and beverages outside the district's food service program, including sales by student or school-connected organizations, sales through vending machines, and/or sales at secondary school student stores for fundraising purposes.

*(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 offices, or other school facilities.

*(cf. 3312 - Contracts)*

*Legal Reference: (see next page)*

## OTHER FOOD SALES (continued)

### *Legal Reference:*

#### EDUCATION CODE

35182.5 *Contracts, non-nutritious beverages*

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

113700-114437 *California Retail Food Code*

#### UNITED STATES CODE, TITLE 42

1751-1769h *National School Lunch Act, including:*

1751 *Note Local wellness policy*

1771-1791 *Child nutrition, School Breakfast Program*

#### 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 PUBLICATIONS

*Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007*

*Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007*

*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006*

#### CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

06-110 *Restrictions on Food and Beverage Sales Outside of the School Meal Program, August 2006*

#### 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*

#### WEB SITES

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

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

California Department of Public Health: <http://www.cdph.ca.gov>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):  
<http://www.californiaprojectlean.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

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

National Association of State Boards of Education (NASBE): <http://www.nasbe.org>

U.S. Dept. of Agriculture, Food and Nutrition Information Center: <http://www.nal.usda.gov/fnic>

**OTHER FOOD SALES**

**Nutritional Standards for Foods and Beverages**

Food and beverage sales outside the district's food service program shall comply with applicable nutritional standards specified in Education Code 49431, 49431.2, 49431.5, and 49431.7.

*(cf. 3550 - Food Service/Child Nutrition Program)*

*(cf. 5030 - Student Wellness)*

*(cf. 5141.27 - Food Allergies/Special Dietary Needs)*

At an elementary school, the sale of foods or beverages that do not comply with the standards in Education Code 49431 and 49431.5 may be permitted, as part of a fundraising event, only when the items are sold by students of the school and the sale meets either of the following conditions: (Education Code 49431, 49431.5)

1. It takes place off and away from school premises.
2. It takes place at least one-half hour after the end of the school day.

*(cf. 1230 - School-Connected Organizations)*

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

At a middle, junior high, or high school, the sale of food items that do not comply with the standards in Education Code 49431.2 may be permitted in any of the following circumstances: (Education Code 49431.2)

1. The sale takes place off and away from school premises.
2. The sale takes place on school premises at least one-half hour after the end of the school day.
3. The sale occurs during a school-sponsored student activity after the end of the school day.

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

Beverage sales that do not comply with the standards in Education Code 49431.5 may be permitted at a middle or junior high school as part of a school event under either of the following circumstances: (Education Code 49431.5)

1. The sale occurs during a school-sponsored event and takes place at the location of the event at least one-half hour after the end of the school day.
2. Vending machines, student stores, and cafeterias are used later than one-half hour after the end of the school day.



**OTHER FOOD SALES (continued)**

**Additional Requirements for Schools Participating in the National School Lunch or Breakfast Program**

The sale of foods outside of the district's food service program 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)

No foods of minimal nutritional value, as listed in 7 CFR 210, Appendix B, and 7 CFR 220, Appendix B, shall be sold in food service areas during breakfast and lunch periods. (7 CFR 210.11, 220.12)

In a school with any of grades K-8 that is participating in the National School Lunch and/or Breakfast Program, the Superintendent or designee shall not permit the sale of foods by a student organization except when all of the following conditions are met: (5 CCR 15500)

1. The food item sold is in accordance with the District Wellness Policy.
2. The sale does not begin until after the close of the school day.

In junior high and high schools, a student organization may be approved to sell food items during or after the school day if all of the following conditions are met: (5 CCR 15501)

1. There are no more than four days of food sales per year per school.
2. The food items are in accordance with the District Wellness Policy.
3. Food items sold during the regular school day are not prepared on the premises.
4. The food items sold are not those sold in the district's food service program at that school during that school day.

**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 photographic, 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 pursuant to the Safe at Home program. (Government Code 6206, 6207)

When a substitute address card is provided pursuant to this program, the confidential, actual address may be used only to establish district residency requirements for enrollment and for school emergency purposes.

- (cf. 3516 - Emergencies and Disaster Preparedness Plan)*
- (cf. 5111.1 - District Residency)*

*Legal Reference: (see next page)*

**DISTRICT RECORDS (continued)**

*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, sexual assault or stalking*

6252-6265 *Inspection of public records*

12946 *Retention of employment applications and records for two years*

PENAL CODE

11170 *Retention of child abuse reports*

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 PUBLICATIONS

*Letter re: California Confidential Address Program Implementation (SB 489), August 27, 1999*

WEB SITES

*California Secretary of State: <http://www.ss.ca.gov/safeathome>*

**CONSULTANTS**

The Board of Education 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 Board for approval.

*(cf. 3312 - Contracts)*

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*