

CONCEPTS AND ROLES

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

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

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

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

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

(cf. 3460 - Financial Reports and Accountability)

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

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

Legal Reference:

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

BUDGET

The Governing Board accepts responsibility for adopting a sound budget for each fiscal year that is aligned with the district's vision and goals.

(cf. 0000 - Vision)

(cf. 3000 - Concepts and Roles)

(cf. 3300 - Expenditures and Purchases)

(cf. 3460 - Financial Reports and Accountability)

(cf. 9000 - Role of the Board)

(cf. 3300 - Expenditures/Expending Authority)

Budget Development and Adoption Process

The Superintendent or designee shall determine the manner in which the budget is developed and shall establish an annual budget adoption process in accordance with the single budget adoption process described in Education Code 42127(i)

(cf. 3460 - Financial Reports and Accountability)

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

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

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

(cf. 9323 - Meeting Conduct)

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

BUDGET (continued)**Budget Criteria and Standards**

In developing the district budget, the Superintendent or designee shall analyze criteria and standards adopted by the State Board of Education which address estimation of funded average daily attendance (ADA), projected enrollment, ratio of ADA to enrollment, projected revenue limit, salaries and benefits, other revenues and expenditures, facilities maintenance, deficit spending, fund balance, and reserves. The budget review shall also identify supplemental information regarding contingent liabilities, use of one-time revenues for ongoing expenditures, use of ongoing revenues for one-time expenditures, contingent revenues, contributions, long-term commitments, unfunded liabilities, and the status of labor agreements. (Education Code 33127, 33128, 33129; 5 CCR 15440-15451)

The Board shall establish and maintain a fund reserve for economic uncertainty that meets or exceeds the requirements of law. (Education Code 33128.3; 5 CCR 15450)

Fund Balance

In compliance with Governmental Accounting Standards Board (GASB) Statement 54, the Board shall classify fund balances in the general fund into the following categories based on the constraints placed on the use of the resources:

- nonspendable amounts that are not expected to be converted to cash,
- restricted amounts constrained to specific purposes by their providers (e.g., grantors, state agencies, federal agencies) or by law,
- committed amounts constrained to specific purposes by the board,
- assigned amounts which the board or its designee intends to use for a specific purpose, and
- unassigned amounts that are available for any purpose.

Legal Reference (see next page)

BUDGET (continued)

Legal Reference:

EDUCATION CODE

1620-1630 County office of education budget approval

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

42103.3 Public budget information; CDE sampling and suggested improvements

42122-42129 Budget requirements

42132 Resolutions identifying estimated appropriations limit

42602 Use of unbudgeted funds

42610 Appropriation of excess funds and limitation thereon

45253 Annual budget of personnel commission

45254 First year budget of personnel commission

GOVERNMENT CODE

7900-7914 Expenditure limitations

CODE OF REGULATIONS, TITLE 5

15440-15452 Criteria and standards for school district budgets

15467-15479 Criteria and standards for county office of education budgets

Management Resources:

CDE MANAGEMENT ADVISORIES

0203.92 Implementation of AB 1200, 92-03

Policy
adopted: August 22, 2000
revised: October 20, 2010

PALERMO UNION SCHOOL DISTRICT
Palermo, California

BUDGET

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

Initial Budget Adoption

On or before July 1 of each year, the Board shall adopt a budget which adheres to the state's standardized account code structure (SACS) as prescribed by the Superintendent of Public Instruction (SPI). (Education Code 42126, 42127)

The district budget shall be developed in accordance with standards and criteria for fiscal accountability adopted by the State Board of Education. (Education Code 33129)

(cf. 3460 - Financial Reports and Accountability)

Before adopting the budget, the Governing Board shall hold a public hearing. The proposed budget shall be available for public inspection at least three working days before this hearing. (Education Code 42103, 42127)

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. (Education Code 42127)

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

(cf. 9320 - Meetings and Notices)

(cf. 9323 - Meeting Conduct)

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

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

BUDGET (continued)

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. (Education Code 42127)

Regulation
approved: August 22, 2000
revised: October 20, 2010

PALERMO UNION SCHOOL DISTRICT
Palermo, California

TRANSFER OF FUNDS

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

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

End-of-the-Year Procedures

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)

TRANSFER OF FUNDS (continued)

Deferred Maintenance Funds

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

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

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

LOTTERY FUNDS

Because amounts received from the California State Lottery fluctuate from year to year, the Governing Board shall not commit future lottery funds for any purpose until they have been received.

Because lottery funds were intended to supplement state funds, not substitute for these funds, the Board desires to use these funds for supplemental and nonrecurring expenditures which support educational programs and activities.

The Board shall establish funding priorities and approve all allocations within the parameters of law. 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. Products designed for both instructional and noninstructional purposes may be purchased with lottery funds only when they will be used to benefit an educational program or activity.

The Superintendent or designee shall establish a separate account for the receipt and distribution of lottery funds. (Government Code 8880.5)

Legal Reference:

EDUCATION CODE

14600 Legislative findings and declarations: state control of lottery funds

14700-14701 Use of lottery funds

GOVERNMENT CODE

8880-8880.5 California state lottery: general provisions, including intent and allocation to school districts

FEES AND CHARGES

The Governing Board desires to furnish books, materials and instructional equipment as needed for the educational program. Because district needs 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

8760-8773 *Outdoor science and conservation programs*
17551 *Property fabricated by students*
19910 *Malicious cutting, tearing, defacing, breaking or injuring*
19911 *Willful detention of property*
32221 *Insurance for athletic team member*
35330 *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 cost*
39837 *Transportation of students to places of summer employment*
41902 *Allowances by Superintendent of Public Instruction (re driver training)*
48904 *Liability of parent or guardian*
48932 *Authorization for activities by student organizations; fund-raising*
49063 *Notification of rights*
49490-49493 *School Breakfast and Lunch Program*
49500-49505 *Meals*
49530-49536 *Child Nutrition Act of 1974*
49550-49560 *Meals for needy students*
51810-51815 *Community service classes*
52500 *Adult classes; admission of minors*
52500.1 *Eligibility of high school students for enrollment*
52523 *Adult education as supplement for high school curriculum*

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*
15500 *Food sales in elementary schools*
15501 *Food sales in high schools and junior high schools*
15510 *Mandatory meals for needy students*
15550-15565 *School lunch and breakfast programs*

COURT DECISIONS

Driving School Assn of California v. San Mateo Union High School District (1993) 11 Cal. App. 4th 1513

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

CTA v. Glendale SD Board of Education (1980) 109 Cal. App. 3d 738, 746-748

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

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

FEES AND CHARGES

The district shall not charge fees which are not specifically authorized by law. (5 CCR 350)

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

1. Accident and medical insurance premiums (Education Code 32221)

(cf. 5143 - Insurance)

2. Expenses of students' participation in a field trip or excursion to another state, the District of Columbia or a foreign country (Education Code 35330)

(cf. 6153 - School-Sponsored Trips)

3. School outdoor science camp programs operated pursuant to Education Code 8760-8773 (Education Code 35335)

(cf. 6142.5 - Environmental Education)

4. Personal property of the district fabricated by students, at cost (Education Code 17551)

5. Home-to-school transportation (Education Code 38028)

(cf. 3250 - Transportation Fees)

6. Rental, purchase or lease of personal property such as caps and gowns used in graduation ceremonies (Education Code 38119)

(cf. 5127 - Graduation Ceremonies and Activities)

7. Actual costs of duplication for copies of public records, student records or other materials (Government Code 6253; Education Code 49063)

(cf. 1340 - Access to District Records)

8. Food sold at school subject to restrictions specified in law (Education Code 38080-38085, 49490-49493, 49500-49505, 49530-49536, 49550-49560; Code of Regulations, Title 5, Section 15500-15501, 15510, 15550-15565)

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

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3554 - Other Food Sales)

FEES AND CHARGES (continued)

9. Fines or reimbursements for lost or damaged district property (Education Code 19910-19911, 48904)

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

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES

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

(cf. 0440 - District Technology Plan)

(cf. 6161 - Equipment, Books and Materials)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6163.1 - Library Media Centers)

The Board shall adopt rules and procedures for prescribing standards for determining when instructional materials are obsolete or unusable for educational purposes. (Education Code 60500)

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 editions or new materials and are of no foreseeable value in other instructional areas

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

3. Are not aligned with the district's academic standards or course of study

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

4. 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

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

5. Have been inspected and discovered to be damaged beyond use or repair

(cf. 1312.4 - Williams Uniform Complaint Procedures)

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES

(continued)

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

62000.4 Instructional materials program, sunset date

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

Policy
adopted: August 22, 2000
revised: November 3, 2010

PALERMO UNION SCHOOL DISTRICT
Palermo, California

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES

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

1. If the 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 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)

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES

(continued)

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

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)

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

The sale, lease or rental of district property for child care purposes shall be especially encouraged for programs that are properly licensed, provide adequate insurance coverage, are financially self-supporting and maintain a safe environment through good management and supervision.

(cf. 5148 - Child Care and Development)

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

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

17022 *Approval of new facilities*

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

17230 *Surplus property*

17385 *Conveyances to and from school districts*

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

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

17453 *Lease of surplus district property*

17455-17484 *Sale or lease of real property*

17515-17526 *Joint occupancy*

17527-17535 *Joint use of district facilities*

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

GOVERNMENT CODE

54222 *Offer to sell or lease property*

SALE, LEASE, RENTAL OF DISTRICT-OWNED REAL PROPERTY

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

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

This committee shall: (Education Code 17390)

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

Sale, Lease or Rental for Child Care Purposes

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

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

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

(cf. 1330 - Use of School Facilities)

GIFTS, GRANTS AND BEQUESTS

The Governing Board may accept any bequest or gift of money or property on behalf of the district. While greatly appreciating suitable donations, the 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 will donate all gifts to the district rather than to a particular school. A gift may be used at a particular school.

Legal Reference: (see next page)

GIFTS, GRANTS AND BEQUESTS (continued)

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

EXPENDITURES/EXPENDING AUTHORITY

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

(cf. 3310 - Purchasing Procedures)

(cf. 3311 - Bids)

(cf. 3312 - Contracts)

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

(cf. 3100 - Budget)

(cf. 3110 - Transfer of Funds)

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

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

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

Legal Reference:

EDUCATION CODE

17604 Delegation of powers to agents; liability of agents

17605 Delegation of authority to purchase supplies and equipment

32435 Prohibited use of public funds

35010 Control of district; prescription and enforcement of rules

35035 Powers and duties of superintendent

35272 Educational and athletic materials

38083 Purchase of perishable foodstuffs and seasonal commodities

41010 Accounting system

41014 Requirement of budgetary accounting

PUBLIC CONTRACT CODE

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

PURCHASING PROCEDURES

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

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

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

All purchases shall be made by formal contract or purchase orders, or shall be accompanied by a receipt.

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

Legal Reference:

EDUCATION CODE

17604 Delegation of powers to agents; approval or ratification of contracts by governing board
17605 Delegation of authority to purchase supplies and equipment
35250 Duty to keep certain records and reports

GOVERNMENT CODE

4331 Preference to supplies manufactured or produced in state

PUBLIC CONTRACT CODE

3410 U.S. produce and processed foods
12168 Preference for recycled paper products
12210 Purchase of recycled products

PURCHASING PROCEDURES

Preferred Products

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

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

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

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 addition, formal bids may be required whenever it appears to be in the best interest of the district.

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 Governing Board may require prequalification procedures as allowed by law and specified in administrative regulation. A copy of any applicable administrative regulations shall be provided to bidders with all bid specifications.

(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
39801.5 Transportation bids and contracts for services

GOVERNMENT CODE

4330-4334 Preference of California-made materials
6252 Definitions for California Public Records Act
53060 Special services and advice

PUBLIC CONTRACT CODE

2000-2001 Responsive bidders
3400 Bids, specifications by brand or trade name not permitted
3410 United States produce and processed foods
12161 Definitions, recycled paper products
12168 Preference for purchase of recycled paper products
12169 Bidders to specify percentage of recycled paper product
12200 Definitions, recycled goods, materials and supplies
12210 Purchase of recycled products preferred
12213 Specification by bidder of recycled content
20107 Bidder's security
20111-20118.4 School districts especially:
20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder
20189 Bidder's security, earthquake relief
22002 Definition of public project
22030-22045 Alternative procedures for public projects (UPCCAA), especially:
22032 Dollar amount limits for public projects
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

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

Competitive bids shall be sought through advertisement for contracts exceeding the amount specified in law, and as annually adjusted by the Superintendent of Public Instruction, for any of the following: (Public Contract Code 20111) Government Code 53060)

1. The purchase, rent or lease of equipment, material or supplies
2. Services, not including construction services, professional services or advice, in financial, legal, or administrative services.
3. Repairs, including maintenance that is not a public project

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

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

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

BIDS (continued)

The Board shall secure bids 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 39801.5)

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 20111-201186 for contracting after competitive bidding. (Public Contract Code 20116)

Instructions and Procedures for Advertised Bids

The Superintendent or designee shall call for bids by advertising in a local newspaper at least once a week for two weeks. The notice shall state the work to be done or materials or supplies to be furnished and the time and place where bids will be opened. (Public Contract Code 20112) The district may accept a bid that has been submitted electronically or on paper. (Public Contract Code 20112)

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

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

1. All bidders, including bidders for printing contracts, shall ~~specify~~ certify the minimum, if not exact, percentage of recycled product in the products offered, and both the postconsumer and secondary waste content. (Public Contract Code 12169, 12213)
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, in no event any later than 60 days after the bid is awarded. (Public Contract Code 20111)
3. Under no condition shall bids 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 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 shall 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.
- 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.
 - 6.7. After being opened, all submitted bids shall be made available for review by all interested parties (Government Code 6252) and shall be made available for review pursuant to law, Board policy, and administrative regulation.

(cf. 1340 - Access to District Records)

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 (i.e., E-Rate). 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 (RFP) 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 RFP 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 RFP is received.
4. The RFP 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 RFPs 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 RFPs.
9. Provisions in any contract concerning utilization of small business enterprises, that are in accordance with the RFP, shall not be subject to negotiation with the successful proposer.

BIDS (continued)

Bids Not Required

Upon a case-by-case determination that it is in the best interests of the district and to the extent permitted by law, the Board may authorize the purchase, lease or contract for equipment and supplies through a public corporation or agency without advertising for bids. (Public Contract Code 20118)

(cf. 3310 - Purchasing Procedures)

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

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

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

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

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

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

BIDS (continued)

Sole Sourcing

Specifications for contracts for construction, alteration or repair of school facilities may not limit bidding to any one product or supplier. Specifications designating a particular brand name shall list at least two brands of comparable quality and follow the description with the words “or equal.” (Public Contract Code 3400)

Specifications for contracts may designate a product by brand or trade name (sole sourcing) when one or more of the following conditions apply: (Public Contract Code 3400)

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

Prequalification Procedure

For any contract for which bids are legally required, the Board may require that each prospective bidder complete and submit a standardized questionnaire and financial statement. For this purpose, the Superintendent or designee shall supply a form which requires a complete statement of the bidder's financial ability and experience in performing public works. Prospective bidders shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids. The information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Public Contract Code 20111.5)

The Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. Bidders must be deemed prequalified by the district at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

BIDS (continued)

The Superintendent or designee shall furnish each qualified bidder with a standardized proposal form. Bids not presented on the standard form shall be disregarded. (Public Contract Code 20111.5)

Protests by Bidders

A bidder may protest a bid award if he/she believes that the award was inconsistent with Board policy, the bid's specifications or 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 timely file a protest shall constitute a waiver of his/her right to protest the award of the contract.

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

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

Business and Noninstructional Operations

CONTRACTS

The Superintendent or designee may enter into contracts on behalf of the district. 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 construction 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)

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, 2006, 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)

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 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)

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

681-1688 Title IX, discrimination

Management Resources:

SBA 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>

Regulation
approved: August 22, 2000
Revised: October 12, 2006

PALERMO UNION SCHOOL DISTRICT
Palermo, California

PAYMENT FOR GOODS AND SERVICES

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

(cf. 3300 - Expenditures/Expending Authority)

(cf. 3312 - Contracts)

(cf. 3314.2 - Revolving Funds)

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

The Superintendent or designee may pay invoices in excess of previously approved purchase order amounts without further Board approval when the excess amount represents sales tax, transportation charges or charges made for the detention of a shipment during loading or unloading.

Legal Reference:

EDUCATION CODE

42630-42651 General provisions - orders, requisitions and warrants

42800-42806 Revolving cash fund

42810 Alternative revolving fund

42820 Prepayment funds

CODE OF CIVIL PROCEDURE

685.010 Rate of interest

GOVERNMENT CODE

5500 Definitions (facsimile signatures)

5501 Filing and certification of manual signature

5503 Unlawful use of facsimile signatures or seals

PUBLIC CONTRACT CODE

7107 Retention proceeds; withholding; disbursement

20104.50 Construction progress payments

PAYMENT FOR GOODS AND SERVICES

Payments Related to Construction

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

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

REVOLVING FUNDS

District Revolving Fund

The Governing Board has established by resolution a revolving cash fund for use by the Superintendent or designee in paying for goods, services and other charges determined by the 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)

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

CLAIMS AND ACTIONS AGAINST THE DISTRICT

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

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

Legal Reference:

EDUCATION CODE

35200 *Liability for debts and contracts*

35202 *Claims against districts; applicability of Government Code*

GOVERNMENT CODE

800 *Cost in civil actions*

810-996.6 *Claims and actions against public entities*

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

COURT DECISIONS

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

CLAIMS AND ACTIONS AGAINST THE DISTRICT

Time Limitations

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

Late Claims

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

If a claim under paragraphs #1 or #3 is filed late and is not accompanied by the application, the 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 notice shall be in the form set forth in Exhibit A.

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

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

CLAIMS AND ACTIONS AGAINST THE DISTRICT (continued)

Delivery and Form of Claim

A claim, any amendment thereto, or an application for leave to present a late claim shall be deemed presented when delivered to the office of the Superintendent or 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 may be submitted on the district claim form or as prescribed in Section 910 and 910.2 of the Government Code. (Government Code 910, 910.2, 910.4)

Notice of Claim Insufficiency

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

Amendments to Claim

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

Action on Claim

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

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

CLAIMS AND ACTIONS AGAINST THE DISTRICT (continued)

Roster of Public Agencies

The Superintendent shall annually verify that all information regarding the school district and the Board is filed accurately with the Roster of Public Agencies in the office of the Secretary of State and the County Clerk. The verified information shall include the name of the school district, the mailing address of the 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)

S A M P L E

Exhibit A

NOTICE OF FAILURE TO FILE IN A TIMELY MANNER

TO: [Claimant]

[Address]

RE: Claim Filed [insert date]

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

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

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

S A M P L E

EXHIBIT B

WARNING

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

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

S A M P L E

EXHIBIT C

NOTICE OF INSUFFICIENCY

Dear _____:

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

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

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

Dated: _____

Signature

Typed Title of Officer)

S A M P L E

EXHIBIT D

NOTICE OF ACTION TAKEN ON CLAIM

Dear _____

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

WARNING

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

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

Dated: _____

Signature

Typed Title of Officer

TRAVEL EXPENSES

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

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

(cf. 4131 - Staff Development)
(cf. 4131.5 - Professional Growth)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

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

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

All out-of-state travel for which reimbursement will be claimed shall have Board approval. Travel expenses not previously budgeted also shall be approved on an individual basis by the Board.

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

(cf. 9240 - Board Development)
(cf. 9250 - Remuneration, Reimbursement, and Other Benefits)

Legal Reference:

- EDUCATION CODE
- 44016 Travel expense*
- 44032 Travel expense payment*
- 44033 Automobile allowance*
- 44802 Student teacher's travel expense*

MANAGEMENT OF DISTRICT ASSETS/ACCOUNTS

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

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

(cf. 3100 - Budget)
(cf. 3300 - Expenditures/Expending Authority)
(cf. 3460 - Financial Reports and Accountability)

The Board recognizes the importance of accurately identifying and valuing district assets in order to help ensure financial accountability and to minimize the risk of loss or misuse. District assets with a useful life of more than one year and an initial acquisition cost of \$10,000 or more shall be considered capital assets.

(cf. 3440 - Inventories)

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

Legal Reference:
EDUCATION CODE
14500-14508 Financial and compliance audits
35035 Powers and duties of superintendent
35250 Duty to keep certain records and reports
41010-41023 Accounting regulations, budget controls and audits
41344 Repayment of apportionment significant audit exceptions
42600-42604 Control of expenditures
42647 Drawing of warrants by district on county treasurer; form; reports, statements and other data
GOVERNMENT CODE
53995-53997 Obligation of contract

Management Resources:
GOVERNMENTAL STANDARDS ACCOUNTING BOARD
Statement 34, Basic Financial Statements - and Management's Discussion and Analysis - For State and Local Governments, June 1999
CDE COMMUNICATIONS
1208.00 Audit Resolution Process: Repayment Plans
WEB SITES
Governmental Accounting Standards Board: <http://www.gasb.org>
CDE: <http://www.cde.ca.gov>
Education Audit Appeals Panel: <http://www.eaap.ca.gov>
State Controller's Office: <http://www.sco.ca.gov/>

Policy
adopted: August 22, 2000
Revised: May 28, 2003

PALERMO UNION SCHOOL DISTRICT
Palermo, California

MANAGEMENT OF DISTRICT ASSETS/ACCOUNTS

Accounts

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

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

(cf. 3110 - Transfer of Funds)

Audit

By April 1 of each year, the Governing Board shall provide for an audit of all district accounts, any other funds which are administered pursuant to a joint powers agreement, and attendance procedures. To conduct this audit, the Board shall select a certified public accountant or public accountant licensed by the State Board of Accountancy. The Superintendent or designee shall establish a timetable for the completion and review of the audit within the deadlines established by law.

The audit shall be conducted in accordance with General Accounting Office standards for financial and compliance audits. (Education Code 14503)

(cf. 3451 - Petty Cash Funds)

(cf. 3452 - Student Activity Funds)

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

The audit shall identify all expenditures by source of funds and shall contain: (Education Code 41020)

1. A statement that the audit was conducted pursuant to standards and procedures established in the audit guides developed by the State Controller
2. A summary of audit exceptions and management improvement recommendations
3. A description of the specific actions that are planned or that have been taken to correct any problem identified by the auditor

The Superintendent or designee shall file the report of the audit with the County Superintendent of Schools, the Department of Education, and the State Controller no later than December 15. (Education Code 41020)

MANAGEMENT OF DISTRICT ASSETS/ACCOUNTS (continued)

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)

Quality Control Reviews

The independent auditor shall complete a quality control review every three years in accordance with General Accounting Office standards. (Education Code 14503)

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 \$10,000 or more with the exception of items purchased with Carl D. Perkins funds, for which the \$500 threshold will be applied. (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

PETTY CASH FUNDS

The purpose of a petty cash fund is to have cash available in the office of the principal or other administrative officer for express charges, postage due and other unforeseen small expenses which cannot conveniently be charged and handled in the usual manner.

1. The amount of cash funds at any school site shall not exceed \$75.
2. The principal or administrative official in whose name the fund is created will be responsible for all expenditures made from it.
3. Each disbursement will be supported by a cash register tape, a sales slip or other evidence of the expenditure. Such evidence will be summarized monthly, or earlier if the fund needs replenishment.
4. The documents and the summary will be forwarded to the business office where a check will be issued to replenish the fund.
5. The amount on deposit plus receipts of disbursement must always equal the original amount of the fund.
6. Funds will be regularly audited by the business office.
7. Funds are subject to audit by the district's auditor.
8. Money left overnight in schools shall be kept in a locked, secured place.

(cf. 3314.2 - Revolving Funds)

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

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35250 Duty to keep certain records

41020 Requirement for annual audit

42800-42810 Revolving funds

STUDENT ACTIVITY FUNDS

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

(cf. 1321 - Solicitation of Funds from and by Students)
(cf. 3554 - Other Food Sales)

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

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

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

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

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

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

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

Legal Reference: (see next page)

STUDENT ACTIVITY FUNDS (continued)

Legal Reference:

EDUCATION CODE

41020 Requirement for annual audit

48930-48938 Student body organization

FINANCIAL REPORTS AND ACCOUNTABILITY

The Governing Board is committed to ensuring accountability to the public for the fiscal health of the district. The Board shall adopt sound fiscal policies and oversee the district's financial condition. The Superintendent or designee shall regularly keep the Board informed about the district's finances and shall submit timely reports so that the Board can take appropriate action to ensure the district's financial stability. The Superintendent or designee may recommend amendments to the district's budgeted revenues and expenditures as may be necessary to maintain a balanced budget.

(cf. 3020 - Fiscal Policy Team)

(cf. 3100 - Budget)

(cf. 3300 - Expenditures/Expending Authority)

(cf. 3430 - Investing)

(cf. 9000 - Role of the Board)

Legal Reference:

EDUCATION CODE

17150 Public disclosure of non-voter-approved debt

33127 Standards and criteria for local budgets and expenditures

33128 Standards and criteria; inclusions

33129 Standards and criteria; use by local agencies

35035 Powers and duties of superintendent

41010 Accounting system

41020 Requirement for annual audit by county superintendent of schools

41450 Assistance and guidance to local offices of education

41455 Examination of financial problems of local districts

42100 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

42647 Drawing of warrants by district on county treasurer; form of warrant; application and approval

GOVERNMENT CODE

3540.2 School district; qualified or negative certification; proposed agreement review and comment

16429.1 Local agency investment fund

53646 Reports of investment policy and compliance

CODE OF REGULATIONS, TITLE 5

15453-15463 Criteria and Standards for School District Interim Reports

15480-15490 Criteria and Standards for County Office of Education Reports

FINANCIAL REPORTS AND ACCOUNTABILITY

Unaudited Actual Receipts and Expenditures

On a form prescribed by the Superintendent of Public Instruction, the Superintendent or designee shall prepare a statement of all unaudited and actual 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 of Schools. (Education Code 42100)

Gann 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 meeting. (Education Code 42132; Government Code 7910)

(cf. 1340 - Access to District Records)

Interim Reports

The Superintendent or designee shall submit two interim fiscal reports to the Governing Board, 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 35035, 42130)

(cf. 1340 - Access to District Records)

Each interim report shall include an assessment of the district budget as revised to reflect current information regarding the adopted state budget, district property tax revenues, if any, and ending balances for the preceding fiscal year. The report shall be based on criteria and standards adopted by the State Board of Education (SBE) which address fund and cash balances, reserves, deficit spending, estimation of average daily attendance (ADA), projected enrollment, ratio of ADA to enrollment, projected revenue limit, salaries and benefits, other revenues and expenditures, and facilities maintenance. The report shall also provide supplemental information regarding contingent liabilities, use of one-time revenues for ongoing expenditures, contingent revenues, contributions, long-term commitments, unfunded liabilities, temporary interfund borrowings, the status of labor agreements, and the status of other funds. (Education Code 33128.3, 42130, 42131; 5 CCR 15453-15466)

FINANCIAL REPORTS AND ACCOUNTABILITY (continued)

Within 45 days after the close of the period reported, the Board shall assess these reports of the district's financial condition on the basis of criteria adopted by the State Board of Education 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 interim fiscal reports and its certification of the district's financial status based on current projections, in accordance with the following: (Education Code 42131)

1. A “positive certification” will indicate that the district will meet its financial obligations for the current fiscal year and subsequent two fiscal years.
2. A “qualified certification” will indicate that the district may not meet its financial obligations for the current fiscal year or two subsequent fiscal years.
3. A “negative certification” will indicate that the district will be unable to meet its financial obligations for the remainder of the fiscal year or the subsequent fiscal year.

The Superintendent or designee shall submit a copy of the interim report and certification to the County Superintendent using the state's SACS software, as prescribed by the SPI. (Education Code 42130, 42131)

If the district submits a positive certification that is subsequently changed by the County Superintendent to a qualified or negative certification, the district may appeal the decision to the SPI within five days of receiving the notice of change. (Education Code 42131)

Whenever the district receives a qualified or negative certification as determined by the Board or the County Superintendent, the Superintendent or designee shall cooperate in the implementation of any remedial actions taken by the County Superintendent under the authority granted to him/her pursuant to Education Code 42131.

Whenever the County Superintendent conducts a comprehensive review of the district's financial and budgetary conditions after determining that the district's budget does not comply with SBE-adopted criteria and standards for fiscal stability, the Board shall review the County Superintendent's recommendations at a public Board meeting. Within 15 days of receiving the report, the district shall notify the County Superintendent and the SPI of its proposed actions on the recommendations. (Education Code 42637)

FINANCIAL REPORTS AND ACCOUNTABILITY (continued)

If the Board files a qualified or negative certification for the second interim report of the fiscal year, or if its second interim report is classified as qualified or negative by the County Superintendent of Schools, the Superintendent or designee shall provide to the County Superintendent of Schools, the Controller, and the Superintendent of Public Instruction, no later than June 1, 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)

Audit Report

By April 1 of each year, the Board shall provide for an audit of the district's books and accounts or the County Superintendent shall make arrangements 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 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 public accounting firm is performing the audit of the district, it shall not provide any nonauditing, management, or other consulting services for the district except as provided in Government 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)

(cf. 3430 - Investing)

(cf. 3451 - Petty Cash Funds)

(cf. 3452 - Student Activity Funds)

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

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 in a spendable form or are legally or contractually required to be maintained intact
2. Restricted fund balance, including amounts constrained to specific purposes by their providers or by law
3. Committed fund balance, including amounts constrained to specific purposes by the Board
4. Assigned fund balance, including amounts which the Board or its designee intends to use for a specific purpose
5. Unassigned fund balance, including amounts that are available for any purpose

Negative Balance Report

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

Non-Voter-Approved Debt Report

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

FINANCIAL REPORTS AND ACCOUNTABILITY (continued)

When the Board is considering the issuance of certificates of and other debt instruments that are secured by real property and do not require the approval of the voters of the district, the Superintendent or designee shall notify the County Superintendent of Schools and the county auditor no later than 30 days before the Board's approval to proceed with issuance.. The Superintendent or designee shall provide the Board, the county auditor, the County Superintendent of Schools 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)

Other Postemployment Benefits Report (GASB 45)

In accordance with GASB Statement 45, the district's financial statements shall report the annual expense of nonpension other postemployment benefits (OPEBs) on an accrual basis over retirees' active working lifetime, as determined by a qualified actuary procured by the Superintendent or designee. To the extent that these OPEBs are not prefunded, the district shall report a liability on its financial statements.

(cf. 4154/4254/4354 - Health and Welfare Benefits)
(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

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

The amount of the district's financial obligation for OPEBs shall be reevaluated every two or three years in accordance with GASB 45 depending on the number of members in the OPEB plan.

INTEGRATED WASTE MANAGEMENT

The Governing Board 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:

CIWMB 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>

Business and Noninstructional Operations

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. 3300 - Expenditures and Purchasing)

(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)

Personal Use of District-Provided Vehicles

An employee's personal use of a district vehicle is considered taxable income to the employee.

The value of the personal use of a district provided vehicle is necessary to determine the amount of taxable income to the employee. The following method will be used for determining this value.

Commuting Method – This method values the personal use at \$1.50 per one way commute and \$3.00 round trip. The following conditions must be met to use the commuting method:

1. The governing Board prohibits personal use of district cars except for commuting to and from work.
2. The district must own or lease the vehicle and must require the employee to commute using the vehicle.
3. The employee is not a “control employee”. A control employee of a federal, state, or local government employer, is any elected official; or any employee whose compensation equals or exceeds that of a federal employee at Executive Level V.

Legal Reference: (see next page)

EQUIPMENT (continued)

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

UNITED STATES CODE, TITLE 20

6322 Fiscal requirements

CODE OF FEDERAL REGULATIONS, TITLE 34

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

TREASURY REGULATIONS

1.274-6T(a)(2) Personal use of district provided vehicle

1.61-21(b)(4) Valuation of personal use of district provided vehicle

S A M P L E
EQUIPMENT LOAN FORM

I assume the responsibility for the following district equipment:

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

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

I will return the above equipment to _____
 (administrator or designee)

no later than _____
 (date)

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

Signed: _____

Date: _____

Approved: August 22, 2000 _____

Date: _____

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>

CELLULAR PHONE REIMBURSEMENT

The district may purchase cell phones or other mobile communications devices for use by employees for district-related business.

When an employee has been provided the use of a district-owned device, he/she shall not use the device for personal calls.

The Superintendent or designee shall determine if an employee requires a cell phone or other mobile communications device for the efficient performance of his/her job responsibilities. Factors that will be considered include, but are not limited to, whether the employee's job responsibilities require:

1. An ability to communicate frequently and access to a district telephone is not readily available
2. An ability to communicate immediately to ensure the safety of district staff and students, or the security of district property
3. An ability to be accessible due to frequent travel or work outside of the office

The Superintendent or designee shall develop a uniform system for identifying employee cell phone or mobile communications device needs and the most cost effective method of providing necessary equipment to employees. He/she shall also develop a system for monitoring employee use.

If an employee misuses the cell phone or other mobile communications device he/she shall be responsible for fees or charges associated with the misuse.

If the Superintendent or designee determines that an employee no longer needs a cell phone or other mobile communications device to perform his/her job responsibilities, any fees or charges associated with cancellation of the service contract shall be the responsibility of the district.

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

TOBACCO-FREE SCHOOLS

The Governing Board recognizes the health hazards associated with tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy environment for students and staff. Employees are encouraged to serve as models for good health practices that are consistent with the district's instructional programs.

In accordance with state and federal law, smoking is prohibited in all district facilities and vehicles. (20 USC 6083; Labor Code 6404.5)

(cf. 3514 - Environmental Safety)
(cf. 4159/4259/4359 - Employee Assistance Programs)
(cf. 5030 - Student Wellness)
(cf. 5141.23 - Asthma Management)
(cf. 5131.62 - Tobacco)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6143 - Courses of Study)

The Board further prohibits the use of tobacco products at all times on district grounds. 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 activity or athletic event on property owned, leased or rented by or from the district.

Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.

(cf. 1330 - Use of School Facilities)

Prohibited products include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, and nicotine delivery devices such as electronic cigarettes. Exceptions may be made for the use or possession of prescription nicotine products.

The Superintendent or designee shall inform students, parents/ guardians, employees and the public about this policy and related procedures.

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

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)

TOBACCO-FREE SCHOOLS (continued)

The Superintendent or designee shall maintain a list of clinics and other resources which may assist individuals who wish to stop using tobacco products.

(cf. 4159/4259/4359 - Employee Assistance Programs)

Legal Reference:

EDUCATION CODE

48901 *Smoking or use of tobacco; steps to discourage*

HEALTH AND SAFETY CODE

39002 *Control of air pollution from nonvehicular sources*

104420 *Implementation of tobacco use prevention program*

LABOR CODE

6404.5 *Occupational safety and health: use of tobacco products*

UNITED STATES CODE, TITLE 20

6083 *Nonsmoking policy for children's services*

COURT DECISIONS

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)

TOBACCO-FREE SCHOOLS

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)

Employee Notifications

The Superintendent or designee shall notify employees of the district's tobacco-free schools policy. The notification shall also inform them of:

1. Their need to abide by district policy as a condition of employment.
2. The dangers of tobacco use in the workplace, including its threat to the health and safety of employees, students and the public.
3. Available resources which may help employees stop using tobacco.
4. Possible disciplinary actions in accordance with Board policy, state law and applicable collective bargaining agreements.

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)

Enforcement Procedures for Visitors

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

1. The matter may be referred to the Superintendent or designee responsible for the area or the event.
2. The Superintendent or designee may direct the person to leave school property.

TOBACCO-FREE SCHOOLS (continued)

3. If necessary, the Superintendent or designee may request local law enforcement assistance in removing the person from school premises.

4. If the person repeatedly violates the tobacco-free schools policy, the Superintendent or designee may prohibit him/her from entering district property for a specified period of time.

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.2 - Disruptions)

The Superintendent or designee shall not be required to physically eject a nonemployee who is smoking or to request that the nonemployee refrain from smoking under circumstances involving a risk of physical harm to the district or any employee. (Labor Code 6404.5)

ENVIRONMENTAL SAFETY

The Governing Board believes that students and employees have the right to learn and work in a safe, clean and healthy environment. The district has an obligation to locate and reduce or eliminate potential risks to health and the environment, to use environmental resources in a responsible way, and to educate students and staff about environmental issues.

(cf. 6142.5 - Environmental Education)

The Superintendent or designee shall establish regulations to guard against environmental hazards. Students and staff are encouraged to report any unsafe conditions they may observe.

(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)

Air Quality

The Board recognizes that clean air contributes to a favorable learning environment for students, productivity for staff, and the health of all school occupants. Adequate ventilation, appropriate housekeeping and maintenance procedures, and the removal of pollution sources are all necessary to achieve good indoor air quality. The Superintendent or designee shall ensure that staff implement measures that will maintain good air quality in classrooms and offices.

Air quality shall be considered in the siting and architectural design of new or remodeled facilities and in the selection of building materials and furnishings.

Pest Management

Sanitary measures shall be enforced and buildings regularly cleaned and repaired in order to prevent infestations, minimize the use of pesticides, and minimize routine spraying.

The Superintendent or designee shall ensure that the integrated pest management services uses the most appropriate and least toxic method of control.

ENVIRONMENTAL SAFETY (continued)

Lead Exposure Reduction

The Board recognizes that exposure to lead is especially damaging to young children and that hazardous levels of lead may sometimes be present in paint, soil or drinking water. In order to minimize any harmful exposure, the district shall follow guidelines recommended by the Department of Health Services and specified in administrative regulations.

The district may conduct an independent assessment of whether students are in danger from exposure to lead at our schools.

In accordance with law, the Superintendent or designee shall inform school staff and parents/guardians of the results of any lead survey conducted by the Department of Health Services.

(cf. 5145.6 - Parental Notifications)

Legal Reference: (see next page)

ENVIRONMENTAL SAFETY (continued)

Legal Reference:

EDUCATION CODE

17366 Legislative intent (fitness of buildings for occupancy)

17582 Deferred maintenance fund; use for determining presence and encapsulation or removal of asbestos-containing materials

17590 Asbestos abatement fund

32020 Access gates

32240-32245 Lead-Safe Schools Protection Act

49410-49410.7 Asbestos materials containment or removal

FOOD AND AGRICULTURE CODE

11401-15206.6 Pest Control Operations and Agricultural Chemicals

GOVERNMENT CODE

3543.2 Scope of representation; right to negotiate safety conditions

CALIFORNIA STATE CONSTITUTION

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

CODE OF REGULATIONS, TITLE 8

340-340.3 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 et seq. 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 MANAGEMENT ADVISORIES

0100.88 Final Regulations for Asbestos Hazard Emergency Response Act

0310.88 Potential Health Hazard in Drinking Water Fountains, Follow Up

0626.89 Federal Lead Contamination Control Act of 1988

1218.87 Potential Health Hazard in Drinking Water Fountains

CDE PUBLICATIONS

Indoor Air Quality, A Guide for Educators, 1995

DEPARTMENT OF HEALTH SERVICES ADVISORIES

Childhood Lead Poisoning Prevention and Public Elementary Schools, Preschools and Child Care Centers, May 1994

U.S. ENVIRONMENTAL PROTECTION AGENCY

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

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 law. School buildings shall be inspected annually to ensure they have adequate ventilation systems, properly maintained so as to preclude the buildup of mold, mildew, and air contaminants. Filters shall be changed frequently.
2. Indoor painting of school buildings shall be limited to those weeks 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 for weekends or vacations.
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 to control exposure to radon.
6. Water-damaged ceiling tiles, carpet, and other building materials shall be removed.

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. Any more extensive asbestos abatement work shall be done 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. 5145.6 - Parental Notifications)

ENVIRONMENTAL SAFETY (continued)

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

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

Hazard Communication Program

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

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

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

Legal Reference:

EDUCATION CODE

49341 Legislative findings

49401.5 Legislative intent; consultation services

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

FOOD AND AGRICULTURE CODE

12981 Regulations re pesticides and worker safety

HEALTH AND SAFETY CODE

25163 Transportation of hazardous wastes; registration; exemptions; inspection

25500-25520 Hazardous materials release response plans; inventory

LABOR CODE

6360-6363 Hazardous Substances Information and Training Act

CODE OF REGULATIONS, TITLE 8

5194 Hazard Communication

HAZARDOUS SUBSTANCES

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

Hazard Communication Program

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

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

1. Container Labeling

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

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

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

2. Material Safety Data Sheets

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

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.

CAMPUS SECURITY

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

(cf. 0450 - Comprehensive Safety Plan)

These procedures shall include strategies and methods to:

1. Secure buildings from outsiders and discourage trespassing. These procedures may include requiring visitor registration and patrolling places used for congregating and loitering.

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.2 - Disruptions)

(cf. 5112.5 - Open/Closed Campus)

2. Discourage vandalism and graffiti. These methods may include plans to immediately cover graffiti as well as campus beautification projects and may 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)

3. Control access to keys and other school inventory.

(cf. 3440 - Inventories)

4. Detect and intervene with school crime. These procedures may include an anonymous crime reporting system, analysis of school crime incidents, and collaboration and communication with local law enforcement agencies.

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

(cf. 3515.3 - District Police Department)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

Keys

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

CAMPUS SECURITY (continued)

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

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

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

Legal Reference:

EDUCATION CODE

32020 Access gates

32211 Threatened disruption or interference with classes

35294-35294.9 School safety plans

38000-38005 Security patrols

PENAL CODE

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

626-626.10 Disruption of schools

Management Resources:

CDE PUBLICATIONS

Safe Schools: A Planning Guide for Action, 1995

CSBA PUBLICATIONS

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

DISRUPTIONS (Gun Free Schools Act)

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

(cf. 1250 - Visitors/Outsiders)
(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)

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

District and school site safety plans shall specify action to be taken, including specific staff responsibilities, when an individual is causing a disruption. 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. School staff shall be trained to recognize when an individual has committed acts that constitute a disruption in violation of Board policy. Staff who believe that a disruption may occur shall immediately contact the principal.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)

Gun Free School Zone

Possession of unauthorized firearms, weapons, or other dangerous instruments is prohibited within 1,000 feet of school grounds without the written permission of school authorities. (Penal Code 626.9, 626.10)

(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*
- 51512 Prohibited use of electronic listening or recording device*

PENAL CODE

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

COURT DECISIONS

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

DISRUPTIONS (Gun Free Schools Act)

The principal, designee or school security officer may direct an individual to leave school grounds if he/she has a reasonable basis for concluding that the person is committing an act that is likely to interfere with the peaceful conduct of school activities or with the intent to inflict damage on any person or property or that the person has entered the campus with the purpose of committing such an act. He/she may also ask a person to leave who uses loud and/or offensive language which could provoke a violent reaction or a person who has otherwise established a continued pattern of unauthorized entry on school grounds. This shall not apply to students, Governing Board members or employees of the school, or others required by their employment to be on school grounds. (Penal Code 626.7)

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

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

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

The principal or designee may direct any specified sex offender or drug offender to leave school grounds. This does not apply to a student, parent/guardian of a student attending that school or an individual who has obtained prior written permission for entry from the principal or designee. Upon directing the individual to leave, the principal or designee shall inform the person that he/she will be guilty of a crime if he/she:

1. Remains after being directed to leave (Education Code 44811; Penal Code 626.8)
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)
(cf. 3515.3 - District Police/Security Department)

DISRUPTIONS (Gun Free Schools Act) (continued)

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

The principal or designee may direct a person who is required to register as a sex offender to immediately leave school grounds, unless he/she is on school grounds for lawful business and with the principal's permission. If such a person does not leave school grounds, the principal or designee shall inform the person that he/she may be guilty of a crime.

(cf. 3515.5 - Sex Offender Notification)

Appeal Procedure

Any person who is asked to leave a public school building or grounds may appeal to the Superintendent or designee. This appeal shall be made no later than the second school day after the person has departed from the school building or grounds. 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)

RECOVERY FOR PROPERTY LOSS OR DAMAGE

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

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

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

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

(cf. 5131.5 - Vandalism, Theft and Graffiti)

(cf. 5136 - Gangs)

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

Rewards

If law enforcement officials are unable to fix responsibility for the theft or vandalism, the Superintendent or designee is authorized to offer a reward in any amount he/she deems appropriate, not exceeding \$2,500, for information leading to the identification and apprehension of the guilty party. A reward in excess of \$2,500 must be authorized in advance by the Board.

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

Legal Reference:

EDUCATION CODE

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

19911 Libraries, willful detention of property

44810 Willful interference with classroom conduct

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

CIVIL CODE

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

GOVERNMENT CODE

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

53069.6 Actions to recover damages

54951 Local agency, definition

61601.1 Graffiti abatement district

PENAL CODE

484 Theft defined

594 Vandalism

640.5 Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti

Policy
adopted: February 12, 1998
revised: August 22, 2000

PALERMO UNION SCHOOL DISTRICT
Palermo, California

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 Department)

Recovery of Damages

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

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

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

Payment of Reward

When authorized according to Governing Board policy, the reward shall be paid to the party who provides information sufficient to identify and apprehend the person or persons subsequently found responsible for the damage or loss. If more than one informant provides

RECOVERY FOR PROPERTY LOSS OR DAMAGE (continued)

information, the reward shall be divided among the informants. The Superintendent or designee shall determine who is entitled to what portion of the reward. The identity of the informant shall be considered confidential and shall not be made public by the district.

SEX OFFENDER NOTIFICATION

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

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

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

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

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

Legal Reference:

EDUCATION CODE

32211 Threatened disruption or interference with classes; offense

35160 Authority of boards

35160.1 Board authority of school districts

PENAL CODE

290 Registration of sex offenders

290.4 Sex offender registration; compilation of information; 900 number

626.8 Disruptive entry or entry of sex offender upon school grounds

UNITED STATES CODE, TITLE 42

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

ATTORNEY GENERAL OPINIONS

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

Management Resources:

WEB SITES

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

Policy

adopted: August 22, 2000

PALERMO UNION SCHOOL DISTRICT

Palermo, California

SEX OFFENDER NOTIFICATION

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

This communication shall also explain:

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

SEX OFFENDER NOTIFICATION (continued)

- b. Teachers and classified personnel at that school, including staff responsible for visitor registration
- (cf. 1250 - Visitors/Outsiders)*
- c. Principals and staff at adjacent schools, as appropriate
 - d. Bus drivers
 - e. Yard supervisors
6. Any staff member who receives information directly from law enforcement regarding registered sex offenders shall immediately contact the Superintendent in order to help ensure that the district is able to respond appropriately.
7. If an identified sex offender is seen on or nearby school grounds or around any student, staff shall immediately contact the Superintendent. A staff member may also inform local law enforcement.

Notification to Parents/Guardians

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

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

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

SEX OFFENDER NOTIFICATION (continued)

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

CRIMINAL BACKGROUND CHECKS FOR CONTRACTORS

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

(cf. 3540 - Transportation)

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

(cf. 3600 - Consultants)

(cf. 7140 - Architectural and Engineering Services)

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

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

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

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

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

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

CRIMINAL BACKGROUND CHECKS FOR CONTRACTORS (continued)

(cf. 3515.3 - District Police 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.

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)

The Superintendent or designee shall develop and maintain a disaster preparedness plan which details provisions for handling all emergencies and disasters and which shall be included in the comprehensive school safety plan.

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

District and site plans shall address at least the following situations:

1. Fire on or off school grounds which endangers students
2. Natural or man-made disasters

(cf. 3516.3 - Earthquake Emergency Procedure System)

3. Bomb threat or actual detonation

(cf. 3516.2 - Bomb Threats)

4. Attack or disturbance by individuals or groups

(cf. 0450 - Comprehensive Safety Plan)
(cf. 1400 - Relations between Other Governmental Agencies and the Schools)
(cf. 3514 - Environmental Safety)
(cf. 3515 - Campus Security)
(cf. 3515.2 - Disruptions)
(cf. 3530 - Risk Management/Insurance)
(cf. 5131.4 - Campus Disturbances)

EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)

The Superintendent or designee should ensure that the plan includes:

1. Procedures for personal safety and security
2. Ways to ensure smooth administrative control of operations during a crisis
3. Procedures to establish a clear, effective communications system
4. Guidelines for law enforcement involvement, including specific steps for law enforcement intervention depending upon the intensity of the crisis

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

The Superintendent or designee shall consult with city and/or county agencies so that district and site plans may provide the best possible way of handling each situation and also provide for emergency communications systems between these agencies and each district school.

The Superintendent or designee may provide a plan which allows bus seating capacity limits to be exceeded when a disaster or hazard requires students to be moved immediately to ensure their safety. (Education Code 39834)

(cf. 3543 - Transportation Safety and Emergencies)

Disaster preparedness exercises shall be held regularly at each school site and shall demonstrate how safety procedures may be applied to various types of emergencies. All students and employees shall receive instruction regarding emergency plans.

The Board encourages all employees to become proficient in first aid and cardiopulmonary resuscitation (CPR). The Superintendent or designee shall ascertain that at least one staff member at each school holds a valid certificate in these areas. The Superintendent or designee shall provide for CPR inservice training to be offered at least once a year for district staff.

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

38132 Mass care and welfare shelters

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

Management Resources:

CSBA PUBLICATIONS

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

CDE PROGRAM ADVISORIES

0224.94 Contingency Planning for School Campus Emergencies, CIL: 93/94-04

GOVERNOR'S OFFICE OF EMERGENCY SERVICES

Standardized Emergency Management System (SEMS) Guidelines, March 1995

SEMS Approved Course of Instruction, March 1995

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities, May 2003

Early Warning, Timely Response: A Guide to Safe Schools, August 1998

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>

Federal Bureau of Investigation: <http://www.fbi.gov>

Federal Emergency Management Agency: <http://www.fema.gov>

U.S. Department of Education, Emergency Planning: <http://www.ed.gov/admins/lead/safety/emergencyplan/index.html>

U.S. Department of Homeland Security: <http://www.dhs.gov/dhspublic>

Policy
adopted: August 22, 2000
Revised: June 15, 2006

PALERMO UNION SCHOOL DISTRICT
Palermo, California

EMERGENCIES AND DISASTER PREPAREDNESS PLAN

Components of the Plan

Routine and emergency disaster procedures shall be included in the comprehensive school safety plan in accordance with Education Code 32282.

(cf. 0450 - Comprehensive Safety Plan)

In addition, the Superintendent or designee shall ensure that district and school site procedures 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)

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 - Campus Disturbances)

5. Bomb threat or actual detonation

(cf. 3516.2 - Bomb Threats)

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

EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)

The Superintendent or designee shall also 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
3. The roles and responsibilities of staff during a disaster or other emergency
4. Personal safety and security, including the supervision, evacuation, and release of students, the administration of first aid, and the closure of the school if necessary
5. Communications among staff, parents/guardians, the Governing Board, other governmental agencies, and the media during an emergency

(cf. 1112 - Media Relations)

6. Cooperation with other agencies, including guidelines for law enforcement involvement and intervention

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

7. Steps to be taken following the disaster or emergency, including inspection of school facilities and provision of mental health services for students and staff as needed

(cf. 6164.2 - Guidance/Counseling Staff)

The Superintendent or designee shall use state-approved Standardized Emergency Management System (SEMS) guidelines when updating district and site-level emergency and disaster preparedness plans.

CODE OF REGULATIONS, TITLE 19
2400-2450 Standardized emergency management system

The Superintendent or designee may provide a plan which allows bus seating capacity limits to be exceeded when a disaster or hazard requires students to be moved immediately to ensure their safety. (Education Code 39834)

(cf. 3543 - Transportation Safety and Emergencies)

EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)

School Response to an Emergency

The principal or designee shall assume overall control and supervision of activities at the school site during an emergency. He/she may use his/her discretion in emergency situations which do not permit execution of prearranged plans.

Release of Students

The following procedures shall be followed in releasing students in the event of an emergency or disaster:

1. The principal or designee shall receive authorization from the Superintendent or designee before releasing students.
2. Individual students shall not leave a school site without receiving permission from the principal or designee.
3. If possible, staff shall release students only to persons authorized on the student emergency card.
4. In absence of an emergency card or in an emergency in which reference to the emergency card is impossible, individual students shall be released, upon presentation of identification, to parents/guardians, persons authorized by the parents/guardians, or to authorized persons representing public agencies that may take responsibility, when necessary, for the safety of the student.
5. The principal or designee shall record the release of all students.

Role of Staff

School staff are considered disaster service workers and are subject to disaster service activities assigned to them. (Government Code 3100)

(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)

During an emergency, staff shall fulfill the following roles:

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

EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)

1. The principal or designee shall assume overall control and supervision of activities at the school site during an emergency. He/she shall have authority to use discretionary judgment in emergency situations which do not permit execution of prearranged plans. The principal or designee shall:
 - a. Direct evacuation of buildings
 - b. Arrange for transfer of students when their safety is threatened
 - c. Inform the Superintendent or designee of all emergency actions taken as soon as possible
 - d. Schedule periodical fire drills and other disaster preparedness exercises and keep appropriate records
 - e. Post directions for fire drills and civil defense drills in classrooms, multipurpose rooms, etc.

2. Teachers shall be responsible for supervision of students in their charge. Teachers shall:
 - a. Direct evacuation of students in their charge in accordance with the principal's instruction
 - b. Give the DROP command as necessary
 - c. Take attendance, stay with the students and provide supervision
 - d. Report missing students to the principal or designee
 - e. Send students in need of first aid to the school nurse or a person trained in first aid

3. Custodians are responsible for the use of emergency equipment, the handling of supplies and the use of available utilities. Custodians shall:
 - a. Survey and report damage to the principal
 - b. Direct rescue operations as required
 - c. Direct fire-fighting efforts until regular fire-fighting personnel take over

EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)

- d. Control main shutoff valves for gas, water and electricity and ascertain that no hazard results from broken gas, water mains or fallen electrical lines
 - e. Disburse supplies and equipment as needed
4. The school secretary and secretarial staff shall:
 - a. Report a fire or disaster to the appropriate authorities
 - b. Answer telephones and monitor radio emergency broadcasts
 - c. Provide for the safety of essential school records and documents
 - d. Assist the principal as needed
5. The school nurse shall:
 - a. Administer first aid
 - b. Supervise the administration of first aid
 - c. Organize first aid and medical supplies
6. The cafeteria manager shall direct the use and preparation of the cafeteria stock and water supply whenever the feeding of students becomes necessary during a disaster.
7. The bus driver(s) shall:
 - a. Supervise students if a disaster occurs while they are on the bus
 - b. Issue the DROP command as necessary while students are on the bus
 - c. Transfer students to a new location when directed by the principal
 - d. Assist the custodian in damage control

(cf. 5142 - Safety)

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)

EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)

The Board encourages all employees to become proficient in first aid and cardiopulmonary resuscitation (CPR). The Superintendent or designee shall ascertain that at least one staff member at each school holds a valid certificate in these areas. The Superintendent or designee shall provide for CPR inservice training to be offered at least once a year for district staff.

All staff, students, and parents/guardians shall receive information about district and school site procedures to be followed in the event of an emergency. Procedures shall be regularly reviewed and practiced. Evacuation routes shall be posted in classrooms, multipurpose rooms, and other school facilities as appropriate.

FIRE DRILLS AND FIRES

Principals shall hold fire drills at least once a month in all elementary and middle schools and at least twice each school year in all high schools. (5 CCR 550)

1. Whenever the fire signal is given, all students, teachers and other employees shall quickly leave the building in an orderly manner. Teachers shall ascertain that no student remains in the building.
2. Teachers shall be prepared to select alternate exits and shall direct their classes to these exits whenever the designated escape route is blocked.
3. 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.

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.
2. The principal or designee shall call 911.
3. Students and adults shall leave the building and go directly to outside assembly areas.
4. Staff shall give students clear direction and supervision and help retain calm.
5. In outside assembly areas, teachers shall take roll, report missing students, and provide assistance to any injured students.
6. 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. 3516 - Emergency and Disaster Preparedness Plan)

Legal Reference:

EDUCATION CODE

32000-32004 *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. Authorized school maintenance and operations personnel may assist in this search. No other school staff shall search for or handle any explosive or incendiary device.

Staff and students shall not reenter the threatened building(s) until the law enforcement and/or fire department staff advises the principal or designee that reentry is safe.

Any student who makes a bomb threat shall be subject to disciplinary procedures.

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

Legal Reference: (see next page)

BOMB THREATS (continued)

Legal Reference:

EDUCATION CODE

44810 Willful interference with classroom conduct

48900 Grounds for suspension or expulsion

51202 Instruction in personal and public health and safety

PENAL CODE

17 Felony, misdemeanor, classification of offenses

148.1 False report of explosive or facsimile bomb

245 Assault with deadly weapon or force likely to produce great bodily injury; punishment

594 Vandalism; penalty

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM

The Superintendent or designee shall establish an emergency procedure system to be followed in case of earthquakes. This system shall include, but not be limited to, the following: (Education Code 35297)

1. A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of students and staff
2. A DROP procedure in which students and staff members:
 - a. Take cover under a table or desk
 - b. Drop to their knees
 - c. Protect their head with their arms
 - d. Face away from the windows
3. Protective measures to be taken before, during and after an earthquake
4. A training program to ensure that all students and all certificated and classified staff are aware of, and properly skilled in, the earthquake emergency procedure system

School disaster plans shall outline roles, responsibilities and procedures for students and staff.

(cf. 3516 - Emergency and Disaster Preparedness Plan)

DROP procedures may be expanded to ensure that students get under stationary desks or tables where available, or otherwise get next to an inside wall or under an inside doorway. Students should stay in the drop position until the emergency is over or until further instructions are given.

Earthquake Education

DROP procedures shall be practiced at least once each school quarter in elementary schools and at least once each semester in secondary schools. (Education Code 35297)

Students also shall be taught to take the following safety precautions during an earthquake if adults are not present to give specific directions:

1. If you are in the open, stay there.
2. Move away from buildings, trees and exposed wires.

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

3. After the earthquake, if you are on your way to school, continue to school.
4. After the earthquake, if you are on your way home, continue home.

Earthquake While Indoors at School

When an earthquake occurs, the following actions shall be taken inside buildings and classrooms:

1. Teachers shall have students perform the DROP procedure.
2. As soon as possible, teachers shall move the students away from windows and out from under heavy suspended light fixtures.
3. Teachers shall have students leave the building in an orderly manner when the earthquake is over.

Earthquake While on School Grounds

When an earthquake occurs, the following actions shall be taken by teachers or other persons in authority and students who are on school grounds:

1. The teacher shall direct students to walk away from buildings, trees, poles or exposed wires.
2. The teacher shall have students perform the drop procedure, covering as much skin surface as possible, closing eyes and covering ears.
3. Teachers and students shall stay in the open until the earthquake is over or until further directions are given.

Earthquake While on the Bus

When students are on the school bus and an earthquake occurs, the following actions shall be taken:

1. The bus driver shall pull to the side of the road away from any buildings, poles, wires, overhead structures or bridges, if possible, and have students perform the DROP procedure.
2. The driver shall set the brakes, turn off the ignition, and wait until the earthquake is over before proceeding on the route.

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

3. As soon as possible, the driver shall contact the director of transportation for instructions.

Subsequent Emergency Procedures

1. In outside assembly areas, teachers shall provide assistance to any injured students, take roll and report missing students to the principal or designee.
2. The principal shall request assistance as needed from the county or city civil defense office or fire and police departments. He/she shall consider the possibility of aftershocks and shall determine the advisability of closing the school, with the advice of the county or city officials, as appropriate. He/she shall also contact the Superintendent or designee for further instructions.
3. The principal shall post guards at a safe distance from all building entrances to see that no one reenters until the buildings are declared safe. Monitors may be custodians, teachers or students.
4. Following the earthquake, the principal and custodian shall inspect all buildings for water and gas leaks, electrical breakages and large cracks or earth slippage affecting buildings. The principal and maintenance and operations staff shall notify utility companies of any break or suspected break in lines which may present an additional hazard. If damage has occurred, the maintenance and operations staff shall shut off all utilities at the main valve.
5. Teachers or students shall not light any stoves or burners after the earthquake until the area is declared safe.
6. If the principal believes the school is damaged sufficiently to be a hazard, he/she shall notify the Superintendent or designee and ask that the county or city building inspector check for structural failure and equipment adequacy. Until this is done, the building shall not be occupied.

Legal Reference:

EDUCATION CODE
35295-35297 *Emergency earthquake procedures*

RISK MANAGEMENT/INSURANCE

The Governing Board strongly supports a risk management program that protects district resources and promotes the safety of students, staff and the public.

The Superintendent or designee shall establish a risk management program that uses effective safety and loss control practices. The district shall strive to keep its liability at a minimum and its insurance premiums as low as possible while maintaining adequate protection.

To 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 Reporting Procedures)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 6162.6 - Use of Copyrighted Materials)

(cf. 9260 - Legal Protection)

The Superintendent or designee shall periodically report to the Board on the district's risk management activities.

Legal Reference: (see next page)

RISK MANAGEMENT/INSURANCE (continued)

Legal Reference:

EDUCATION CODE

17029.5 Contract funding; board liability

17565-17592 Board duties re property maintenance and control

32350 Liability on equipment loaned to district

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

35200-35214 Liabilities, especially:

35208 Liability insurance

35211 Driver training civil liability insurance

35213 Reimbursement for loss, destruction or damage of personal property

35214 Liability self-insurance

35331 Medical or hospital service for students on field trip

39837 Transportation of pupils to places of summer employment

41021 Requirement for employees' indemnity bonds

44873 Qualifications for physician (liability coverage)

49470-49474 District medical services and insurance

GOVERNMENT CODE

820.9 Board members not vicariously liable for injuries caused by district

989-991.2 Local public entity insurance

LABOR CODE

3200-4855 Workers' compensation

RISK MANAGEMENT/INSURANCE

Risk Management

The Superintendent or designee shall take action to:

1. Identify the risks inherent in the operation of district programs
2. Assess the above risks and keep records of accidents, losses and damage
3. Mitigate risks through loss control and safety-related activities
4. Determine the extent to which risks should be assumed by the district or covered by the purchase of insurance or pooling with other districts

Employees are expected to take reasonable precautions for the care and safety of the school equipment with which they have been entrusted. Employees may be held responsible for recurring damage or losses that occur due to their negligence or lack of supervision. Responsibilities related to safety and loss control shall be included in employee job descriptions.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1240 - Volunteer Assistance)

(cf. 1330 - Use of School Facilities)

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

(cf. 3430 - Investing)

(cf. 3440 - Inventories)

(cf. 3512 - Equipment)

(cf. 3514 - Environmental Safety)

(cf. 3514.1 - Hazardous Substances)

(cf. 3515.1 - Crime Data Reporting)

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

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

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

(cf. 3543 - Transportation Safety and Emergencies)

(cf. 4112.42/4212.42/4312.43 - Drug and Alcohol Testing for School Bus Drivers)

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

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

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

(cf. 4212.5 - Criminal Record Check)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.61 - Drug Testing)

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.1 - Accidents)

(cf. 5141.23 - Infectious Disease Prevention)

(cf. 5142 - Safety)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

(cf. 9260 - Legal Protection)

RISK MANAGEMENT/INSURANCE (continued)

Insurance

Insurance coverage shall include, but may not be limited to:

1. Liability insurance (Education Code 35200-35214)
2. Fire insurance for buildings, equipment and vehicles (Education Code 17565)
3. Workers' compensation insurance (Labor Code 3700)
4. Fidelity bond insurance (Education Code 41021)

A suitable bond indemnifying the district against loss may 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.

(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 Governing Board desires to provide for the safe and efficient transportation of students to and from school as necessary to ensure student access to the educational program, promote regular attendance and reduce tardiness. The extent to which the district provides for transportation services shall depend upon student and community needs and a continuing assessment of financial resources.

(cf. 3100 - Budget)

(cf. 3250 - Transportation Fees)

(cf. 3541 - Transportation Routes and Services)

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

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 5116.1- Intradistrict Open Enrollment)

(cf. 5117.1 - Interdistrict Attendance Agreements)

(cf. 5117.2 - Alternative Interdistrict Attendance Program)

The Superintendent or designee shall recommend to the 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*

39800-398065 *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*

39807.5 *Transportation fees*

39808 *District transportation of private school students*

41850-41854 *Allowances for transportation*

41860-41862 *Supplemental allowances for transportation*

45125.1 *Criminal background checks for contractors*

GOVERNMENT CODE

3540-3549.3 *Educational Employment Relations Act*

CODE OF REGULATIONS, TITLE 5

14100-14103 *Use of school buses and school pupil activity buses*

15240-15343 *Allowances for student transportation, especially:*

15253-15272 *District records related to transportation*

VEHICLE CODE

2807 *School bus inspection*

COURT DECISIONS

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

TRANSPORTATION

No student shall be required to be transported for any reason without the written permission of the student's parent/guardian, except in emergency situations involving illness or injury to the student. (Education Code 35350)

Means of Transportation

To provide transportation services, the Governing Board may purchase, rent or lease vehicles; contract with a common carrier or municipally owned transit system; contract with responsible private parties including the parent/guardian of the student being transported; and/or contract with the County Superintendent of Schools. (Education Code 35330, 39800, 39801)

In contracting for transportation services, the district shall comply with all applicable laws related to bids and contracts. (Education Code 39802-39803)

(cf. 3311 - Bids)

(cf. 3312 - Contracts)

In lieu of providing transportation in whole or in part, the district may pay the student's parents/guardians either their actual and necessary expenses in transporting the student or the cost of the student's food and lodging at a place convenient to the school. In either case, the amount of the payment shall not exceed the cost that would be incurred by the district to provide for the transportation of the student to and from school. (Education Code 39806-39807)

TRANSPORTATION ROUTES AND SERVICES

Routes and Bus Stops

The Superintendent or designee shall design transportation routes and stops to promote the safety of students and maximum efficiency in the use of buses.

Students who reside beyond one mile minimum transportation distance shall be eligible for transportation service to their assigned school.

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 Governing Board policy.

(cf. 5116.1- Intradistrict Open Enrollment)
(cf. 5117.1 - Interdistrict Attendance Agreements)
(cf. 5117.2 - Alternative Interdistrict Attendance Program)

The Superintendent or designee shall communicate in writing to parents/guardians regarding bus routes, schedules and stops and/or shall arrange for local media to publish such information.

(cf. 1112 - Media Relations)
(cf. 5145.6 - Parental Notifications)

Transportation Services

With the Board's authorization, transportation services may be provided or arranged by the district for:

1. Students traveling to and from school during the regular school day (Education Code 39800)
2. Field trips and excursions (Education Code 35330)

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

3. School activities, expositions or fairs, or other activities determined to be for the benefit of students (Education Code 39860)
4. District employees or parents/guardians traveling to and from educational activities authorized by the district (Education Code 39837.5)
5. Preschool or nursery school students (Education Code 39800)

TRANSPORTATION ROUTES AND SERVICES (continued)

The district shall provide home-to-school transportation and additional transportation services as needed for students with disabilities as specified in their individualized education programs. (Education Code 41850; 20 USC 1400-1491; 34 CFR 104.4)

(cf. 3541.2 - Transportation for Students with Disabilities)

The district shall provide homeless students with transportation services comparable to those offered to other students at the school of attendance. (42 USC 11432)

If a homeless student moves to a shelter that is in another attendance area within the district, the Superintendent or designee may arrange transportation that enables the student to continue attending the same school.

(cf. 5111.13 - Residency for Homeless Children)

If a homeless student attending school in this district moves to a shelter that is in another district, the Superintendent or designee may arrange transportation that enables the student to continue attending the same school in this district. This transportation may be achieved through the transportation services of this district, the new district or an outside agency.

Legal Reference: (see next page)

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*

39800-39860 *Transportation, especially:*

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

39801.5 *Transportation for adults*

39808 *Transportation for private school students*

39835 *Use of school buses for community recreation*

39837 *Transportation to summer employment program*

39837.5 *Transportation of employees and parents/guardians to school activities*

39840 *Transportation of government employees*

39841 *Use of school buses for public transportation*

39860 *Transportation to school activities*

41850 *Transportation to ROP/C occupational classes*

41851-41863 *Allowances and supplemental allowances for transportation*

CODE OF REGULATIONS, TITLE 5

15240-15244 *Allowances for student transportation*

UNITED STATES CODE, TITLE 20

1400-1487 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 42

11432 *McKinney Homeless Assistance Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

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

TRANSPORTATION FOR SCHOOL-RELATED TRIPS

The district may provide transportation for students, instructors and other individuals for field trips and excursions approved according to Governing Board policy and administrative regulations.

(cf. 3541 - Transportation Routes and Services)
(cf. 6153 - School-Sponsored Trips)

The Superintendent or designee shall determine the most appropriate and cost-effective mode of transportation for each approved trip.

(cf. 3312.2 - Educational Travel Program Contracts)
(cf. 3540 - Transportation)

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

School-related organizations requesting transportation shall be fully responsible for the costs of their trips unless funding has been approved by the 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 has a good driving record and who has registered with the district for such purposes. Drivers shall be required to possess a valid California driver's license and at least the minimum insurance required by law and/or district policy, whichever is greater.

(cf. 1240 - Volunteer Assistance)

Drivers shall receive safety and emergency instructions which shall be kept in their vehicle.

All student passengers shall provide permission slips signed by their parents/guardians. Teachers shall ensure that all drivers have a copy of each student's permission slip.

TRANSPORTATION FOR SCHOOL-RELATED TRIPS (continued)

Owners, drivers and passengers shall be informed that the registered owner and his/her insurance company are responsible for any accidents or violations which may occur.

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.

All drivers and passengers shall wear seat belts in accordance with law. (Vehicle Code 27315)

Legal Reference:

EDUCATION CODE

35330 *Excursions and field trips*

35332 *Transportation by air*

39830 *School bus*

39830.1 *School pupil activity bus*

39860 *Transportation to special activities by district*

44808 *Liability when students not on school property*

VEHICLE CODE

27315 *Mandatory use of seat belts in private passenger vehicles*

COURT DECISIONS

Castro v. Los Angeles (1976) 54 Cal.App.3d 232

S A M P L E

TRANSPORTATION FOR SCHOOL-RELATED TRIPS

SCHOOL DRIVER REGISTRATION FORM

Driver (circle one): Employee Parent/Guardian Volunteer

Name: _____ Date of Birth: _____

Address: _____ Driver's License No.: _____

_____ Expiration Date: _____

Telephone No.: () _____

VEHICLE INFORMATION

Name of Owner: _____ Year: _____

Address: _____ Make: _____

_____ License Plate No.: _____

Registration Expires: _____ Seating Capacity: _____

INSURANCE INFORMATION

Insurance Company: _____ Policy No.: _____

Telephone No.: _____ Expiration Date: _____

Liability Limits of Policy: _____

DRIVER STATEMENT

I certify that I have not been convicted of reckless driving or driving under the influence of drugs or alcohol within the past five years and that the information given above is true and correct. I understand that if an accident occurs, my insurance coverage shall bear primary responsibility for any losses or claims for damages.

Name _____ Date _____

S A M P L E

TRANSPORTATION FOR SCHOOL-RELATED TRIPS

DRIVER INSTRUCTIONS

When using your vehicle to transport students on field trips or other school activity trips, please:

1. Be sure that you have registered with the district for such purposes and have a valid driver's license and current liability insurance at or above the minimum amount required by law for each occurrence.
2. Check the safety of your vehicle: tires, brakes, lights, horn, suspension, etc.
3. Carry only the number of passengers for which your vehicle was designed. If you have a truck or pickup, carry only as many as can safely sit in the passenger compartment.
4. Require each passenger to use a safety belt.

In case of emergency, keep all the children together and call _____.

TRANSPORTATION FOR STUDENTS WITH DISABILITIES

The Governing Board shall ensure that appropriate transportation services are provided for students with disabilities as specified in their individualized education program (IEP) or Section 504 accommodation plan.

(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)

Parents may be reimbursed for transportation of eligible students at the Internal Revenue Service (IRS) reimbursable rate whenever such practice is more economical or convenient and the District enters into a written agreement with the parent prior to the transport occurring.

The Superintendent or designee shall arrange transportation schedules so that students with disabilities do not spend an excessive amount of time on buses compared to other students. Arrivals and departures shall not reduce the length of the school day for these students except as may be prescribed on an individual basis.

(cf. 3541 - Transportation Routes and Services)

The Superintendent or designee shall establish procedures to ensure compatibility between mobile seating devices and bus securement systems.

(cf. 3542 - School Bus Drivers)

Legal Reference: (see next page)

TRANSPORTATION FOR STUDENTS WITH DISABILITIES (continued)

Legal Reference:

EDUCATION CODE

39807.5 *Payment of transportation cost*

39839 *Guide dogs, signal dogs and service dogs on bus*

41850-41854 *Allowances for transportation*

48209-48209.16 *Alternative interdistrict attendance program*

48915.5 *Expulsion of students with exceptional needs*

56195.8 *Adoption of policies*

56327 *Assessment for special education and related services*

56345 *Individualized education program*

56366 *Nonpublic nonsectarian schools or agencies*

56366.1 *Waiver of requirements under section 56365 and 56366*

CODE OF REGULATIONS, TITLE 5

15050 *Transfer of funds to child development fund and development center for handicapped pupils fund*

15243 *Physically handicapped minors*

15271 *Exclusion from report*

UNITED STATES CODE, TITLE 20

1400-1487 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

794 *Section 504 of the Rehabilitation Act of 1973*

CODE OF FEDERAL REGULATIONS, TITLE 34

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

CODE OF FEDERAL REGULATIONS, TITLE 49

571.222 *Federal requirements for bus securement systems*

Management Resources:

CDE MANAGEMENT ADVISORIES

0500.92 *Implementation of Special Education Transportation Apportionment (#92-02)*

CDE PROGRAM ADVISORIES

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

Policy
adopted: February 12, 1998
revised: February 3, 2010

PALERMO UNION SCHOOL DISTRICT
Palermo, California

TRANSPORTATION FOR STUDENTS WITH DISABILITIES

When authorizing special transportation for students with disabilities, the individualized education program (IEP) team or Section 504 committee shall consider, at a minimum, all of the following:

1. The student's safety and health needs
2. The extent to which transportation arrangements may help the student develop independent mobility skills
3. The student's difficulty in using regular transportation services
4. The coordination of regular and special transportation

(cf. 6159 - Individualized Education Program (IEP))

Disabled students who do not meet any of the above criteria may use regular home-to-school transportation.

(cf. 3540 - Transportation)

When a disabled student is excluded from school bus transportation due to expulsion, the district shall provide alternative transportation at no cost to the student or parent/guardian guardian provided that transportation is specified in the student's IEP.(Education Code 48915.5)

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

When contracting with a nonpublic, nonsectarian school or agency to provide special education services, the Superintendent or designee shall ensure that the contract includes general administrative and financial agreements related to the provision of transportation services specified in the student's IEP. (Education Code 56366)

(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)

(cf. 5131.1 - Bus Conduct)

Bus drivers shall have the authority to discontinue the operation of school buses whenever the bus driver determines that it is unsafe to continue.

Administrative regulations related to bus driver authority shall be made available to parents, students, teachers and other interested parties. (5 CCR 14103)

Qualifications

All drivers employed to operate a school bus or a student activity bus shall possess, at a minimum, both of the following documents issued by the state Department of Motor Vehicles: (Vehicle Code 12517)

1. A valid driver's license issued by the California Department of Motor Vehicles (DMV) for the appropriate class of vehicle to be driven
2. A certificate issued by the California Highway Patrol (CHP) which permits the driver to operate either school buses or student activity buses

(cf. 3540 - Transportation)

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

(cf. 4200 - Classified Personnel)

(cf. 4211 - Recruitment and Selection)

A driver who possesses a valid certificate to drive a student activity bus shall not be entitled to drive a school bus unless he/she obtains the license and certificate required for that position. (Education Code 38046)

When initially applying for or renewing a license or certificate to drive a school bus or student activity bus, and annually upon reaching age 65 years, the driver shall submit to the DMV and to the Superintendent or designee a report of a medical examination conducted in accordance with the timelines and procedures specified in Vehicle Code 12517.2. (Vehicle Code 12517.2; 13 CCR 1234)

The Superintendent or designee shall notify each driver of the expiration date of his/her driver's license, certificate, and medical certificate and shall ensure each document is renewed prior to expiration. (13 CCR 1234)

SCHOOL BUS DRIVERS (continued)

(4112.9/4212.9/4312.9 - Employee Notifications)

School bus and student activity bus drivers shall be subject to drug and alcohol testing in accordance with Board policy and the requirements of federal law.

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

The Superintendent or designee shall notify the DMV within five days whenever any driver refuses, fails to comply, or receives a positive test result on a drug or alcohol test; is dismissed for a cause related to student transportation safety; or is reinstated after being dismissed for a cause related to student transportation safety. (Vehicle Code 1808.8, 13376)

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

Training

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

1. First aid practices deemed necessary for school bus drivers, through a course of instruction that prepares drivers to pass the related DMV examination (Vehicle Code 12522)
2. The proper actions to be taken in the event that a school bus is hijacked (Education Code 38047)
3. The proper installation of mobile seating devices in the bus securement systems (Education Code 56195.8)

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 4231 - Staff Development)

School bus drivers shall be subject to drug and alcohol testing in accordance with Governing Board policy and the requirements of federal law.

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

The Superintendent or designee shall notify the Department of Motor Vehicles within five days whenever any school bus driver has tested positive for drugs or alcohol, is dismissed for a cause related to student transportation safety, or whenever a driver so dismissed has been reinstated. (Vehicle Code 1808.8, 13376)

(cf. 4215 - Evaluation/Supervision)

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

SCHOOL BUS DRIVERS (continued)

To determine any other needs for professional development, the Superintendent or designee shall periodically review accident reports involving district drivers and may seek input from drivers, district and school administrators, students, and/or other stakeholders on desired topics for professional development.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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.

(cf. 3543 - Transportation Safety and Emergencies)

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

Drivers shall stop to load or unload students only at a school bus stop designated by the Superintendent or designee, or authorized by the Superintendent or designee for school activity trips. (Vehicle Code 22112)

(cf. 3541 - Transportation Routes and Services)

Drivers shall activate the flashing amber light warning system, if the bus is so equipped, beginning 200 feet before any bus stop where students are loading or unloading. They shall operate the flashing red signal lights and stop signal arm at all times when the bus is stopped to load or unload students. The flashing amber warning lights, flashing red signal lights and stop signal arm shall not be operated at any other time, or at any place where traffic is controlled by a traffic officer. (Vehicle Code 22112)

The flashing red signal lights and stop signal arm requirements shall not apply to locations identified by the Superintendent or designee, in consultation with the California Highway Patrol, as presenting a unique traffic hazard due to roadway design or proximity to an intersection. In addition, these requirements shall not apply when special education students are loading or unloading, or students may require assistance to load or unload. (Vehicle Code 22112)

When the bus is stopped on a highway or private road to load or unload students, and traffic is not controlled by a traffic officer or official traffic control signal, the driver shall: (Vehicle Code 22112)

SCHOOL BUS DRIVERS (continued)

1. Check for approaching traffic in all directions and activate the flashing red light signal system and, if the bus is so equipped, the stop signal arm.
2. Before opening the door, ensure that the flashing red signal lights and stop signal arm are activated and that it is safe to exit the bus.
3. Escort all students in grades prekindergarten through 8 who need to cross the highway or private road, using an approved hand-held "STOP" sign while so doing.
4. Require all students to walk in front of the bus as they cross the road or highway.
5. Ensure that all students who need to cross the road or highway have crossed safely and that all other unloaded students and pedestrians are a safe distance from the bus before setting the bus in motion.

Drivers shall immediately report all school bus accidents to the California Highway Patrol, the Superintendent or designee, and the driver's supervisor. (13 CCR 1219)

School bus drivers also shall report the following to the Superintendent or designee:

1. Recurring and serious student misbehavior
2. Parental and student complaints
3. Traffic violations
4. Consistently late school dismissals which cause transportation delays
5. Overload runs
6. Mechanical or other problems with buses and equipment

Vehicle Idling

The driver of a school bus or student activity bus shall: (13 CCR 2480)

1. Turn off the bus engine upon stopping at a school or within 100 feet of a school and not restart the engine more than 30 seconds before beginning to depart
2. Not cause or allow the bus to idle at any location greater than 100 feet from a school for more than five consecutive minutes or for an aggregated period of more than five minutes in any one hour

(cf. 3514 - Environmental Safety)

SCHOOL BUS DRIVERS (continued)

However, vehicle idling may be allowed under limited conditions, including, but not limited to, occasions when idling is necessary to: (13 CCR 2480)

1. Stop for an official traffic control signal or device, for traffic conditions under which the driver has no control, or at the direction of law enforcement
2. Ascertain that the bus is in safe operating condition and properly equipped
3. Operate equipment designed to safely load, unload, or transport students with disabilities
4. Operate a heater, air conditioner, defroster, or other equipment as necessary to ensure the safety or health of passengers
5. Cool down a turbo-charged diesel engine before turning off the engine
6. Recharge a battery or other energy storage unit of a hybrid electric bus or vehicle

The Superintendent or designee shall notify all drivers, upon employment and at least once per year thereafter, of the requirements specified above and the potential legal and employment consequences of failure to comply. All complaints of noncompliance shall be reviewed and remedial action taken as necessary. The Superintendent or designee shall retain records of the training and of any complaints and enforcement actions for at least three years. (13 CCR 2480)

Reports

The Superintendent or designee shall retain records of: (13 CCR 1234)

1. Each driver's duty status and supporting documents provided pursuant to 13 CCR 1201 and 1213. Such records shall be retained for six months and made available to the CHP upon request.
2. The different types of vehicles and vehicle combinations each driver has demonstrated capability to operate.
3. Records of each driver's license, certificate, medical certificate, first aid certificate, and training as specified in 13 CCR 1234.
4. Daily vehicle inspection reports prepared by drivers pursuant to 13 CCR 1215.

(cf. 3580 - District Records)

Legal references next page

SCHOOL BUS DRIVERS (continued)

Legal Reference:

EDUCATION CODE

- 38046 *Drivers of school pupil activity buses*
- 38047 *Training in proper actions in event of hijacking*
- 38050 *Operating bus in violation of order or regulation or without operator's qualification*
- 38155-38168 *Training required to obtain or renew bus driver certificate*
- 39831.3 *Transportation safety plan*
- 45125.1 *Criminal background checks for contractors*
- 56195.8 *Adoption of policies*

VEHICLE CODE

- 1808.8 *Dismissal for safety-related cause*
- 2570-2575 *Transportation of students*
- 12517 *School bus and pupil activity bus driver qualifications; certificates; fees*
- 12517.2 *Medical report; physical examination*
- 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

- 1202 *General provisions*
- 1219 *School bus regulations*
- 1227 *School bus stops*

CODE OF FEDERAL REGULATIONS, TITLE 49

- 571.222 *Federal motor vehicle safety standard #222*

Regulation
approved: February 12, 1998
revised: May 7, 2014

PALERMO UNION SCHOOL DISTRICT
Palermo, California

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, 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

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.

Transportation Safety Plan for Boarding and Exiting Buses

The Superintendent or designee shall develop a transportation safety plan containing procedures for school personnel to follow to ensure the safe transport of the students. The plan shall include all of the following: (Education Code 39831.3)

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

(cf. 3542 - School Bus Drivers)

2. Procedures for all students in grades prekindergarten through 8 to follow as they board and exit the bus at their bus stops
3. Procedures for boarding and exiting a school bus at a school or other trip destination

A copy of the plan shall be kept at each school site and made available upon request to the California Highway Patrol. (Education Code 39831.3)

TRANSPORTATION SAFETY AND EMERGENCIES (continued)**Safe Bus Operations**

School bus operations shall be limited when atmospheric conditions reduce visibility on the roadway to 200 feet or less during regular home-to-school transportation service. Bus drivers for school activity trips shall have the authority to discontinue bus operation whenever they determine that it is unsafe to continue operation because of reduced visibility. (Vehicle Code 34501.6)

(cf. 3540 - Transportation)

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

(cf. 6118 - Weather-Related Schedules)

School buses and school student activity buses also shall not be operated whenever the number of passengers exceeds bus seating capacity, except when necessary in emergency situations which require that students be moved immediately to ensure their safety.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

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 and has intent to commit a crime. (13 CCR 1256.5)

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)

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

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

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

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 38048)

1. Each school year, the Superintendent or designee shall provide appropriate instruction in safe riding practices and emergency evacuation drills. Each student who receives home-to-school transportation in a school bus shall be required to receive this instruction. (5 CCR 14102)
2. At least once each school year, all students in grades prekindergarten through 8 who receive home-to-school transportation shall receive safety instruction which includes, but is not limited to: (Education Code 38048)
 - 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

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

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.

Each time the above instruction is given, the following information shall be documented:

- a. District name
- b. School name and location
- c. Date of instruction
- d. Names of supervising adults
- e. Number of students participating
- f. Grade levels of students
- g. Subjects covered in instruction
- h. Amount of time taken for instruction
- i. Bus driver's name
- j. Bus number
- k. Additional remarks

This documentation shall be kept on file at the district office or the school for one year and shall be available for inspection by the California Highway Patrol.

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 38048)
 - 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.

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

Notifications

The Superintendent or designee shall provide written safety information to the parents/guardians of all students in grades prekindergarten through 8 who have not previously been transported in a school bus or school activity bus. This information shall be provided upon registration and shall include: (Education Code 39831.5)

1. A list of school bus stops near each student's home
2. General rules of conduct at school bus loading zones
3. Red light crossing instructions
4. School bus danger zone
5. Safety while walking to and from school bus stops

(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE

38045-38059 Transportation, school buses, especially:

38048 Student instruction in bus safety; notifications

38051 Excess of seating capacity

38056 Fire extinguisher on school buses

39831.3 Transportation safety plan

51202 Instruction in personal and public health and safety

VEHICLE CODE

34500 California Highway Patrol responsibility to regulate safe operation of school buses

34501.6 School buses; reduced visibility

34508.5 Investigation of accidents

CODE OF REGULATIONS, TITLE 5

14102 Instruction in bus safety and evacuation

14103 Authority of the driver

CODE OF REGULATIONS, TITLE 13

1256.5 Notice warning against unauthorized entry on school buses

Regulation
approved: February 12, 1998
revised: February 5, 2009

PALERMO UNION SCHOOL DISTRICT
Palermo, California

FOOD SERVICE/CHILD NUTRITION PROGRAM

The Governing Board recognizes that students need adequate, nourishing food in order to grow, learn and maintain good health. The Board desires to provide students with adequate space and time to eat meals. To reinforce the district's nutrition education program, foods available on school premises shall:

1. Be carefully selected so as to contribute to students' nutritional well-being and the prevention of disease
2. Meet nutritional standards specified in law and administrative regulation
3. Be prepared in ways that will appeal to students, retain nutritive quality and foster lifelong healthful eating habits
4. Be served in age-appropriate quantities and at reasonable prices

(cf. 3312 - Contracts)

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

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3554 - Other Food Sales)

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

(cf. 6142.8 - Comprehensive Health Education)

The Superintendent or designee shall develop strategies designed to encourage the participation of students and parents/guardians in the selection of foods of good nutritional quality for school menus. Parents/guardians are encouraged to support the district's nutrition education efforts by considering nutritional quality when selecting any snacks which they may donate for occasional class parties.

School cafeterias shall comply with the sanitation and safety requirements of the California Uniform Retail Food Facilities Law as set forth in Health and Safety Code 113700-114455.

Legal Reference: (see next page)

FOOD SERVICE/CHILD NUTRITION PROGRAM

Legal Reference:

EDUCATION CODE

38080-38103 *Cafeteria, establishment and use*
45103.5 *Contracts for management consulting services; restrictions*
49430-49436 *Pupil Nutrition, Health, and Achievement Act of 2001*
49490-49493 *School breakfast and lunch programs*
49500-49505 *School meals*
49510-49520 *Nutrition*
49530-49536 *Child Nutrition Act*
49540-49546 *Child care food program*
49547-49548.3 *Comprehensive nutrition services*
49550-49560 *Meals for needy students*
49570 *National School Lunch Act*

HEALTH AND SAFETY CODE

113700-114455 *California Uniform Retail Food Facilities Law*

CODE OF REGULATIONS, TITLE 5

15500-15501 *Food sales by student organizations*
15510 *Mandatory meals for needy students*
15530-15535 *Nutrition education*
15550-15565 *School lunch and breakfast programs*

UNITED STATES CODE, TITLE 42

1751-1769 *School lunch programs*
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

Healthy Food Policy Resource Guide, 2003

CDC PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, 2000

NASBE PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

USDA PUBLICATIONS

Team Nutrition, Food and Nutrition Services, Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000

WEB SITES

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

American School Food Service Association (ASFSA): <http://www.asfsa.org>

CDE, Nutrition Services Division/ SHAPE California: <http://www.cde.ca.gov/nsd>

CDHS, School Health Connections: <http://www.mch.dhs.ca.gov/programs/shc/shc.htm>

California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.californiaprojectlean.org>

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

National School Boards Association: <http://www.schoolhealth@nsba.org>

National Association of State Boards of Education (NASBE): <http://www.boards@nasbe.org>

U.S. Dept. of Agriculture, Food and Nutrition Information Center (FNIC): <http://www.nal.usda.gov/fnic>

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

Policy

adopted: August 22, 2000

Revised: December 15, 2005

PALERMO UNION SCHOOL DISTRICT

Palermo, California

FOOD SERVICE/CHILD NUTRITION PROGRAM

Posting Requirements

Each school shall post the district's policies and regulations on nutrition and physical activity in public view within all school cafeterias or in other central eating areas. (Education Code 49432)

(cf. 6142.7 - Physical Education)

Each school also may post a summary of nutrition and physical activity laws and regulations prepared by the California Department of Education. (Education Code 49432)

Nutritional Standards

A minimum of 50% of the food sold by the district on school grounds during regular school hours shall be from the list of nutritious foods provided in Education Code 38085. (Education Code 38085)

(cf. 3554 - Other Food Sales)

However, when the California Department of Education determines that funds are appropriated pursuant to Education Code 49431, the Superintendent or designee shall ensure that elementary schools instead comply with the following nutritional standards: (Education Code 49431)

1. The only food that may be sold to students during breakfast and lunch periods is food that is sold as a full meal. However, fruits, non-fried vegetables, legumes, beverages, dairy products or grain products may be sold as individual food items if:
 - a. Not more than 35 percent of the total calories of the food item, excluding nuts or seeds, is from fat.
 - b. Not more than 10 percent of the food item's total calories is from saturated fat.
 - c. Not more than 35 percent of the total weight of the food item, excluding fruits or vegetables, is composed of sugar.
2. Any individual food item sold to students during morning or afternoon breaks shall meet the standards in item #1a-c above.

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

Beginning July 1, 2004, the following nutritional standards shall apply to all beverages provided in the district's food services program: (Education Code 49431.5)

1. Regardless of the time of day, the only beverages that may be sold to elementary students are water, milk, 100 percent fruit juices, or fruit-based drinks that are composed of no less than 50 percent fruit juice and that have no added sweeteners.
2. The only beverages that may be sold to middle school students from one-half hour before the start of the school day until after the end of the last lunch period are:
 - a. Fruit-based drinks that are composed of no less than 50 percent fruit juice and that have no added sweeteners
 - b. Drinking water
 - c. Milk, including but not limited to chocolate milk, soy milk, rice milk and other similar dairy or nondairy milk
 - d. An electrolyte replacement beverage that contains no more than 42 grams of added sweetener per 20-ounce serving

For schools participating in the National School Lunch and School Breakfast Programs, meals shall also meet the nutritional standards, as well as the nutrient and calorie levels for students of each age or grade group, required by 7 CFR 210.10 and 220.8.

(cf. 3533 - Free and Reduced Price Meals)

Students in all grades may decline a maximum of two menu items at lunch, provided they accept the entree, and may decline one menu item at breakfast.

FOOD SERVICE OPERATIONS/CAFETERIA FUND

The Governing Board intends that, insofar as possible, school food services shall be a self-supporting, nonprofit program. Upon recommendation of the Superintendent or designee, the Board shall review and approve meal prices. Program financial reports shall be presented regularly to the Board.

To increase cost effectiveness, the Superintendent or designee shall centralize and direct the purchasing of food and supplies, the planning of menus, and the auditing of all food service accounts for the district.

(cf. 3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

(cf. 3311 - Bids)

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

(cf. 3553 - Free and Reduced Price Meals)

The Superintendent or designee shall ensure that all food services administrators and personnel possess appropriate qualifications and receive ongoing professional development related to the effective management and implementation of the district's food services program.

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall ensure that state and federal funds provided through school meal programs are allocated only for purposes related to the operation or improvement of food services and reasonable and necessary indirect program costs as allowed by law. Program financial reports shall be presented regularly to the Board.

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

(cf. 3460 - Financial Reports and Accountability)

Meal Sales

Adult meals may be sold to district employees and Board Members as a matter of convenience. (EC 38082) In addition, meals may be sold to other individuals and organizations that are on campus during meal times for a legitimate purpose, such as classroom volunteers, parents/guardians, or students' siblings. Insofar as these meals may include federally donated food commodities, their price shall be set higher than that of student meals so as to reimburse the food service program for the total cost of providing adult meals.

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Cafeteria Fund

The Superintendent or designee shall establish a cafeteria fund independent of the district's general fund.

The wages, salaries and benefits of food service employees shall be paid from the cafeteria fund. (Education Code 38103)

The Superintendent or designee shall recommend meal prices, based on the costs of providing food services and consistent with Education Code 38084 and 42 USC 1760, 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 foods.

Legal Reference:

EDUCATION CODE

38090-38095 *Cafeterias, funds and accounts*

38100-38103 *Cafeterias, allocation of charges*

42646 *Alternate payroll procedure*

45103.5 *Contracts for management consulting services*

49490-49493 *School breakfast and lunch programs*

49500-49505 *School meals*

85260 *Alternate payroll procedure*

CODE OF REGULATIONS, TITLE 7

210.1-210.31 *National School Lunch Program*

Management Resources:

CDE MANAGEMENT ADVISORIES

0600.94 *Implementation of Education Code 45103.5, 94-111*

0700.95 *Final Rule for the National School Lunch Program and School Breakfast Program, 95-115*

CDE PUBLICATIONS

Standards of Excellence for School Nutrition Programs: A Self-Assessment Guide for School District Fiscal Policy Teams, 1989

Policy
adopted: August 22, 2000
revised: January 4, 2012

PALERMO UNION SCHOOL DISTRICT
Palermo, California

FOOD SERVICE OPERATIONS/CAFETERIA FUND

Payments for Meals

With the exception of students who are eligible to receive meals at no cost, students 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 for the purchase of school meals.

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

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3555 - Nutrition Program Compliance)

At the beginning of the school year, parents/guardians shall be notified of the district's meal payment policies and encouraged to prepay for meals whenever possible.

(cf. 1113 - District and School Web Sites)

Unless previous arrangements are made with the Cafeteria Manager, full price charges are allowed up to a limit of three meals. Students and their parents/guardians shall be notified whenever their account has reached the charge limit.

In cases of repeated nonpayment by a student, the principal or designee may contact parents/guardians to discuss the reasons for the nonpayment. The principal or designee may evaluate individual circumstances to determine if the student's parents/guardians need assistance completing an application for free or reduced-price meals.

Reimbursement Claims

The Superintendent or designee shall maintain records of the number of meals served each day by school site and by category of free, reduced-price, and full-price meals. The Superintendent or designee shall submit reimbursement claims for school meals to the California Department of Education (CDE) using the online Child Nutrition Information and Payment System.

Cafeteria Fund

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. The income and expenditures of any cafeteria revolving account established by the Governing Board shall be recorded as income and expenditures of the cafeteria fund. (Education Code 38090, 38091, and 38092)

(cf. 3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

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 38100-38103, 2 CFR 255, Education Code 38091, 38101; 2 CFR 255)

These expenditures may include, but are not limited to, expenditures for the following: (Education Code 38091)

1. Construction, alteration, or improvement of a central food processing plant
2. Lease, purchase or installation of additional cafeteria equipment of the central food processing plant
3. Computer equipment and related software
4. Lease or purchase of vehicles used primarily in connection with the central food processing plant

Any charges to, or transfers from, a food service program shall be dated and accompanied by a written explanation of the expenditure's purpose and basis. (Education Code 38101)

(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)

U.S. Department of Agriculture Foods

The Superintendent or designee shall ensure that foods received through the U.S. Department of Agriculture (USDA) are handled, stored, and distributed in facilities which: (7 CFR 250.14)

1. Are sanitary and free from rodent, bird, insect, and other animal infestation
2. Safeguard foods against theft, spoilage, and other loss
3. Maintain foods at proper storage temperatures
4. Store foods off the floor in a manner to allow for adequate ventilation
5. Take other protective measures as may be necessary

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

The Superintendent or designee shall maintain inventories of USDA foods in accordance with 7 CFR 250.59 and CDE procedures, and shall ensure that foods are used before their expiration dates.

USDA foods shall be used in school lunches as far as practicable, but also may be used in other nonprofit food service activities, with any revenues accruing to the district's nonprofit food service account. Such activities may include school breakfasts or other meals, a la carte foods sold to students, meals served to adults directly involved in the operation and administration of the food service and to other school staff, and training in nutrition, health, food service, or general home economics instruction for students. (7 CFR 250.60)

FREE AND REDUCED PRICE MEALS

The Governing Board recognizes that adequate nutrition is essential to child development and learning and that some families may be unable to provide breakfast and lunch for their children. In accordance with law, the district shall provide at least one nutritionally adequate free and reduced price meals for students whose families meet federal eligibility criteria.

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. 3555- Nutrition Program (Compliance))
(cf. 5030 - Student Wellness)

The Superintendent or designee shall recommend for Board approval a plan that ensures that students eligible to receive free or reduced price meals and milk are not treated differently from other students or easily identified by their peers.

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

Upon approval of the Board, this plan shall be submitted to the California Department of Education for approval. (Education Code 49557)

Confidentiality/Release of Records

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

If a student transfers from the district to another district or to a private school, the Superintendent or designee may release the student's eligibility status or a copy of his/her free and reduced-price meal application to the other district or school to assist in the continuation of the student's meal benefits.

FREE AND REDUCED PRICE MEALS (continued)

In accordance with law, the Board authorizes designated employees to use individual records pertaining to student eligibility for any free and reduced price meal program for the purpose of: (Education Code 49558)

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

(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)

(cf. 6190 - Evaluation of the Instructional Program)

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)

In addition, information on the school lunch program application may be released to the local agency that determines eligibility for participation in the CalFresh program or other nutrition assistance program, provided the student whose information is to be released is approved for free or reduced-price meals and his/her parent/guardian consents to the sharing of the information. Prior to releasing information to any such local agency, the Superintendent or designee and the local agency shall enter into a memorandum of understanding that, at a minimum, shall include the roles and responsibilities of the district and the local agency, the process for sharing the information, and a statement that the local agency may use the information only for purposes directly related to the enrollment of families in the CalFresh or other nutrition assistance program. (Education Code 49557.3, 49558)

Legal Reference: (see next page)

FREE AND REDUCED PRICE MEALS (continued)

Legal Reference:

EDUCATION CODE

48980 Notice at beginning of term
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
49550-49560 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

1751-1769 National lunch programs
1771-1791 Child nutrition

CODE OF FEDERAL REGULATIONS, TITLE 7

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

Management Resources:

CDE LEGAL ADVISORIES

0325.98 Education Code Section 49558 LO: 1-98

CSBA PUBLICATIONS

Healthy Food Policy Resource Guide, 2003

USDA PUBLICATIONS

Team Nutrition, Food and Nutrition Services, Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000

WEB SITES

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

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

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

California Project LEAN: <http://www.californiaprojectlean.org>

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

FREE AND REDUCED PRICE MEALS

Applications

An application form for free or reduced price meals shall be distributed to all parents/guardians at the beginning of each school year, together with information about eligibility standards, application procedures, and appeal procedures and shall be available to students at all times during the school day. (Education Code 48980, 49520; 42 USC 1758; 7 CFR 245.5) The form and information shall also be provided whenever a new student is enrolled. (Education Code 49520, 48980; 7 CFR 245.5)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall ensure that the district's application form for free and reduced-price meals and related materials include the statements specified in Education Code 49557 and 7 CFR 245.5. In addition, the application packet may include the notifications and information listed in Education Code 49557.2.

1. Applications for free or reduced price meals may be submitted at any time during a school day.
2. Students participating in the National School Lunch and School Breakfast Programs will not be overtly identified by the use of special tokens, special tickets, special serving lines, separate entrances, separate dining areas, or by any other means.
3. Applicants must include the last four digits of the Social Security number of the adult household member who signs the application.

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 without further application for enrollment in the free and reduced-price meal program. (Education Code 49561)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6175 - Migrant Education Program)

FREE AND REDUCED PRICE MEALS (continued)**Verification of Eligibility**

Not later than November 15 of each year, the Superintendent or designee shall verify the eligibility of a sample of household applications approved for the school year in accordance with the sample sizes and procedures specified in 42 USC 1758 and 7 CFR 245.6a. (42 USC 1758; 7 CFR 245.6a)

If the review indicates that the initial eligibility determination is correct, the Superintendent or designee shall verify the approved household application. If the review indicates that the initial eligibility determination is incorrect, the Superintendent or designee shall: (42 USC 1758; 7 CFR 245.6a)

1. If the eligibility status changes from reduced price to free, make the increased benefits immediately available and notify the household of the change in benefits
2. If the eligibility status changes from free to reduced price, first verify the application, then notify the household of the correct eligibility status, and, when required by law, send a notice of adverse action as described below
3. If the eligibility status changes from free or reduced price to paid, send the household a notice of adverse action as described below

If any household is to receive a reduction or termination of benefits as a result of verification activities, or if the household fails to cooperate with verification efforts, the Superintendent or designee shall reduce or terminate benefits, as applicable, and shall properly document and retain on file in the district the reasons for ineligibility. He/she also shall send a notice of adverse action to any household that is to receive a reduction or termination of benefits. Such notice shall be provided 10 days prior to the actual reduction or termination of benefits. The notice shall advise the household of: (7 CFR 245.6a)

1. The change and the reasons for the change
2. The right to appeal, when the appeal must be filed to ensure continued benefits while awaiting a hearing and decision, and instructions on how to appeal
3. The right to reapply at any time during the school year

FREE AND REDUCED PRICE MEALS (continued)

Confidentiality/Release of Records

The Governing Board designates the following district employee to use individual records pertaining to student participation in the free or 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:

Superintendent, Assistant Superintendent
(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 or 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 or reduced price meal program shall not be publicly released.

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

3. All other confidentiality provisions required by law shall be met.
4. Information collected regarding individual students certified to participate in the free or reduced price meal program shall be destroyed when no longer needed for its intended purpose.

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.

FREE AND REDUCED PRICE MEALS (continued)

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 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)

Prices

The maximum price that shall be charged to eligible students for reduced-price meals shall be 40 cents for lunch and 30 cents for breakfast. (42 USC 1758, 1773)

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 Governing Board authorizes the Superintendent or designee to approve the sale of food items and beverages outside the district's food services program, including sales by student or student connected organizations, and/or sales through vending machines.

Food sales are prohibited during school hours, and within one hour before or after school hours, unless the organization is legally organized as a nonpartisan, charitable organization, the purpose of the solicitation is nonpartisan and charitable, and the solicitation has been approved in accordance with Board policy. (Education Code 51520)

(cf. 1230 - School-Connected Organizations)
(cf. 1321 - Solicitations of Funds from and by Students)

When vending machines are sponsored by the district or a student or student connected 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

38085 Sale of specified food items

48931 Authorization and sale of food

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

51520 School premises; prohibited solicitations

CODE OF REGULATIONS, TITLE 5

15500 Food sales in elementary schools

15501 Sales in high schools and junior high schools

HEALTH AND SAFETY CODE

113700-114455 California Uniform Retail Food Facilities Law, including:

114200-114245 Vending machines

UNITED STATES CODE, TITLE 42

1751-1769 National School Lunch Act

1771-1791 Child Nutrition

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

Management Resources:

CSBA PUBLICATIONS

Healthy Food Policy Resource Guide, 2003

CDC PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, 2000

NASBE PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

USDA PUBLICATIONS

Team Nutrition, Food and Nutrition Services, Changing the Scene, Improving the School Nutrition

Environment: A Guide to Local Action, 2000

FCMAT PUBLICATIONS

Associated Student Body Accounting Manual and Desk Reference, 2002

WEB SITES

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

CDE, Nutrition Services Division/SHAPE California: <http://www.cde.ca.gov/nsd>

California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.californiaprojectlean.org>

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

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

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

National School Boards Association: <http://www.schoolhealth@nsba.org>

National Association of State Boards of Education (NASBE): <http://www.boards@nasbe.org>

US Dept. of Agriculture, Food and Nutrition Information Center (FNIC): <http://www.nal.usda.gov/fnic>

Policy
adopted: March 28, 2000
Revised: September 4, 2008

PALERMO UNION SCHOOL DISTRICT
Palermo, California

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 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 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, 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)

The Superintendent or designee shall not permit the sale of food by student organizations in a school with any of grades K-8 that is participating in the National School Breakfast or Lunch Program, except when all of the following conditions are met: (5 CCR 15500)

1. The student organization may sell one food item per sale.
2. The specific nutritious food item is approved by the Superintendent or designee.
3. The food sales do not begin until after the close of the regularly scheduled midday food service period.
4. The sales during the regular school day are not of food items prepared on the premises.
5. There are no more than four such sales per year per school.
6. The food sold is a dessert-type food, such as pastry, ice cream or fruit.
7. The food sold is not one sold in the district's food service program at that school during that school day.

(cf. 3553 - Free and Reduced Price Meals)

In a middle school, 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. Only one student organization conducts food sales on a given school day and the organization sells no more than three types of food or beverage items, except that up to four days during the school year may be designated on which any number of organizations may conduct the sale of any food items.
2. The specific nutritious food items are approved by the Superintendent or designee.

OTHER FOOD SALES (continued)

3. The sales during the regular school day are not of food items 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.

S A M P L E

**EDUCATION CODE 38085
SALE OF SPECIFIED FOOD ITEMS**

Other than foods reimbursed under 42 USC 1751 et seq. and 42 USC 1771 et seq., a minimum of 50 percent of the items offered for sale each school day at any school site by any entity or organization during regular school hours shall be selected from the following list:

1. Milk and dairy products, including cheese, yogurt, frozen yogurt and ice cream
2. Full-strength fruit and vegetable juices and fruit drinks containing 50 percent or more full-strength fruit juice, and fruit nectars containing 35 percent or more full-strength fruit juice
3. Fresh, frozen, canned and dried fruits and vegetables
4. Nuts, seeds and nut butters
5. Nonconfection grain products, as defined by regulation of the United States Food and Drug Administration, including crackers, bread sticks, tortillas, pizza, pretzels, bagels, muffins and popcorn
6. Meat, poultry and fish, and their products, including beef jerky, tacos, meat turnovers, pizza, chili and sandwiches
7. Legumes and legume products, including bean burritos, chili beans, bean dip, roasted soy beans and soups
8. Any foods which would qualify as one of the required food components of the Type A lunch which is defined in and reimbursable under the National School Lunch Act (42 USC 1751 et seq.)

For the purposes of this section, "item" shall be defined as each separate kind of food offered for sale as a separate unit.

S A M P L E

CODE OF FEDERAL REGULATIONS, TITLE 7
APPENDIX B TO PART 210

Categories of Foods of Minimal Nutritional Value

1. Soda Water: A class of beverages made by absorbing carbon dioxide in potable water. The amount of carbon dioxide used is not less than that which will be absorbed by the beverage at a pressure of one atmosphere and at a temperature of 60 degrees Fahrenheit. It either contains no alcohol or only such alcohol, not in excess of 0.5 percent by weight of the finished beverage, as is contributed by the flavoring ingredient used. No product shall be excluded from this definition because it contains artificial sweeteners or discrete nutrients added to the food such as vitamins, minerals and protein.
2. Water Ices: As defined by 21 CFR 135.160 Food and Drug Administration Regulations except that water ices which contain fruit or fruit juices are not included in this definition
3. Chewing Gum: Flavored products from natural or synthetic gums and other ingredients which form an insoluble mass for chewing
4. Certain Candies: Processed foods made predominantly from sweeteners or artificial sweeteners with a variety of minor ingredients which characterize the following types:
 - a. Hard Candy: A product made predominantly from sugar (sucrose) and corn syrup which may be flavored and colored, is characterized by a hard, brittle texture, and includes such items as sour balls, fruit balls, candy sticks, lollipops, starlight mints, after dinner mints, sugar wafers, rock candy, cinnamon candies, breath mints, jaw breakers, and cough drops
 - b. Jellies and Gums: A mixture of carbohydrates which are combined to form a stable gelatinous system of jelly-like character, and are generally flavored and colored, and include gum drops, jelly beans, jellied and fruit- flavored slices
 - c. Marshmallow Candies: An aerated confection composed of sugar, corn syrup, invert sugar, 20 percent water, and gelatin or egg white to which flavors and colors may be added
 - d. Fondant: A product consisting of microscopic-sized sugar crystals which are separated by a thin film of sugar and/or invert sugar in solution, such as candy corn or soft mints

- e. Licorice: A product made predominantly from sugar and corn syrup which is flavored with an extract made from the licorice root
- f. Spun Candy: A product that is made from sugar that has been boiled at high temperature and spun at a high speed on a special machine
- g. Candy Coated Popcorn: Popcorn which is coated with a mixture made predominantly from sugar and corn syrup

S A M P L E

**CODE OF REGULATIONS, TITLE 5
FOOD SALES BY STUDENT ORGANIZATIONS**

15500. Food Sales in Elementary Schools

- (a) Except as provided in subsection (b) and Section 15501, no school providing kindergarten or any grades one through eight shall permit the sale of food by pupil organizations if such school is participating in the National School Lunch, School Breakfast or Food Distribution program.
- (b) The Governing Board of a school district or a County Superintendent of Schools may permit a student organization to sell not more than one food item per sale when all of the following conditions are met:
 - (1) The specific nutritious food item is approved by the Governing Board.
 - (2) The food sales do not begin until after the close of the regularly scheduled midday food service period.
 - (3) The sales during the regular school day are not of food items prepared on the premises.
 - (4) There are no more than four such sales per year per school.
 - (5) The food item sold is a dessert type food, such as pastry, ice cream or fruit.
 - (6) The food item sold is not one sold in the food service program at that school during that school day.

15501. Sales in High Schools and Junior High Schools

The Governing Board of any district or a County Superintendent of Schools maintaining a high school or a junior high school may permit an organization consisting solely of pupils of such school to sell food items during or after the regular school day if the following conditions are met:

- (a) The specific nutritious food items are approved by the Governing Board.
- (b) A student organization or organizations may be approved to sell food anytime during the school day, including the regularly scheduled food service period(s), as provided in (1) and/or (2):
 - (1) Only one such organization each school day selling no more than three types of food or beverage items such as confections, popcorn, nuts, fruit or soft drinks; and/or

FOOD SALES BY STUDENT ORGANIZATIONS (continued)

- (2) Any one or more student organizations may conduct no more than four food sales of any food items during a school year in each school, but such sales shall be held on the same four days for any or all organizations.
- (c) The sales during the regular school day are not of food prepared on the premises.
- (d) The food items sold during the regular school day are not those sold by the district in the food service program at that school during that school day.

NUTRITION PROGRAM COMPLIANCE

The Governing Board recognizes the district's responsibility to comply with state and federal nondiscrimination laws as they apply to the district's nutrition programs. The district shall not deny any individual the benefits or service of any nutrition program or discriminate against him/her because of his/her race, color, national origin, gender, sex, sexual orientation, disability, or any other basis prohibited by law, in its implementation of such a program.

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

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

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5030 - Student Wellness)

Coordinator

The Board designates the compliance officer specified in AR 1312.3 - Uniform Complaint Procedures as coordinator of the district's efforts to comply with the laws governing its nutrition programs and to investigate any related complaints, Superintendent, 7390 Bulldog Way, Palermo, CA 95968, (530) 533-4842. Any complaint concerning the district's nutrition programs shall be investigated using the process identified in the section entitled "Procedures" in the district's AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

The coordinator shall provide training on the laws, regulations, procedures, and directives related to the district's nutrition programs to district employees involved in administering them. The coordinator also shall develop procedures and systems that do not restrict the participation of individuals in the district's nutrition programs, based on their race, ethnicity, or disability, and that prevent district employees from incorrectly denying the applications for participation submitted by such individuals.

The coordinator shall develop and maintain a system for collecting racial and ethnic data of participants in the district's nutrition programs and shall, at least annually, report to the Board on whether the district's nutrition programs are effectively reaching eligible individuals and whether and where additional outreach may be needed.

(cf. 5022 - Students and Family Privacy Rights)

(cf. 5125 - Student Records)

When a significant number of participants or potential participants in the district's nutrition programs are only non-English speakers, the coordinator shall make an appropriate language translation available.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

(cf. 6174 - English Language Learners)

NUTRITION PROGRAM COMPLIANCE (continued)

The coordinator also shall ensure that the district's nutrition programs accommodate the special dietary needs of any individual with a disability who has on file a medical statement that restricts his/her diet because of his/her disability.

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

(cf. 6159 - Individualized Education Program)

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

Notifications

The coordinator shall ensure that the U.S. Department of Agriculture's "And Justice for All" or other approved Nutrition Programs Civil Rights posters are displayed in areas visible to the district's nutrition program participants, such as food service areas and school offices.

Annually, the coordinator shall notify all students, parents/guardians, and employees of program requirements and the procedures for filing a complaint, through the district's usual means of notification.

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

(cf. 5145.6 - Parental Notifications)

In addition, the coordinator shall ensure that every informational release, publication, or poster concerning the district's nutrition programs and/or activities includes, in a prominent location, the following statement:

"In accordance with federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, religion, political beliefs, or disability. In addition, California law prohibits discrimination on any basis identified in Government Code 12940.

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer."

However, if the document is no more than one page and there is no room to print the full nondiscrimination statement, the district may instead use the statement "This institution is an equal opportunity provider" in the same print size as the rest of the text.

NUTRITION PROGRAM COMPLIANCE (continued)

When a complaint is unresolved at the district level, the coordinator shall notify the complainant of the option to contact and/or forward his/her complaint to one of the following agencies:

1. Child Nutrition Program Civil Rights and Program Complaint Coordinator, California Department of Education, Nutrition Services Division, 1430 N Street, Room 1500, Sacramento, CA 95814-2342 or call 916-445-0850 or 800-952-5609
2. Office of Civil Rights, USDA, Western Region, 90 Seventh Street, Suite 10-100, San Francisco, CA 94103 or call 415-705-1336 or fax 415-705-1364 or email Joe.Torres@fns.usda.gov
3. USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call 800-795-3272 or 202-720-6382 (TYT)

Legal Reference: (see next page)

NUTRITION PROGRAM COMPLIANCE (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
48985 Notices to parents in language other than English
49060-49079 Student records
49490-49590 Child nutrition programs

PENAL CODE

422.55 Definition of hate crime
422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act
1681-1688 Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI
104.1-104.39 Section 504 of the Rehabilitation Act of 1973
106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:
106.9 Dissemination of policy

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION, NUTRITION SERVICES DIVISION PUBLICATIONS

Civil Rights and Complaint Procedures for Child Nutrition Programs, March 2010

U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE PUBLICATIONS

Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1, November 2005

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Protecting Students from Harassment and Hate Crime, January 1999

Notice of Non-Discrimination, January 1999

WEB SITES

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

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

U.S. Department of Agriculture, Office for Civil Rights: <http://www.ascr.usda.gov>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

Policy
adopted: March 23, 2011

PALERMO UNION SCHOOL DISTRICT
Palermo, California

DISTRICT RECORDS

District records shall be developed, maintained and disposed of in accordance with law and California Department of Education regulations.

The Superintendent or designee shall establish regulations that define records which are permanent, optional, and disposable and specify how each type of record is to be maintained or destroyed. Any microfilm 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.

- (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)*

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

- 6252-6265 Inspection of public records*
- 12946 Retention of employment applications and records for two years*

CODE OF REGULATIONS, TITLE 5

- 432 Varieties of pupil records*
- 16020-16022 Records-general provisions*
- 16023-16027 Retention of records*

DISTRICT RECORDS

The Superintendent or designee shall ensure that appropriate computer software is used to safeguard any data stored on computers, including computers connected to networks. To further prevent the damage or theft of data, computers and related equipment, he/she shall maintain complete and accurate inventories, specify user responsibilities for damages, and provide appropriate supervision in areas where computers are used.

Classification of Records

Before January 1, the Superintendent or designee shall review documents and papers originating during the prior school year and classify them as Class 1 (Permanent), Class 2 (Optional), or Class 3 (Disposable). Records of continuing nature (active and useful for administrative, legal, fiscal or other purposes over a period of years) shall not be classified until such usefulness has ceased. A student's cumulative record is a continuing record until the student ceases to be enrolled in the district. (5 CCR 16022)

Class 1 - Permanent Record (5 CCR 16023)

The original of each of the following records, or one exact copy of it when the original is required by law to be filed with another agency, is a Class 1 (Permanent) Record and shall be retained indefinitely unless microfilmed in accordance with 5 CCR 16022:

1. Annual Reports
 - a. Official budget
 - b. Financial reports of all funds, including cafeteria and student body funds
 - c. Audit of all funds
 - d. Average daily attendance, including Period 1 and Period 2 reports
 - e. Other major annual reports, including:
 - (1) Those containing information relating to property, activities, financial condition or transactions
 - (2) Those declared by Governing Board minutes to be permanent
2. Official Actions
 - a. Minutes of the Board or Board committees, including the text of rules, regulations, policies or resolutions included by reference only

DISTRICT RECORDS (continued)

- b. The call for and the result of any elections called, conducted or canvassed by the Board
- c. Records transmitted by another agency pertaining to its action with respect to district reorganization

3. Personnel Records

a. Employees

All detailed records relating to employment, assignment, amounts and dates of service rendered, termination or dismissal of an employee in any position, sick leave record, rate of compensation, salaries or wages paid, deductions or withholdings made and the person or agency to whom such amounts were paid. In lieu of the detailed records, a complete proven summary payroll record for each employee containing the same data may be classified as Class 1 (Permanent), and the detailed records may then be classified as Class 3 (Disposable).

Information of a derogatory nature as defined in Education Code 44031 shall be Class 1 (Permanent) only when the time for filing a grievance has passed or the document has been sustained by the grievance process.

b. Students

The records of enrollment and scholarship for each student required by 5 CCR 432, and all records pertaining to any accident or injury involving a minor for which a claim for damages had been filed as required by law. This includes any related policy of liability insurance except that these records cease to be Class 1 (Permanent) one year after the claim has been settled or the statute of limitations has run.

4. Property Records

All detailed records relating to land, buildings, and equipment. In lieu of detailed records, a complete property ledger may be classified as Class 1 (Permanent). The detailed records may then be classified as Class 3 (Disposable) if the property ledger includes all fixed assets, an equipment inventory and, for each piece of property, the date of acquisition, name of previous owner, a legal description, the amount paid, and comparable data if the unit is disposed of.

DISTRICT RECORDS (continued)

Class 2 - Optional Records (5 CCR 16024)

Any record considered worth keeping, but which is not a Class 1 record, may be classified as Class 2 (Optional) and shall be retained until it is reclassified as Class 3 (Disposable). If by agreement of the Board and Superintendent or designee, classification of the prior year records has not been made before January 1, all records of the prior year may be classified Class 2 (Optional) until they are classified as required by 5 CCR 16022. Such classification must occur within one year.

Class 3 - Disposable Records (5 CCR 16025, 16026, 16027)

All records not classified as Class 1 (Permanent) or as Class 2 (Optional) shall be classified as Class 3 (Disposable). These include but are not limited to: detailed records basic to audit, including those relating to attendance, average daily attendance, or business or financial transactions; detailed records used in preparing another report; teachers' registers if all information required by 5 CCR 432 is retained in other records or if the General Records pages are removed from the register and classified as Class 1 (Permanent); and periodic reports, including daily, weekly and monthly reports, bulletins and instructions.

Class 3 (Disposable) records shall be destroyed during the third school year after the later of the following:

1. The completion of any legally required audit
2. The retention period required by any agency other than the State of California
3. The school year in which the records originated

CONSULTANTS

The Governing Board authorizes the use of consultants to provide expert professional advice or specialized technical or training services which are not needed on a continuing basis and which cannot be provided by district staff because of limitations of time, experience or knowledge. Individuals, firms or organizations employed as consultants may assist management with decisions and/or project development related to financial, economic, accounting, engineering, legal, administrative, instructional or other matters.

As part of the contract process, the Superintendent or designee shall determine, in accordance with Internal Revenue Service guidelines, that the consultant is properly classified as an independent contractor. District employees who perform extra-duty consultant services shall not be retained as independent contractors. They shall be considered employees for all purposes, even if the additional services are not related to their regular duties.

(cf. 4117.12/4317.12 - Retirement Consultancy Contracts)

All consultant contracts shall be brought to the Board for approval.

(cf. 3312 - Contracts)

The district shall not contract for consulting services that can be performed without charge by a public agency or official unless these services are unavailable from the public source for reasons beyond the district's control.

All qualified firms or resource persons shall be accorded equal opportunity for consultant contracts regardless of race, creed, color, gender, national or ethnic origin, age or disability.

(cf. 3311 - Bids)

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

(cf. 4030 - Nondiscrimination in Employment)

Independent contractors applying for a consultant contract shall submit a written conflict of interest statement disclosing financial interests as determined necessary by the Superintendent or designee, depending on the range of duties to be performed by the consultant. The Superintendent or designee shall consider this statement when deciding whether to recommend the consultant's employment.

(cf. 9270 - Conflict of Interest)

When employees of a public university, county office of education or other public agency serve as consultant or resource persons for the district, they shall certify as part of the consultant agreement that they will not receive salary or remuneration other than vacation pay from any other public agency for the specific days when they work for this district.

Legal Reference: (see next page)

CONSULTANTS (continued)

Legal Reference:

EDUCATION CODE

10400-10407 Cooperative improvement programs

17596 Limit on continuing contracts

35010 Control of districts; prescription and enforcement of rules

35172(a) Promotional activities

35204 Contract with attorney

44925 Part-time readers employed as independent contractors

45103 Classified service in districts not incorporating the merit system

45103.5 Contracts for food service consulting services

45134-45135 Employment of retired classified employee

45256 Merit system districts; classified service; positions established for professional experts on a temporary basis

GOVERNMENT CODE

53060 Contract for special services and advice

Management Resources:

INTERNAL REVENUE SERVICE PUBLICATIONS

15-A Employer's Supplemental Tax Guide