

ARTICLE 3 BUSINESS & NONINSTRUCTIONAL OPERATIONS (Series 3000)

NOTE: The CSBA comprehensive index is a standard index system designed to provide a table of contents for this manual while at the same time accommodating future policies/regulations. This manual contains only those Board policies (BP), administrative regulations (AR) and/or exhibits (E) specified in the right-hand column.

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**CONCEPTS AND ROLES**

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

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

The district shall maintain high standards of safety in the operation of facilities, equipment, and services. The Superintendent or designee shall establish a risk management program that promotes safety and protects district resources.

*(cf. 3514 - Environmental Safety)*  
*(cf. 3514.2 - Integrated Pest Management)*  
*(cf. 3515 - Campus Security)*  
*(cf. 3515.6 - Criminal Background Checks for Contractors)*  
*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*  
*(cf. 3530 - Risk Management/Insurance)*  
*(cf. 3543 - Transportation Safety and Emergencies)*

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

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

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

**CONCEPTS AND ROLES (continued)**

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

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

- (cf. 0500 - Accountability)*
- (cf. 3460 - Financial Reports and Accountability)*

*Legal Reference:*

EDUCATION CODE

- 35035 Powers and duties of superintendent
- 35160 Authority of governing boards
- 35160.1 Broad authority of school district
- 35161 Powers and duties of governing boards
- 44518-44519.2 Chief business officer training program

*Management Resources:*

CSBA PUBLICATIONS

- Maximizing School Board Governance: Understanding California's Public School Finance System, 2006
- Maximizing School Board Governance: Budget Planning and Adoption, 2006
- Maximizing School Board Governance: Understanding District Budgets, 2006
- Maximizing School Board Governance: Fiscal Accountability, 2006
- School Finance CD-ROM, 2005

WEB SITES

- CSBA: <http://www.csba.org>
- California Association of School Business Officials: <http://www.casbo.org>
- California Department of Education: <http://www.cde.ca.gov>
- Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>
- School Services of California: <http://www.sscal.com>

**BUDGET**

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

*(cf. 0000 - Vision)*

*(cf. 3000 - Concepts and Roles)*

*(cf. 3300 - Expenditures and Purchases)*

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

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

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

**Budget Development and Adoption Process**

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

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 and meetings in accordance with Education Code 42103 and 42127.

*(cf. 9320 - Meetings and Notices)*

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

*(cf. 9323 - Meeting Conduct)*

The budget that is formally adopted by the 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 Advisory Committee**

The Superintendent or the Board may appoint a budget advisory committee composed of staff, Board representatives, and/or members of the community.

The committee shall develop recommendations during the budget development process and its duties shall be assigned each year based on district needs. All recommendations of the committee shall be advisory only and shall not be binding on the Board or the Superintendent or designee.

*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 2230 - Representative and Deliberative Groups)*  
*(cf. 3350 - Travel Expenses)*  
*(cf. 9130 - Board Committees)*  
*(cf. 9140 - Board Representatives)*

**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 general fund reserve for economic uncertainty that meets or exceeds the requirements of law. (Education Code 33128.3; 5 CCR 15450)

The Board may establish other budget assumptions or parameters which may take into consideration the stability of funding sources, legal requirements and constraints on the use of funds, anticipated increases and/or decreases in the cost of services and supplies, categorical program requirements, and any other factors necessary to ensure that the budget is a realistic plan for district revenues and expenditures.

*(cf. 2210 - Administrative Discretion Regarding Board Policy)*  
*(cf. 3110 - Transfer of Funds)*

## **BUDGET (continued)**

### **Fund Balance**

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

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

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

### **Long-Term Financial Obligations**

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

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

*(cf. 4143/4243 - Negotiations/Consultation)*

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

*(cf. 7210 - Facilities Financing)*

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

The Board shall approve a plan for meeting the district's long-term obligations to fund nonpension, other postemployment benefits (OPEBs). This plan shall include a specific funding strategy and the method that will be used to finance the district's annual fiscal obligations for such benefits in a manner that continually reduces the deficit to the district to the extent possible. The Board reserves the authority to review and amend the funding strategy as necessary to ensure that it continues to serve the best interests of the district and maintains flexibility to adjust for changing budgetary considerations.

**BUDGET** (continued)

When the Superintendent or designee presents a report to the Board on the estimated accrued but unfunded cost of OPEBs, the Board shall disclose, as a separate agenda item at the same meeting, whether or not it will reserve a sufficient amount of money in its budget to fund the present value of the benefits of existing retirees and/or the future cost of employees who are eligible for benefits in the current fiscal year. (Education Code 42140)

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

**Budget Amendments**

Whenever revenues and expenditures change significantly throughout the year, the Superintendent or designee shall recommend budget amendments to ensure accurate projections of the district's net ending balance. When final figures for the prior-year budget are available, this information shall be used as soon as possible to update the current-year budget's beginning balance and projected revenues and expenditures.

In addition, budget amendments shall be submitted for Board approval when the state budget is adopted, collective bargaining agreements are accepted, district income declines, increased revenues or unanticipated savings are made available to the district, program proposals are significantly different from those approved during budget adoption, interfund transfers are needed to meet actual program expenditures, and/or other significant changes occur that impact budget projections.

*Legal Reference: (see next page)*

**BUDGET** (continued)*Legal Reference:*EDUCATION CODE

1240 Duties of county superintendent of schools  
 33127-33131 Standards and criteria for local budgets and expenditures  
 35035 Powers and duties of superintendent  
 35161 Powers and duties, generally, of governing boards  
 42103 Public hearing on proposed budget; requirements for content of proposed budget  
 42122-42129 Budget requirements  
 42130-42134 Financial certifications  
 42140-42141 Disclosure of fiscal obligations  
 42602 Use of unbudgeted funds  
 42605 Tier 3 categorical flexibility  
 42610 Appropriation of excess funds and limitation thereon  
 44518-44519.2 Chief business officer training program  
 45253 Annual budget of personnel commission  
 45254 First year budget of personnel commission

GOVERNMENT CODE  
 7900-7914 Appropriations limit

CODE OF REGULATIONS, TITLE 5  
 15060 Standardized account code structure  
 15440-15451 Criteria and standards for school district budgets

*Management Resources:*CSBA PUBLICATIONS

Maximizing School Board Governance: Budget Planning and Adoption, 2006  
Maximizing School Board Governance: Understanding District Budgets, 2006  
 School Finance CD-ROM, 2005

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

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

GOVERNMENT FINANCE OFFICERS ASSOCIATION

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

GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENTS

Statement 54, Fund Balance Reporting and Governmental Fund Type Definitions, March 2009  
 Statement 45, Accounting and Financial Reporting by Employers for Post-employment Benefits Other Than Pensions, June 2004  
 Statement 34, Basic Financial Statements and Management's Discussion and Analysis - For State and Local Governments, June 1999

WEB SITES

CSBA: <http://www.csba.org>  
 Association of California School Administrators: <http://www.acsa.org>  
 California Department of Education, Finance and Grants: <http://www.cde.ca.gov/fg>  
 California Department of Finance: <http://www.dof.ca.gov>  
 Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>  
 Government Finance Officers Association: <http://www.gfoa.org>  
 Governmental Accounting Standards Board: <http://www.gasb.org>  
 Legislative Analyst's Office: <http://www.lao.ca.gov>  
 School Services of California, Inc.: <http://www.sscal.com>

**BUDGET**

**Budget Advisory Committee**

Membership of the district's budget advisory committee may include representatives of each of the following groups:

1. Board of Trustees members, provided that less than a majority of the Board serves on the committee

*(cf. 9140 - Board Representatives)*

2. District and school site administrators
3. Representatives of bargaining units
4. Certificated and/or classified staff
5. Parents/guardians
6. Representatives of the business community and/or other community members

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 2230 - Representative and Deliberative Groups)*

*(cf. 9130 - Board Committees)*

The committee's duties may include, but not necessarily be limited to:

1. Making recommendations regarding budget priorities
2. Recommending cost reduction strategies, such as identifying services that may be reduced, made more efficient, or discontinued
3. Reviewing the clarity and effectiveness of budget documents and communications
4. Presenting progress reports on the committee's work and a final report of recommendations to the Superintendent or designee and to the Board

*(cf. 3350 - Travel Expenses)*

**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)

**BUDGET** (continued)

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

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

The Superintendent or designee shall notify the County Superintendent of Schools of the location, dates, and times at which the proposed budget may be inspected, as well as the location, date, and time of the public hearing, in sufficient time for the County Superintendent to publish such information in a newspaper of general circulation at least 10 days but not more than 45 days before the hearing.

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

*(cf. 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)

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

**Revised Budget**

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

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

Before revising the budget, the Board shall hold a second public hearing regarding the proposed revisions in accordance with Education Code 42103. In addition, if the initial budget was disapproved by the County Superintendent, the public hearing shall include a review by the Board and the County Superintendent of the disapproval and the County Superintendent's recommendations. (Education Code 42127)

**BUDGET** (continued)

The revised budget and supporting data shall be maintained and made available for public review. (Education Code 42127)

**Budget Review Committee for Disapproved Budgets**

If the district's revised budget is disapproved by the County Superintendent, the budget shall be reviewed by a budget review committee, unless the Board and County Superintendent agree to waive the requirement and the California Department of Education accepts the waiver. (Education Code 42127)

This committee shall consist of either: (Education Code 42127.1, 42127.2)

1. Three persons selected by the Board from a list of candidates provided by the SPI, who shall be selected within five working days after receiving the list of candidates
2. A regional review committee convened by the County Superintendent with the approval of the Board

If the budget review committee recommends disapproval of the district budget, the Board may submit a response no later than five working days after receipt of the committee's report. The response may include any revisions to the adopted final budget and any other proposed actions to be taken as a result of the committee's recommendations. (Education Code 42127.3)

If the SPI disapproves the district budget after reviewing the committee's report and the district's response, the Board shall consult with the County Superintendent as he/she develops and adopts, by November 30, a fiscal plan and budget that will allow the district to meet its financial obligations. For the current fiscal year, the district shall operate in accordance with the budget adopted by the County Superintendent. (Education Code 42127.3)

Until the district receives approval of its budget, it shall continue to operate either on the basis of the prior year's budget or on the basis of the current year's unapproved budget as adopted and revised by the Board, whichever budget contains a lower total spending authority. (Education Code 42127.4)

**TRANSFER OF FUNDS**

**Cautionary Notice:** As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants district flexibility in "Tier 3" categorical programs. The Plumas Lake Elementary School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-2009 through 2012-2013 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

The Board of Trustees recognizes its responsibility to monitor the district's fiscal practices to ensure accountability regarding the expenditure of public funds and compliance with legal requirements.

*(cf. 3100 - Budget)*

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

The Board may transfer funds during or at the end of the fiscal year in accordance with law as necessary to meet district needs or to permit the payment of district obligations. (Education Code 16095, 17582-17592, 42600-42603, 42605, 42841-42843, 52616.4)

**Tier 3 Categorical Flexibility**

From the 2008-09 through 2012-13 fiscal years, the Board has determined that it is in the best interest of the district to utilize the categorical program flexibility authorized by Education Code 42605. Funds received for programs identified by law as Tier 3 categoricals may be expended for any educational purpose.

The Board shall hold a public hearing to take testimony from the public, discuss, and approve or disapprove the proposed use of the funding, and shall make explicit for each of the categorical budget items the purposes for which the funds will be used. (Education Code 42605)

During the hearing, the Board shall consider the district's goals for student learning and determine funding priorities and program focus. The Board may also discuss statutory constraints, available resources, and whether program modifications might improve educational outcomes.

The Superintendent or designee shall regularly report to the Board regarding how the district is exercising the flexibility and whether the desired results are being achieved. He/she shall also complete any necessary reports required by the California Department of Education.

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 0420.1 - School-Based Program Coordination)*

*(cf. 0440 - District Technology Plan)*

*(cf. 0520.1 - High Priority Schools Grant Program)*

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

*(cf. 3111 - Deferred Maintenance Funds)*

**TRANSFER OF FUNDS** (continued)

*(cf. 3530 - Risk Management/Insurance)*  
*(cf. 4111 - Recruitment and Selection)*  
*(cf. 4112.2 - Certification)*  
*(cf. 4112.21 - Interns)*  
*(cf. 4113 - Assignment)*  
*(cf. 4131 - Staff Development)*  
*(cf. 4131.1 - Beginning Teacher Support/Induction)*  
*(cf. 4138 - Mentor Teachers)*  
*(cf. 4139 - Peer Assistance and Review)*  
*(cf. 4231 - Staff Development)*  
*(cf. 4331 - Staff Development)*  
*(cf. 5123 - Promotion/Acceleration/Retention)*  
*(cf. 5136 - Gangs)*  
*(cf. 5141.32 - Health Screening for School Entry)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*  
*(cf. 5145.6 - Parental Notifications)*  
*(cf. 5146 - Married/Pregnant/Parenting Students)*  
*(cf. 5147 - Dropout Prevention)*  
*(cf. 5148.1 - Childcare Services for Parenting Students)*  
*(cf. 5149 - At-Risk Students)*  
*(cf. 6111 - School Calendar)*  
*(cf. 6141.5 - Advanced Placement)*  
*(cf. 6142.6 - Visual and Performing Arts Education)*  
*(cf. 6142.91 - Reading/Language Arts Instruction)*  
*(cf. 6146.1 - High School Graduation Requirements)*  
*(cf. 6151 - Class Size)*  
*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*  
*(cf. 6162.52 - High School Exit Examination)*  
*(cf. 6163.1 - Library Media Centers)*  
*(cf. 6164.2 - Guidance/Counseling Services)*  
*(cf. 6172 - Gifted and Talented Student Program)*  
*(cf. 6176 - Weekend/Saturday Classes)*  
*(cf. 6177 - Summer School)*  
*(cf. 6178 - Career Technical Education)*  
*(cf. 6178.2 - Regional Occupational Center/Program)*  
*(cf. 6179 - Supplemental Instruction)*  
*(cf. 6184 - Continuation Education)*  
*(cf. 6185 - Community Day School)*  
*(cf. 6200 - Adult Education)*  
*(cf. 9323.2 - Actions by the Board)*

*Legal Reference: (see next page)*

**TRANSFER OF FUNDS (continued)**

*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*
- 42605 Tier 3 categorical flexibility*
- 42840-42843 Special reserve fund*
- 52616.4 Expenditures from adult education fund*

*Management Resources:*

CSBA PUBLICATIONS

*Flexibility Provisions in the 2008 and 2009 State Budget: Policy Considerations for Governance Teams, Budget Advisory, March 2009*

CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE

*Fiscal Issues Relating to Budget Reductions and Flexibility Provisions, April 2009*

WEB SITES

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

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

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

**DEFERRED MAINTENANCE FUNDS**

**Cautionary Notice:** As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants district flexibility in "Tier 3" categorical programs. The Plumas Lake Elementary School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-2009 through 2012-2013 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

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

*(cf. 3100 - Budget)*

*(cf. 3110 - Transfer of Funds)*

*(cf. 7000 - Concepts and Roles)*

*(cf. 7210 - Facilities Financing)*

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

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

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

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

*(cf. 3580 - District Records)*

*Legal Reference: (see next page)*

**DEFERRED MAINTENANCE FUNDS** (continued)

*Legal Reference:*

EDUCATION CODE

*17565-17591 Property maintenance and control, especially:*

*17584 Deferred maintenance*

*17584.1 Deferred maintenance reports*

*Management Resources:*

WEB SITES

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

**LOTTERY FUNDS**

The Board of Trustees intends to use California State Lottery funds for supplemental and nonrecurring expenditures in support of educational programs and activities. In recognition of the yearly fluctuations of lottery funds received by the district, the Board shall not commit lottery funds for any purpose until they have been received.

*(cf. 3000 - Concepts and Roles)*

*(cf. 3100 - Budget)*

The Board shall establish funding priorities and approve all allocations in accordance with law.

*(cf. 6161 - Equipment, Books and Materials)*

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

Lottery funds allocated by the state for the purchase of instructional materials shall be expended on instructional materials as defined in Education Code 60010. Lottery funds shall not be used for the acquisition of real property, construction of school facilities, financing of research, or any other noninstructional purpose. (Government Code 8880.4, 8880.5)

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

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

*Legal Reference:*

EDUCATION CODE

14600 Legislative findings and declarations: state control of lottery funds

14700-14701 Use of lottery funds

60010 Definitions

60119 Sufficiency of instructional materials

GOVERNMENT CODE

8880-8880.5 California State Lottery: general provisions

CODE OF REGULATIONS, TITLE 5

19834 Audits, Proposition 20 lottery funds

19835 Audits, state lottery funds

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE

2001.05.10 Proposition 20 - Allocation of Lottery Funds for Instructional Materials

WEB SITES

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

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

**TRANSPORTATION FEES**

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

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

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

*(cf. 3540 - Transportation)*  
*(cf. 3541.2 - Transportation for Students with Disabilities)*

*Legal Reference:*

EDUCATION CODE

10913 Fees for uses of school buses for community recreation purposes

35330 Excursions or field trips

39800-39860 Transportation, especially:

39801.5 Transportation fees for adults

39807.5 Payment of transportation cost; amount of payment

39809.5 Excess fees; adjustments

39837 Fees for summer employment transportation

41850 Home-to-school and special education transportation

49557 Applications for free and reduced price meals

49558 Confidentiality of applications and records

56026 Individuals with exceptional needs

CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

CODE OF FEDERAL REGULATIONS, TITLE 7

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

COURT DECISIONS

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

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

*Management Resources:*

CDE MANAGEMENT ADVISORIES

0619.92 Fees for Pupil Transportation (#92-05)

CDE PROGRAM ADVISORIES

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

**TRANSPORTATION FEES**

**Fee Schedule and Collection**

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

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

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

Bus passes and tickets shall be sold at all district schools and at the district office. No money shall be collected on school buses.

**Fees for Additional Services**

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

The district may also charge fees for:

Community recreation as provided in Education Code 39835 (Education Code 10913)

*(cf. 3541 - Transportation Routes and Services)*

**Exemption from Fees**

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

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

**TRANSPORTATION FEES** (continued)

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

*(cf. 5145.6 - Parental Notifications)*

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

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*  
*(cf. 5125 - Student Records)*

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

**FEES AND CHARGES**

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

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

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

*(cf. 3250 - Transportation Fees)*

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

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

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

*(cf. 5143 - Insurance)*

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

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

*Legal Reference: (see next page)*

**FEES AND CHARGES (continued)**

*Legal Reference:*

EDUCATION CODE

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

GOVERNMENT CODE

6253 Request for copy; fee

VEHICLE CODE

21113 Public grounds (parking)

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

UNITED STATES CODE, TITLE 8

1184 Foreign Students

COURT DECISIONS

Driving School Assn of CA v. San Mateo Union HSD (1993) 11 Cal. App. 4th 1513  
Arcadia Unified School District v. State Department of Education (1992) 2 Cal 4th 251  
Steffes v. California Interscholastic Federation (1986) 176 Cal. App. 3d 739  
Hartzell v. Connell (1984) 35 Cal. 3d 899  
CTA v. Glendale School District Board of Education (1980) 109 Cal. App. 3d 738

*Management Resources:*

CDE MANAGEMENT ADVISORIES

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

WEB SITES

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

Policy  
adopted:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

**FEES AND CHARGES**

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

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

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

*(cf. 5143 - Insurance)*

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

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

*(cf. 6153 - School-Sponsored Trips)*

4. Student fingerprinting program (Education Code 32390)

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

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

*(cf. 6142.5 - Environmental Education)*

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

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

*(cf. 3250 - Transportation Fees)*

8. Physical education uniforms

*(cf. 6142.7 - Physical Education and Activity)*

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

*(cf. 5127 - Graduation Ceremonies and Activities)*

**FEES AND CHARGES** (continued)

10. Deposit for band instruments, music, uniforms and other regalia which school band members take on excursions to foreign countries (Education Code 38120)
11. Fees for community service classes (Education Code 51815)
12. Eye safety devices, at a price not to exceed the district's actual costs (Education Code 32033)

*(cf. 5142 - Safety)*

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

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

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

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

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

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

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

*(cf. 3554 - Other Food Sales)*

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

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

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

*(cf. 5111.1 - District Residency)*

*(cf. 5111.2 - Nonresident Foreign Students)*

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

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

19. Parking on school grounds (Vehicle Code 21113)

Regulation  
approved:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

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

When any district-owned instructional materials, equipment, supplies, or other personal property becomes unusable, obsolete, or no longer needed, the Superintendent or designee shall notify the Board of Trustees, provide an estimated value, and recommend whether the items be sold or disposed of by one of the methods prescribed in law and administrative regulation. Upon approval by the Board, 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)*

Instructional materials may be considered obsolete or unusable when they:

1. Have been replaced by more recent editions or new materials selected by the Board and have no foreseeable value in other instructional areas

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

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

*(cf. 6011 - Academic Standards)*

*(cf. 6143 - Courses of Study)*

3. Contain information rendered inaccurate or incomplete by new research or technologies

4. Contain demeaning, stereotyping, or patronizing references to any group of persons protected against discrimination by law or Board policy

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

5. Are damaged beyond use or repair

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

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: (see next page)*

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

*Legal Reference:*

EDUCATION CODE

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

17545-17555 *Sale of personal property*

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

42291.5 *Temporary school bus designation*

42303 *School bus sale to another district*

60500-60530 *Sale, donation, or disposal of instructional materials*

GOVERNMENT CODE

25505 *District property; disposition; proceeds*

CODE OF REGULATIONS, TITLE 5

3944 *Consolidated categorical programs, district title to equipment*

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

UNITED STATES CODE, TITLE 40

549 *Surplus property*

CODE OF FEDERAL REGULATIONS, TITLE 34

80.32 *Equipment acquired under a grant or subgrant*

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Standards for Evaluating Instructional Materials for Social Content, 2000

WEB SITES

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

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

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

**Personal Property**

The district may sell surplus or obsolete district-owned personal property through any of the following methods:

1. The Superintendent or designee may advertise for bids by posting a notice in at least three public places in the district for at least two weeks, or by publishing a notice at least once a week for at least two weeks in a newspaper having a general circulation in the district and, if possible, publishing within the district. The district shall sell the property to the highest responsible bidder or shall reject all bids. (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)

*(cf. 3311 - Bids)*

2. The property may be sold 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 #1 above. (Education Code 17545)
3. The district may sell the property without advertising for bids under any of the following conditions:
  - a. The Board of Trustees members attending a meeting unanimously agree that the property, whether one or more items, does not exceed \$2,500 in value. (Education Code 17546)

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

- b. The district sells 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 renumbered 40 USC 549) and the sale price equals the cost of the property plus the estimated cost of purchasing, storing, and handling. (Education Code 17540)
- c. The district sells or leases the property to agencies of the federal, state, or local government or to any other school district and the price and terms of the sale or lease are fixed by the Board and approved by the County Superintendent of Schools. (Education Code 17542)

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

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)

**Instructional Materials**

Surplus or undistributed obsolete instructional materials that are usable for educational purposes may be sold by the district, in which case all of the proceeds of the sale shall be available to acquire basic instructional materials, supplemental instructional materials, or technology-based materials. (Education Code 60510, 60510.1, 60521)

*(cf. 0440 - District Technology Plan)*

*(cf. 6161 - Equipment, Books and Materials)*

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

*(cf. 6161.11 - Supplementary Instructional Materials)*

*(cf. 6163.1 - Library Media Centers)*

Such materials also may be donated to another district, county free library, or other state institution; a United States public agency or institution; a nonprofit charitable organization; or children or adults in California or foreign countries for the purpose of increasing the general literacy of the people. Any organization, agency, or institution receiving obsolete instructional materials donated by the district shall certify to the Board that it agrees to make no charge to any persons to whom it gives or lends these materials. (Education Code 60510, 60511)

At least 60 days before selling or donating surplus or obsolete instructional materials, the Superintendent or designee shall notify the public of the district's intention to do so through a public service announcement on a local television station, in a local newspaper, or by another means he/she 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. Mutilated so as not to be salable and sold for scrap at the highest obtainable price

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

2. Destroyed by any economical means, provided that the materials are not destroyed until at least 30 days after the district has given notice to all persons who have filed a request for such notice

*(cf. 3510 - Green School Operations)*

*(cf. 3511.1 - Integrated Waste Management)*

**Replacement of School Buses**

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

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

*(cf. 3540 - Transportation)*

6. Before the sale is finalized, the bus being sold is in compliance with all relevant provisions of the Vehicle Code and Title 13 of the California Code of Regulations.

Regulation  
approved:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

**SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY**

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

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

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

*(cf. 5148 - Child Care and Development)*  
*(cf. 5148.2 - Before/After School Programs)*  
*(cf. 5148.3 - Preschool/Early Childhood Education)*

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

*(cf. 1220 - Citizen Advisory Committees)*

**Resolution of Intention to Sell or Lease**

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

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

The Superintendent or designee shall provide notice of the adoption of the resolution and of the time and place of the meeting that will be held to consider bids by posting copies of the resolution, signed by the Board, in three public places not less than 15 days before the date of the meeting. In addition, the notice shall be published at least once a week for three successive weeks before the meeting, in a newspaper of general circulation published in the county in which the district is located, if such a paper exists. (Education Code 17469)

## **SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY** (continued)

The Superintendent or designee shall take reasonable steps to provide notification to the former owners of the property of the district's intent to sell it in accordance with Education Code 17470.

### **Acceptance/Rejection of Bids**

At the public meeting specified in the resolution of intention to sell or lease property, the Board shall open, examine, and declare all sealed bids. Before accepting any written proposal, the Board shall call for oral bids in accordance with law. (Education Code 17472, 17473)

The Board may reject any and all bids, either written or oral, and withdraw the properties from sale when the Board determines that rejection is in the best public interest. If no proposals are submitted or the submitted proposals do not conform to all the terms and conditions specified in the resolution of intention to lease, the Board may lease the property in accordance with Education Code 17477. (Education Code 17476, 17477)

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

The final acceptance of the bid may be made either at the same meeting specified in the resolution or at any adjourned/continued meeting held within 10 days. Upon acceptance of the bid, the Board may adopt a resolution of acceptance that directs the Board president, or any other Board member, to execute the deed or lease and to deliver the document upon performance and compliance by the successful bidder of all of the terms and conditions of the contract. (Education Code 17475-17478)

*(cf. 1431 - Waivers)*

*(cf. 9320 - Meetings and Notices)*

### **Use of Proceeds**

The Superintendent or designee shall ensure that proceeds from the sale or lease with an option to purchase of district surplus property are used in accordance with law. (Education Code 17462; 2 CCR 1700)

*(cf. 3100 - Budget)*

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

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

Until January 1, 2012, the district may expend proceeds from the sale of surplus real property, along with the proceeds from any personal property located on that real property, for any one-time general fund purpose(s). Prior to exercising this authority, the Board shall certify to the State Allocation Board that: (Education Code 17463.7)

1. The district has no major deferred maintenance requirements not covered by existing capital outlay resources.

*(cf. 3111 - Deferred Maintenance Funds)*

2. The sale of real property pursuant to Education Code 17463.7 does not violate the provisions of a local bond act.

*(cf. 7214 - General Obligation Bonds)*

3. The real property is not suitable to meet projected school construction needs for the next 10 years.

Prior to exercising this authority, the Superintendent or designee shall present to the Board, at a regularly scheduled meeting, a plan for expending these one-time resources. The plan shall identify the source and use of the funds and shall describe the reasons that the expenditure shall not result in ongoing fiscal obligations for the district. (Education Code 17463.7)

*Legal Reference: (see next page)*

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

*Legal Reference:*

EDUCATION CODE

17219-17224 *Acquisition of property not utilized as school site; nonuse payments; exemptions*

17230-17234 *Surplus property*

17385 *Conveyances to and from school districts*

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

17400-17429 *Leasing property*

17430-17447 *Leasing facilities*

17453 *Lease of surplus district property*

17455-17484 *Sale or lease of real property, especially:*

17463.7 *Proceeds for general fund purposes*

17485-17500 *Surplus school playground (Naylor Act)*

17515-17526 *Joint occupancy*

17527-17535 *Joint use of district facilities*

33050 *Request for waiver*

38130-38139 *Civic Center Act*

GOVERNMENT CODE

54220-54232 *Surplus land, especially:*

54222 *Offer to sell or lease property*

54950-54963 *Brown Act, especially:*

54952 *Legislative body, definition*

PUBLIC RESOURCES CODE

21000-21177 *California Environmental Quality Act*

CODE OF REGULATIONS, TITLE 2

1700 *Definitions related to surplus property*

COURT DECISIONS

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

*Management Resources:*

CSBA PUBLICATIONS

*Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, September 2009*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Closing a School Best Practices Guide*

OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS

*Unused Site Program Handbook, May 2008*

WEB SITES

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

California Department of Education, School Facilities Planning Division: <http://www.cde.ca.gov/lfs/fa>

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

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

**SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY**

**District Advisory Committee**

The district advisory committee on use or disposition of surplus school buildings or space shall consist of 7-11 members representative of each 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/guardians of students
7. Persons with expertise in environmental impact, legal contracts, building codes, and land use planning, including, but not limited to, knowledge of the zoning and other land use restrictions of the cities and counties in which the surplus property is located

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 Board of Trustees a report recommending uses of surplus space and real property

The district advisory committee shall comply with open meeting requirements of the Brown Act. (Government Code 54952)

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 9130 - Board Committees)*

Regulation  
approved:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

**GIFTS, GRANTS AND BEQUESTS**

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

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

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

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

*(cf. 1325 - Advertising and Promotion)*

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

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

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

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

*Legal Reference: (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 AND PURCHASES**

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

*(cf. 3000 - Concepts and Roles)*

*(cf. 3100 - Budget)*

*(cf. 3350 - Travel Expenses)*

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

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

*(cf. 9270 - Conflict of Interest)*

**Expending Authority**

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

*(cf. 3311 - Bids)*

*(cf. 3312 - Contracts)*

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

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

*(cf. 3110 - Transfer of Funds)*

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

**Purchasing Procedures**

Insofar as possible, goods and services purchased shall meet the needs of the person or department ordering them at the lowest price consistent with standard purchasing practices. Maintenance costs, replacement costs, and trade-in values shall be considered when determining the most economical purchase price. When price, fitness, and quality are equal, recycled products shall be preferred when procuring materials for use in district schools and buildings.

**EXPENDITURES AND PURCHASES** (continued)

(cf. 3314.2 - *Revolving Funds*)  
 (cf. 3440 - *Inventories*)  
 (cf. 3511.1 - *Integrated Waste Management*)

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

*Legal Reference:*EDUCATION CODE

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

17605 *Delegation of authority to purchase supplies and equipment*

32370-32376 *Recycling paper*

32435 *Prohibited use of public funds, alcoholic beverages*

35010 *Control of district; prescription and enforcement of rules*

35035 *Powers and duties of superintendent*

35160 *Authority of governing boards*

35250 *Duty to keep certain records and reports*

38083 *Purchase of perishable foodstuffs and seasonal commodities*

41010 *Accounting system*

41014 *Requirement of budgetary accounting*

GOVERNMENT CODE

4330-4334 *California made materials*

PUBLIC CONTRACT CODE

3410 *U.S. produce and processed foods*

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

*Management Resources:*CSBA PUBLICATIONS

*Maximizing School Board Governance: Fiscal Accountability, 2006*

WEB SITES

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

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

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

**BIDS**

In order to ensure transparency and the prudent expenditure of public funds, the Board of Trustees shall award contracts in an objective manner and in accordance with law. District equipment, supplies, and services shall be purchased using competitive bidding when required by law or if the Board determines that it is in the best interest of the district to do so.

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

*(cf. 3000 - Concepts and Roles)*

*(cf. 3300 - Expenditures and Purchases)*

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

Bid specifications shall be carefully designed and shall describe in detail the quality, delivery, and service required.

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

*(cf. 9270 - Conflict of Interest)*

*Legal Reference: (see next page)*

**BIDS** (continued)

*Legal Reference:*

EDUCATION CODE

17595 *Purchases through Department of General Services*  
38083 *Purchase of perishable foodstuffs and seasonable commodities*  
38110-38120 *Apparatus and supplies*  
39802 *Transportation services*

GOVERNMENT CODE

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

PUBLIC CONTRACT CODE

1102 *Emergencies*  
2001-2001 *Responsive bidders*  
3002 *Roofing projects*  
3400 *Bids, specifications by brand or trade name not permitted*  
3410 *United States produce and processed foods*  
6610 *Bid visits*  
12200 *Definitions, recycled goods, materials and supplies*  
20103.8 *Award of contracts*  
20107 *Bidder's security*  
20111-20118.4 *Contracting by school districts*  
20189 *Bidder's security, earthquake relief*  
22002 *Definition of public project*  
22030-22045 *Alternative procedures for public projects (UPCCAA)*  
22050 *Alternative emergency procedures*  
22152 *Recycled product procurement*

COURT DECISIONS

Marshall v. Pasadena USD, (2004) 119 Cal.App.4th 1241  
Konica Business Machines v. Regents of the University of California, (1988) 206 Cal.App.3d 449  
City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court, (1972) 7 Cal.3d 861

ATTORNEY GENERAL OPINIONS

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

*Management Resources:*

WEB SITES

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

**BIDS**

**Advertised/Competitive Bids**

The district shall seek competitive bids through advertisement for contracts involving an expenditure of \$15,000 or more for a public project. *Public project* means construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition, and repair work involving a district owned, leased, or operated facility. (Public Contract Code 20111, 22002)

~~The district shall also seek competitive bids 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: (Government Code 53060; Public Contract Code 20111)~~

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

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

Unless otherwise authorized by law, contracts shall be let to the lowest responsible bidder who shall give such security as the Board of Trustees 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)

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

**BIDS** (continued)

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

**Instructions and Procedures for Advertised Bids**

The Superintendent or designee shall call for bids by placing a notice at least once a week for two weeks in a local newspaper of general circulation published in the district, or if no such newspaper exists, then in some newspaper of general circulation circulated in the county. The Superintendent or designee also may post the notice on the district's web site or through an electronic portal. The notice shall state the work to be done or materials or supplies to be furnished and the time and place and web site where bids will be opened. 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 shall certify the minimum, if not exact, percentage of post-consumer materials in products, materials, goods, or supplies offered or sold. (Public Contract Code 22152)

*(cf. 3510 - Green School Operations)*

2. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security: (Public Contract Code 20107, 20111)
  - a. Cash
  - b. A cashier's check made payable to the district
  - c. A certified check made payable to the district
  - d. A bidder's bond executed by an admitted surety insurer and made payable to the district

**BIDS** (continued)

The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event later than 60 days after the bid is awarded. (Public Contract Code 20111)

3. When a standardized proposal form is provided by the district, bids not presented on the standard form shall be disregarded. (Public Contract Code 20111.5)
4. ~~Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)~~
5. When two or more identical lowest or highest bids are received, the Board may determine by lot which bid shall be accepted. (Public Contract Code 20117)
6. 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. (Public Contract Code 20103.8)

7. Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4.

**BIDS** (continued)

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

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

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

Rather than seek competitive bids, the Board may use competitive negotiation when it makes a finding that a district procurement is for computers, software, telecommunications equipment, microwave equipment, or other related electronic equipment and apparatus. Competitive negotiation shall not be used to contract 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 process shall include, but not be limited to, the following requirements: (Public Contract Code 20118.2)

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 Superintendent or designee 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 Superintendent or designee 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. The Board shall award the contract 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 the Board does not award the contract to the bidder whose proposal contains the lowest price, then the Board shall make a finding setting forth the basis for the award.

**BIDS** (continued)

8. The Board, 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 Not Required**

Without advertising for bids and upon a determination that it is in the best interest of the district, the Board may authorize by contract, lease, requisition, or purchase order, another public corporation or agency to lease data-processing equipment or to purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner that the other public corporation or agency is authorized to make the leases or purchases from a vendor ("piggyback"). (Public Contract Code 20118)

*(cf. 3300 - Expenditures and Purchases)*

Alternatively, if there is an existing contract between a public corporation or agency and a vendor for the lease or purchase of personal property, the district may authorize the lease or purchase of personal property directly from the vendor by contract, lease, requisition, or purchase order and make payment to the vendor under the same terms that are available to the public corporation or agency under the contract. (Public Contract Code 20118)

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

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

*(cf. 6161.11 - Supplementary Instructional Materials)*

*(cf. 6163.1 - Library Media Centers)*

Perishable commodities, such as foodstuffs, needed in the operations of cafeterias may be purchased through bid or on the open market. (Education Code 38083)

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

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

**BIDS** (continued)

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

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

**Sole Sourcing**

In any contract for the construction, alteration, or repair of school facilities, the Superintendent or designee shall not draft the bid specification in a manner that, either directly or indirectly, limits bidding to any one specific concern or calls for a designated material, product, thing, or service by a specific brand or trade name, unless the specification designating the specific material, product, thing, or particular brand name is followed by the words "or equal" so that bidders may furnish any equal material, product, thing, or service. In such cases, the bid specification shall provide a time period, before and/or after the award of the contract, for the contractor to submit data substantiating the request for substituting the designated material, product, thing, or service. If no such time period is specified, the contractor may submit the data within 35 days after the award of the contract. (Public Contract Code 3400)

When the bid is for a roof project, a material, product, thing, or service is considered "equal" to the one designated if it is equal in quality, durability, design, and appearance; will perform the intended function equally well; and conforms substantially to the detailed requirements in the bid specification. (Public Contract Code 3002)

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

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

**BIDS** (continued)**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. 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)

Prospective bidders shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids. (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)

The district may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. (Public Contract Code 20111.5)

**Protests by Bidders**

A bidder may protest a bid award if he/she believes that the award is inconsistent with Board policy, the bid's specifications, or is not in compliance with law. A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award. The bidder shall submit all documents supporting or justifying the protest. A bidder's failure to file the protest documents in a timely manner shall constitute a waiver of his/her right to protest the award of the contract.

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

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

Regulation  
approved:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

**CONTRACTS**

Whenever state law invests the Board of Trustees with the power to enter into contracts on behalf of the district, the Board may, by a majority vote, delegate this power to the Superintendent or designee. To be valid or to constitute an enforceable obligation against the district, all contracts must be approved and/or ratified by the Board. (Education Code 17604)

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

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

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

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

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

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

**Contracts for Non-Nutritious Foods or Beverages**

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

*(cf. 3554 - Other Food Sales)*

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

**CONTRACTS** (continued)

Before the district or a district school enters into or renews a contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages, or non-nutritious food as defined in law, the Board shall ensure that the district has sufficient internal controls in place to protect the integrity of public funds and to ensure that funds raised as a result of the contract benefit public education. (Education Code 35182.5)

The Superintendent or designee shall develop the district's internal control procedures to protect the integrity of public funds. Such internal controls may include but not be limited to the following:

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

*(cf. 3100 - Budget)*

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

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

2. Procedures to ensure that district personnel do not handle cash or product at the school site. The contract shall specify that the vendor stock the machines and shall provide cash accounting, along with a check, for district proceeds directly to the control office.

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

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

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

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

*(cf. 1220 - Citizen Advisory Committees)*

2. Prior to ratifying the contract, the Board shall designate the specific programs and activities that will be funded by the proceeds of the contract and consider how the contract reflects the district's vision and goals.

**CONTRACTS** (continued)

*(cf. 0000 - Vision)*

*(cf. 0100 - Philosophy)*

*(cf. 0200 - Goals for the School District)*

3. The contract shall specify that the contractor report, on a quarterly basis, to the Superintendent or designee the number of food items or beverages sold within the district and the amount of money raised by the sales. The Superintendent or designee shall report these amounts to the Board on a regular basis.

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

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

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

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

*(cf. 3311 - Bids)*

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

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

*(cf. 9323 - Meeting Conduct)*

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

*(cf. 5030 - Student Wellness)*

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

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

**CONTRACTS** (continued)

**Contracts for Electronic Products or Services**

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

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

*(cf. 9320 - Meetings and Notices)*

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

*(cf. 0440 - District Technology Plan)*

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

*(cf. 1325 - Advertising and Promotion)*

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

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

*Legal Reference: (see next page)*

**CONTRACTS (continued)**

*Legal Reference:*

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

14505 Provisions required in contracts for audits

17595-17606 Contracts

35182.5 Contract prohibitions

45103.5 Contracts for management consulting service related to food service

49431-49431.5 Nutritional standards

CODE OF CIVIL PROCEDURE

685.010 Rate of interest

GOVERNMENT CODE

12990 Nondiscrimination and compliance employment programs

53260 Contract provision re maximum cash settlement

53262 Ratification of contracts with administrative officers

LABOR CODE

1775 Penalties for violations

1810-1813 Working hours

PUBLIC CONTRACT CODE

4100-4114 Subletting and subcontracting fair practices

7104 Contracts for excavations; discovery of hazardous waste

7106 Noncollusion affidavit

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

20104.50 Construction Progress Payments

22300 Performance retentions

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

*Management Resources:*

CSBA PUBLICATIONS

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

WEB SITES

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

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

**EDUCATIONAL TRAVEL PROGRAM CONTRACTS**

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

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

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*(cf. 3312 - Contracts)*

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

*(cf. 6153 - School-Sponsored Trips)*

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

*Legal Reference:*

EDUCATION CODE

*35160 Authority of boards*

*35160.1 Broad authority of school districts*

BUSINESS AND PROFESSIONS CODE

*17540 Travel promoters*

*17550-17550.9 Sellers of travel*

*17552-17556.5 Educational travel organizations*

**EDUCATIONAL TRAVEL PROGRAM CONTRACTS**

**Definitions**

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

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

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

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

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

**Contract Requirements**

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

1. The travel organization's name, trade or business name, business address, business telephone number and a 24-hour emergency contact number
2. An itemized statement which shall include but not be limited to:
  - a. Services to be provided as part of the program
  - b. Agreed cost for the services
  - c. A statement as to whether or not the educational travel organization maintains insurance that supplies coverage in the event of injury to any student traveler, including the type and amount of coverage, the policy number and issuer, and the name and telephone number of the person or organization which is able to verify coverage

**EDUCATIONAL TRAVEL PROGRAM CONTRACTS (continued)**

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

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

**PAYMENT FOR GOODS AND SERVICES**

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

*(cf. 3300 - Expenditures and Purchases)*

*(cf. 3312 - Contracts)*

*(cf. 3314.2 - Revolving Funds)*

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

*(cf. 9320 - Meetings and Notices)*

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

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

*(cf. 9320 - Meetings and Notices)*

The district shall not be responsible for unauthorized purchases.

*Legal Reference: (see next page)*

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

*Legal Reference:*

EDUCATION CODE

17605 Delegation of authority for purchases  
42630-42651 Orders, requisitions and warrants  
42800-42806 Revolving cash fund  
42810 Alternative revolving fund  
42820 Prepayment funds

CODE OF CIVIL PROCEDURE

685.010 Rate of interest

GOVERNMENT CODE

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

PUBLIC CONTRACT CODE

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

CODE OF REGULATIONS, TITLE 2

22000-22005 Digital signatures

*Management Resources:*

CSBA PUBLICATIONS

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

Maximizing School Board Governance: Budget Planning and Adoption, 2006

Maximizing School Board Governance: Understanding District Budgets, 2006

Maximizing School Board Governance: Fiscal Accountability, 2006

School Finance CD-ROM, 2005

WEB SITES

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

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

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

**PAYMENT FOR GOODS AND SERVICES**

**Payments to Contractors**

The district shall make payment on any contract for the creation, construction, alteration, repair, or improvement of any public structure, building, or other improvement of any kind which costs over \$5,000 based on estimates of actual work completed that have been approved by the Board of Trustees. The district shall not make progress payments in excess of 95 percent of the actual work completed and may include 95 percent of the value of material delivered or stored but as yet unused. The district shall withhold at least five percent of the contract price until the final completion and acceptance of the project. However, any time after 50 percent of the work has been completed, the Board may make any of the remaining progress payments in full for actual work completed if the Board finds that satisfactory progress is being made. (Public Contract Code 9203)

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

*(cf. 3312 - Contracts)*

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

**REVOLVING FUNDS**

The Board of Trustees has a fiduciary responsibility to effectively manage and safeguard the district's assets and resources. All revolving cash funds shall be subject to the internal control procedures established by the district to prevent and detect fraud, financial impropriety, or irregularity and shall be maintained in accordance with law and the California School Accounting Manual.

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

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

*(cf. 3451 - Petty Cash Funds)*

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

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

The Superintendent or designee shall provide regular reports to the Board regarding the use of revolving funds and the results of any audits conducted on the funds.

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

**Standard Revolving Cash Fund**

Pursuant to Education Code 42800, the Board has adopted a resolution establishing a revolving cash fund for use by the chief accounting officer. The fund shall be used only for

the purposes specified in the Board's resolution which may include, but are not limited to, payment for services or supplies for which there is an urgent deadline or to reduce the need for issuing numerous small warrants.

The chief accounting officer shall be covered by an individual bond or insurance in the amounts specified in law. He/she shall ensure that payments from the fund are for services or materials that are a legal charge against the district and that a receipt is obtained setting forth the date, payee, purpose of the expenditure, and amount expended. (Education Code 41021, 42801, 42801.5, 42804)

The Board may at any time reduce or discontinue the revolving cash fund. (Education Code 42805)

**Pre-Payment Revolving Cash Fund**

Pursuant to Education Code 42820, the Board has adopted a resolution establishing a pre-payment revolving cash fund for use by the individual so designated in the Board's resolution.

The fund shall be established in a bank or other institution whose deposits are federally insured and shall be within the maximum limit specified in law. (Education Code 42820)

## **REVOLVING FUNDS** (continued)

The designated individual shall be authorized to make payments from the fund for purchases in the amount of \$1,000 or less, including freight or tax. He/she shall submit a monthly list of the payments to the Board for approval. (Education Code 42821)

Any person who issues a check drawn on the fund shall be personally liable for the amount of the check if the expenditure is in violation of the district's rules and regulations with respect to the fund. (Education Code 42821)

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### **Alternative Revolving Cash Fund**

Pursuant to Education Code 42810, the Board has adopted a resolution establishing a revolving cash fund for use by school principals and other administrative staff. The fund shall be used for services or materials related to classroom instruction or to correct an error in a classified employee's salary pursuant to Education Code 45167, as specified in the Board's resolution.

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

The principal or administrative staff member in whose name the revolving cash fund is created shall be responsible for all fund expenditures, subject to Board regulation. (Education Code 42810)

#### *Legal Reference:*

##### EDUCATION CODE

- 35160 Authority of governing boards
- 35250 Duty to keep certain records
- 38091 Cafeteria revolving accounts
- 41020 Audits of all district funds
- 41021 Requirement for employee's indemnity bond
- 41365-41367 Charter school revolving loan fund
- 42238 Revenue limits
- 42630-42652 Orders, requisitions, and warrants
- 42800-42806 Revolving cash fund
- 42810 Revolving cash funds; use; administrators
- 42820-42821 Prepayment revolving cash fund
- 45167 Error in salary

#### *Management Resources:*

##### WEB SITES

- California Department of Education, Finance and Grants: <http://www.cde.ca.gov/fg>
- Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>

Policy  
adopted:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

**CLAIMS AND ACTIONS AGAINST THE DISTRICT**

The Board of Trustees desires to ensure that the district's operations are conducted in a manner that minimizes risk, protects district resources, and promotes the health and safety of students, staff, and the public. Any and all claims for money or damages against the district shall be presented to and acted upon in accordance with law, Board policy, and administrative regulation as well as the district's Joint Powers Authority (JPA) agreement or insurance coverage.

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

*(cf. 5143 - Insurance)*

Any claim for money or damages not governed by the Government Claims Act (Government Code 810-996.6) or excepted by Government Code 905 shall be presented consistent with the manner and time limitations in the Government Claims Act, unless a procedure for processing such claims is otherwise provided by state or federal law.

Upon notice to the district of a claim, the Superintendent or designee shall take all necessary steps to protect the district's rights under any applicable contractual agreements, including the right to indemnification from its insurance or other coverage provider.

In accordance with Government Code 935.4, the Board delegates to the Superintendent the authority to allow, compromise, or settle claims of \$50,000 or less pursuant to any conditions of coverage in the district's JPA agreement or insurance.

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

**Roster of Public Agencies**

The Superintendent or designee shall file the information required for the Roster of Public Agencies with the Secretary of State and the County Clerk. This information shall include the name of the school district, the mailing address of the Board, and the names and addresses of the Board presiding officer, the Board clerk or secretary, and other members of the Board. (Government Code 53051)

Any changes to such information shall be filed within 10 days after the change has occurred. (Government Code 53051)

*Legal Reference: (see next page)*

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

*Legal Reference:*

EDUCATION CODE

35200 *Liability for debts and contracts*

35202 *Claims against districts; applicability of Government Code*

CODE OF CIVIL PROCEDURE

340.1 *Damages suffered as result of childhood sexual abuse*

GOVERNMENT CODE

800 *Cost in civil actions*

810-996.6 *Claims and actions against public entities*

6500-6536 *Joint exercise of powers*

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

PENAL CODE

72 *Fraudulent claims*

COURT DECISIONS

*City of Stockton v. Superior Court, (2007) 42 Cal. 4th 730*

*Connelly v. County of Fresno, (2006) 146 Cal.App.4th 29*

*CSEA v. South Orange Community College District, (2004) 123 Cal.App.4th 574*

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

*Management Resources:*

WEB SITES

*California Secretary of State's Office: <http://www.sos.ca.gov>*

**CLAIMS AND ACTIONS AGAINST THE DISTRICT**

**Time Limitations**

The following time limitations apply to claims against the district:

1. Claims for money or damages relating to a cause of action for death or for injury to person, personal property, or growing crops shall be presented to the Board of Trustees not 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 item #1 above, including claims for damages to real property, shall be presented not later than one year after the accrual of the cause of action. (Government Code 905, 911.2)

**Receipt of Claims**

A claim, any amendment thereto, or an application to present a late claim shall be deemed presented and received when delivered to the district office 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 or when otherwise actually received in the district office or by the Board secretary or clerk. (Government Code 915, 915.2)

Upon receipt of a claim against the district pursuant to the Government Claims Act, the Superintendent or designee shall promptly provide written notice to the district's JPA or insurance carrier in accordance with the applicable conditions of coverage.

**Review of Contents of the Claim**

The Superintendent or designee shall review any claim received to ensure that the claim contains all of the following information as specified in Government Code 910 and 910.2:

1. The name and post office address of the claimant
2. The post office address to which the person presenting the claim desires notices to be sent
3. The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted
4. A general description of the indebtedness, obligation, injury, damage, or loss incurred insofar as it may be known at the time of presentation of the claim
5. The name(s) of the public employee(s) causing the injury, damage, or loss if known

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

6. The amount claimed if it totals less than \$10,000 as of the date of the presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds \$10,000, the dollar amount shall not be included in the claim and the claimant shall indicate whether the claim is a "limited civil case."
7. The signature of the claimant or the person acting on his/her behalf

**Notice of Claim Insufficiency**

If a claim is found insufficient or not to satisfy the form requirements under Government Code 910 and 910.2, the Board or its designee shall, within 20 days of receipt of the claim, personally deliver or mail to the claimant, at the address stated in the claim or application, a notice that states the particular defects or omission in the claim. (Government Code 910.8, 915.4)

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

**Amendment to Claims**

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

**Late Claims**

For claims under item #1 in the section entitled "Time Limitations" above, any person who presents a claim later than six months after the accrual of the cause of action shall present, along with the claim, an application to present a late claim. Such claim and the application to present a late claim shall be presented not later than one year after the accrual of the cause of action. (Government Code 911.4)

If the claim is presented late and is not accompanied by an application to present a late claim, the Board or its designee may, within 45 days, give written notice that the claim was not presented timely and that it is being returned without further action. (Government Code 911.3)

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

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

The Board shall grant the application to present a late claim where one or more of the following conditions are applicable: (Government Code 911.6)

1. The failure to present the claim was through mistake, inadvertence, surprise, or excusable neglect and the district was not prejudiced in its defense regarding the claim by the claimant's failure to present the claim within the time limit.
2. The person who sustained the alleged injury, damage, or loss was a minor during all of the time specified for presentation of the claim.
3. The person who sustained the alleged injury, damage, or loss was physically or mentally incapacitated during all of the time specified for presentation of the claim and the disability was the reason he/she failed to present the claim.
4. The person who sustained the alleged injury, damage, or loss died before the expiration of the time specified for the presentation of the claim.

If the application to present a late claim is denied, the claimant shall be given notice in substantially the same form as set forth in Government Code 911.8. (Government Code 911.8)

If the Board does not take action on the application to present a late claim within 45 days, the application shall be deemed to have been denied on the 45th day unless the time period has been extended, in which case it shall be denied on the last day of the period specified in the extension agreement. (Government Code 911.6)

**Action on Claims**

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

The Board may act on the claim in one of the following ways: (Government Code 912.4, 912.6)

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

1. If the Board finds that the claim is not a proper charge against the district, the claim shall be rejected.
2. If the Board finds that the claim is a proper charge against the district and is for an amount justly due, the claim shall be allowed.
3. If the Board finds that the claim is a proper charge against the district but is for an amount greater than is justly due, the Board shall either reject the claim or allow it in the amount justly due and reject it as to the balance.
4. If legal liability of the district or the amount justly due is disputed, the Board may reject or compromise the claim.
5. If the Board takes no action on the claim, the claim shall be deemed rejected.

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

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

Regulation  
approved:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

**TRAVEL EXPENSES**

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

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

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

Expenses shall be reimbursed within limits approved by the Board. The approved meal limits are:

1. Breakfast - \$15
2. Lunch - \$20
3. Dinner - \$30

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.

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**

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

*(cf. 3000 - Concepts and Roles)*

*(cf. 3100 - Budget)*

*(cf. 3300 - Expenditures and Purchases)*

*(cf. 3312 - Contracts)*

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

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

**Capital Assets**

The Superintendent or designee shall develop a system to accurately identify and value district assets in order to help ensure financial accountability and to minimize the risk of loss or misuse. District assets with a useful life of more than one year and an initial acquisition cost of \$20,000 or more shall be considered capital assets. The Superintendent or designee shall determine the estimated useful life of each capital asset and shall calculate and report the estimated loss of value or depreciation during each accounting period for all capital assets.

*(cf. 3440 - Inventories)*

**Internal Controls/Fraud Prevention**

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

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

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

All employees shall be alert for any indication of fraud, financial impropriety, or irregularity within their area of responsibility. Any employee who suspects fraud, impropriety, or irregularity shall immediately report those suspicions to his/her immediate supervisor and/or the Superintendent or designee. In addition, the Superintendent or designee shall establish a method for employees and outside persons to anonymously report any suspected instances of fraud, impropriety, or irregularity.

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

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

The Superintendent or designee shall provide regular reports to the Board on the status of the district's internal control procedures and recommend any necessary revisions to related Board policies or administrative regulations.

*Legal Reference:*EDUCATION CODE

14500-14508 *Financial and compliance audits*

35035 *Powers and duties of superintendent*

35250 *Duty to keep certain records and reports*

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

42600-42604 *Control of expenditures*

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

GOVERNMENT CODE

53995-53997 *Obligation of contract*

*Management Resources:*CSBA PUBLICATIONS

*Maximizing School Board Governance: Budget Planning and Adoption, 2006*

*Maximizing School Board Governance: Fiscal Accountability, 2006*

*School Finance CD-ROM, 2005*

GOVERNMENTAL ACCOUNTING STANDARDS BOARD

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

WEB SITES

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

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

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

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

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

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

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

Policy  
adopted:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, 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.

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*(cf. 3110 - Transfer of Funds)*

**Fraud Prevention and Investigation**

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

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

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

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

*(cf. 3430 - Investing)*

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

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

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

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

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

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

Regulation  
approved:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

**INVESTING**

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

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

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

*(cf. 9270 - Conflict of Interest)*

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

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

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

*(cf. 1220 - Citizen Advisory Committees)*

**Annual Statement of Investment Policy**

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

The annual investment report shall be submitted no later than the end of the first quarter of the year to which it applies.

## INVESTING (continued)

At a public meeting, the Board shall review this policy and discuss any changes to be made.  
(Government Code 53646)

### Quarterly Investment Reports

The chief fiscal officer of the district shall provide the Board, Superintendent, and internal auditor with quarterly reports of district investments in individual accounts that are \$25,000 or more.

(cf. 3460 - Financial Reports and Accountability)

#### Legal Reference:

##### EDUCATION CODE

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

##### GOVERNMENT CODE

- 16430 Eligible securities for investment of surplus money
- 17581.5 Mandates contingent upon state funding
- 27000.3 Fiduciary for deposits in county treasury
- 27130-27137 County treasury oversight committees
- 53600-53609 Investment of surplus
- 53630-53686 Deposit of funds, especially:
  - 53635 Local agency funds; deposit or investment
  - 53646 Treasurer reports and statements of investment policy
  - 53852.5 Investment term for funds designated for repayment of notes
  - 53859.02 Borrowing by local agency

#### Management Resources:

##### CSBA PUBLICATIONS

Maximizing School Board Governance: Fiscal Accountability, 2005

School Finance CD-ROM, 2005

##### CALIFORNIA DEBT AND INVESTMENT ADVISORY COMMISSION PUBLICATIONS

Local Agency Investment Guidelines, 2002, rev. 2004

##### WEB SITES

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

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

Policy  
adopted:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

**INVENTORIES**

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

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

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*(cf. 3290 - Gifts, Grants and Bequests)*  
*(cf. 3400 - Management of District Assets/Accounts)*  
*(cf. 3512 - Equipment)*

In addition, the Superintendent or designee may maintain a list of specific items which shall be inventoried for internal control purposes regardless of their initial cost or current value.

The inventory shall contain a record of the following information: (Education Code 35168; 5 CCR 3946)

1. Name and description of the property
2. Identification number
3. Original cost of the item of equipment or a reasonable estimate if the original cost is unknown
4. Date of acquisition
5. Location of use
6. The date and method of disposal

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

In addition to the information specified in items #1-6 above, the following information shall be recorded for equipment acquired with state and/or federal categorical funds unless otherwise specified in law: (34 CFR 80.32; 5 CCR 3946)

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

**INVENTORIES** (continued)

4. Use and condition of property
5. Sale price of the property upon disposition and method used to determine current fair market value

At the time of purchase, the Superintendent or designee shall affix a label to the equipment containing the identification number and the district name. Equipment items purchased with categorical program funds shall also be labeled with the name of the project in accordance with 5 CCR 3946.

Whenever an equipment item is moved to a new location or the equipment is used for a new purpose, the new location or purpose shall be recorded in the inventory.

A copy of the inventory shall be kept at the district office and at the appropriate school site.

*(cf. 3580 - District Records)*

**Physical Inventory**

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

The Superintendent or designee shall establish procedures for conducting the physical inventory which shall include, but not be limited to, designation of person(s) responsible for coordinating and conducting the inventory, preparation and distribution of count sheets, procedures for implementing the inventory, and procedures for conducting a recount to substantiate the validity of the inventory.

The Superintendent or designee shall investigate any differences between the quantities determined by the physical inspection and those in the accounting records and report the findings to the Board.

*Legal Reference: (see next page)*

**INVENTORIES** (continued)

*Legal Reference:*

EDUCATION CODE

35168 *Inventory of equipment*

CODE OF REGULATIONS, TITLE 5

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

16022-16023 *Classification of records*

16035 *Historical inventory of equipment*

UNITED STATES CODE, TITLE 20

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

CODE OF FEDERAL REGULATIONS, TITLE 34

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

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*California School Accounting Manual, 2008*

OFFICE OF MANAGEMENT AND BUDGET COMMUNICATIONS

*Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments, rev. May 10, 2004*

WEB SITES

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

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

*White House, Office of Management and Budget: <http://www.omb.gov>*

**PETTY CASH FUNDS**

In order to facilitate minor purchases, the Superintendent or designee may establish a petty cash fund at each school. The petty cash fund shall be used for unforeseen, small school expenses, such as postage or individual purchases of supplies.

The amount of the petty cash fund shall not exceed \$200. The principal or designee shall be responsible for all expenditures from the fund and shall create a system for tracking fund expenditures. Each expenditure shall be supported by appropriate documentation.

~~Expenditures shall be reconciled and accounted for whenever the principal requests that the fund be replenished, at the end of the fiscal year, or at the request of the Superintendent or designee.~~

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

The principal or designee shall ensure that the petty cash fund is kept in a safe and secure location.

*Legal Reference:*

EDUCATION CODE

35160 Authority of governing boards

35250 Duty to keep certain records

41020 Requirement for annual audit

42800-42810 Revolving funds

*Management Resources:*

WEB SITES

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

**STUDENT ACTIVITY FUNDS**

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

*(cf. 3260 - Fees and Charges)*

*(cf. 5000 - Concepts and Roles)*

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

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

**Fund-Raising Events**

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

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

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

*(cf. 3554 - Other Food Sales)*

*(cf. 5030 - Student Wellness)*

*(cf. 5142 - Safety)*

*(cf. 5143 - Insurance)*

**Management of Funds**

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

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

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

**STUDENT ACTIVITY FUNDS** (continued)

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

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

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

(cf. 3460 - Financial Reports and Accountability)

*Legal Reference:*EDUCATION CODE

35182.5 Non-nutritious foods and beverages, vending machines

35564 Funds, obligation of the student body

41020 Requirement for annual audit

48930-48938 Student body organization

49431 Sale of food and beverages, elementary school

49431.5 Sale of food and beverages, middle and high schools

51520 School premise, prohibited solicitations

51521 Fund-raising projects

CODE OF REGULATIONS, TITLE 5

15500 Food sales, elementary schools

15501 Food sales, middle and junior high schools

COURT DECISIONS

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

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

*Associated Student Body Accounting Manual & Desk Reference, 2005*

WEB SITES

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

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

**FINANCIAL REPORTS AND ACCOUNTABILITY**

The Board of Trustees is committed to ensuring the fiscal health of the district and providing public accountability. The Board shall adopt sound fiscal policies, oversee the district's financial condition, and continually evaluate whether the district's budget and financial operations support the district's goals for student achievement.

*(cf. 3100 - Budget)*

*(cf. 3110 - Transfer of Funds)*

*(cf. 3300 - Expenditures and Purchases)*

*(cf. 3430 - Investing)*

*(cf. 4143/4243 - Negotiations/Consultation)*

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

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

The Superintendent or designee shall ensure that all financial reports are prepared in accordance with law and in conformity with generally accepted accounting principles and financial reporting standards stipulated by the Governmental Accounting Standards Board and the California Department of Education. He/she shall establish a system of ongoing internal controls to ensure the reliability of financial reporting.

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

Based on financial reports provided by the Superintendent or designee and in accordance with law and administrative regulation, the Board shall:

1. Approve and file an annual statement of the district's receipts and expenditures for the preceding fiscal year (Education Code 42100)
2. Adopt a resolution identifying the district's estimated appropriations limit for the current fiscal year and the actual appropriations limit for the preceding fiscal year (Education Code 42132; Government Code 7910)
3. Approve interim fiscal reports and certify whether the district will be able to meet its fiscal obligations for the remainder of the fiscal year and two subsequent fiscal years (Education Code 42130, 42131)
4. Provide for an annual audit, select an independent auditor, and review the audit report (Education Code 41020, 41020.3)

The independent auditor shall present the audit report to the Board at a public meeting and the Board shall have an opportunity to ask questions of the auditor and request further information about the audit findings.

**FINANCIAL REPORTS AND ACCOUNTABILITY** (continued)

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

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

*Legal Reference: (see next page)*

**FINANCIAL REPORTS AND ACCOUNTABILITY (continued)***Legal Reference:*EDUCATION CODE

1240 Duties of County superintendent of schools  
 14500-14508 Financial and compliance audits  
 17150-17150.1 Public disclosure of non-voter-approved debt  
 17170-17199.5 California School Finance Authority  
 33127 Standards and criteria for local budgets and expenditures  
 33128 Standards and criteria; inclusions  
 33129 Standards and criteria; use by local agencies  
 35035 Powers and duties of superintendent  
 41010-41023 Accounting system  
 41326 Emergency apportionment  
 41344 Repayment of apportionment significant audit exceptions  
 41344.1 Appeals of audit findings  
 41455 Examination of financial problems of local districts  
 42100-42105 Requirement to prepare and file annual statement  
 42120-42129 Budget requirements  
 42130-42134 Financial reports and certifications  
 42140-42142 Public disclosure of fiscal obligations  
 42637 County Superintendent review of district's financial and budgetary conditions  
 42652 Revocation or suspension of warrant authority  
 48300-48316 Student attendance alternatives

GOVERNMENT CODE

3540.2 School district; qualified or negative certification; proposed agreement review and comment  
 7900-7914 Appropriations limit  
 16429.1 Local agency investment fund  
 53646 Reports of investment policy and compliance

CODE OF REGULATIONS, TITLE 5

15060 Standardized account code structure  
 15070 Submission of reports using standardized account code structure  
 15440-15451 Criteria and standards for school district budgets  
 15453-15464 Criteria and standards for school district interim reports  
 19810-19816.1 Audits

*Management Resources:*CSBA PUBLICATIONS

Maximizing School Board Governance: Fiscal Accountability, 2006

CALIFORNIA DEPARTMENT OF EDUCATION COMMUNICATIONS

New Financial Reporting Requirements for Postemployment Benefits Other than Pensions, February 26, 2007

1208.00 Audit Resolution Process: Repayment Plans

FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

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

GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENTS

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

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

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

Management Resources continued: (see next page)

**FINANCIAL REPORTS AND ACCOUNTABILITY (continued)**

*Management Resources: (continued)*

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

Financial Audit Manual, revised 2003

U.S. OFFICE OF MANAGEMENT AND BUDGET CIRCULARS

A-133 Audits of States, Local Governments, and Non-Profit Organizations

STATE CONTROLLER PUBLICATIONS

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

WEB SITES

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

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

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

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

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

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

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

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

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

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

U.S. Office of Management and Budget: <http://www.whitehouse.gov/omb>

**FINANCIAL REPORTS AND ACCOUNTABILITY**

**Unaudited Actual Receipts and Expenditures**

The Superintendent or designee shall prepare a statement of all unaudited actual receipts and expenditures of the district for the preceding fiscal year, using the state's standardized account code structure (SACS) as prescribed by the Superintendent of Public Instruction (SPI). On or before September 15, the Board of Trustees 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 on or before September 15 of each year to identify, pursuant to Government Code 7900-7914, the estimated appropriations limit for the district for the current fiscal year and the actual appropriations limit of the district during the preceding year. Documentation used to identify these limits shall be made available to the public on the day of the Board meeting. (Education Code 42132; Government Code 7910)

**Interim Reports**

The Superintendent or designee shall submit two interim fiscal reports to the 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 be made available by the district for public review. (Education Code 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)

Within 45 days after the close of the period reported, the Board shall approve the interim fiscal report and certify, on the basis of the interim report and any additional financial information known by the Board to exist at the time of certification, whether the district is able to meet its financial obligations for the remainder of the fiscal year and, based on current forecasts, for the subsequent fiscal year. The certification shall be classified as one of the following: (Education Code 42130, 42131)

**FINANCIAL REPORTS AND ACCOUNTABILITY** (continued)

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

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)

If the second interim report of the fiscal year is accompanied by a qualified or negative certification as determined by the Board or the County Superintendent, the Superintendent or designee shall, no later than June 1, provide to the County Superintendent, the State Controller, and the SPI 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.

**FINANCIAL REPORTS AND ACCOUNTABILITY** (continued)

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)*

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

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)*

To the extent possible, the Board's review shall occur prior to December 15 to provide the Board and the community an opportunity to review the audit before it is submitted to local and state agencies.

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

**FINANCIAL REPORTS AND ACCOUNTABILITY** (continued)

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

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

**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.

**Workers' Compensation Claims Report**

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

**GREEN SCHOOL OPERATIONS**

The Board of Trustees believes that all citizens have a responsibility to be stewards of the environment and desires to integrate environmental accountability into all district operations. The Superintendent or designee shall promote green school practices that conserve natural resources, reduce the impact of district operations on the environment, and protect the health of students, staff, and community.

The Superintendent or designee may involve district and site administrators and operations and maintenance staff; representatives of local governmental agencies, utilities, solid waste and recycling companies, and community organizations; health professionals; and/or others as appropriate in the assessment of current district operations and the development of strategies to improve the environmental impact of district operations.

*(cf. 1220 - Citizen Advisory Committees)*

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

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

In selecting and prioritizing strategies, the Superintendent or designee shall give consideration to the initial cost, long-term potential cost savings, quality and performance of the product or service, health impacts, and environmental considerations.

*(cf. 3100 - Budget)*

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

Such strategies may include, but not be limited to:

1. Reducing energy and water consumption and exploring renewable and clean energy technologies

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

2. Establishing recycling programs in district facilities

*(cf. 3511.1 - Integrated Waste Management)*

3. Reducing the consumption of disposable materials, by reusing materials and by using electronic rather than paper communications when feasible
4. Purchasing and using environmentally preferable products and services whenever practical, including, but not limited to, products that:
  - a. Minimize environmental impacts, toxins, pollutants, odors, and hazards
  - b. Contain postconsumer recycled content
  - c. Are durable and long-lasting

**GREEN SCHOOL OPERATIONS** (continued)

- d. Conserve energy and water
- e. Produce a low amount of waste

*(cf. 3514 - Environmental Safety)*  
*(cf. 3514.1 - Hazardous Substances)*  
*(cf. 3514.2 - Integrated Pest Management)*  
*(cf. 5141.23 - Asthma Management)*  
*(cf. 6161.3 - Toxic Art Supplies)*

- 5. Using least toxic, independently certified green cleaning products when feasible, as well as high-efficiency cleaning equipment that reduces the need to use chemicals
- 6. Providing professional development to maintenance staff in the proper use, storage, and disposal of cleaning supplies

*(cf. 4231 - Staff Development)*

- 7. Focusing on green building standards, sustainability, and student health in facilities construction and modernization projects, including decisions about site selection, building design, and landscaping and grounds

*(cf. 7110 - Facilities Master Plan)*  
*(cf. 7111 - Evaluating Existing Buildings)*  
*(cf. 7150 - Site Selection and Development)*

- 8. Reducing vehicle traffic by encouraging students to walk or bicycle to school or use district or public transportation

*(cf. 3541 - Transportation Routes and Services)*  
*(cf. 5142.2 - Safe Routes to School Program)*

- 9. Providing fresh, unprocessed, organic food in the district's food services program

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

- 10. Providing instruction to students on the importance of the environment and involving students in the implementation and evaluation of green school activities and projects as appropriate

*(cf. 6142.5 - Environmental Education)*

**GREEN SCHOOL OPERATIONS (continued)**

*Legal Reference:*

EDUCATION CODE

8700-8707 *Environmental education*

17070.96 *Leroy F. Greene School Facilities Act of 1996, consideration of high performance standards*

17072.35 *New construction grants; use for designs and materials for high performance schools*

32370-32376 *Recycling paper*

33541 *Environmental education*

101012 *Kindergarten-University Public Education Facilities Bond Act of 2006, allocations*

PUBLIC CONTRACT CODE

12400-12404 *Environmentally preferable purchasing*

PUBLIC RESOURCES CODE

25410-25421 *Energy conservation assistance*

40050-40063 *Integrated waste management act*

42630-42647 *Schoolsite source reduction and recycling*

CODE OF REGULATIONS, TITLE 2

1859.70.4 *Funding for high performance incentive grants*

1859.71.6 *Additional grant for high performance incentive, new construction*

1859.77.4 *Additional grants for high performance incentive, site and modernization*

CODE OF REGULATIONS, TITLE 5

14010 *Standards for school site selection*

*Management Resources:*

CSBA PUBLICATIONS

*Green Schools: An Overview of Key Policy Issues, Policy Brief, August 2009*

CALIFORNIA DEPARTMENT OF GENERAL SERVICES PUBLICATIONS

*Environmentally Preferable Purchasing Best Practices Manual*

COLLABORATIVE FOR HIGH PERFORMING SCHOOLS PUBLICATIONS

*CHPS Best Practices Manual, 2006*

GLOBAL GREEN USA PUBLICATIONS

*Healthier, Wealthier, Wiser: A Report on National Green Schools*

GREEN SCHOOLS INITIATIVE PUBLICATIONS

*Green Schools Buying Guide*

HEALTHY SCHOOLS CAMPAIGN PUBLICATIONS

*The Quick and Easy Guide to Green Cleaning in Schools, 2nd ed., 2008*

WEB SITES

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

California Department of General Services, Green California: <http://www.green.ca.gov>

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

Collaborative for High Performance Schools: <http://www.chps.net>

Global Green USA: <http://www.globalgreen.org>

Green Schools Initiative: <http://www.greenschools.net>

Healthy Schools Campaign: <http://www.healthyschoolscampaign.org/programs/gcs>

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

U.S. Green Building Council, LEED Green Building Rating System: <http://www.usgbc.org>

**ENERGY AND WATER MANAGEMENT**

The Board of Trustees recognizes the importance of minimizing the district's use of natural resources, providing a high-quality environment that promotes health and productivity, and effectively managing the district's fiscal resources. To that end, the Superintendent or designee shall develop a resource management program which includes strategies for implementing effective and sustainable resource practices, exploring renewable and clean energy technologies, reducing energy and water consumption, minimizing utility costs, reducing the amount of waste of consumable materials, encouraging recycling and green procurement practices, and promoting conservation principles.

*(cf. 3100 - Budget)*  
*(cf. 3300 - Expenditures and Purchases)*  
*(cf. 3511.1 - Integrated Waste Management)*  
*(cf. 3512 - Equipment)*  
*(cf. 6142.5 - Environmental Education)*

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

*(cf. 7110 - Facilities Master Plan)*  
*(cf. 7111 - Evaluating Existing Buildings)*

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

The Superintendent or designee shall periodically report to the Board on the district's progress in meeting its conservation and management goals.

**Storm Water Management**

The Board desires to ensure that, to the maximum extent practicable, the district reduce the discharge of pollutants into the water system in order to minimize the threat to water quality from storm water runoff. When the district has been designated by the State Water Resources Control Board or a regional water quality control board, the Superintendent or designee shall ensure that the district complies with applicable General Permit requirements.

*(cf. 3514 - Environmental Safety)*  
*(cf. 3514.1 - Hazardous Substances)*  
*(cf. 3514.2 - Integrated Pest Management)*

The Superintendent or designee shall develop a storm water management plan and shall submit the plan and a resolution authorizing the implementation of the plan to the Board for approval. The district's plan shall describe best management practices, measurable goals, and timetables for implementation in the following areas:

**ENERGY AND WATER MANAGEMENT (continued)**

1. Public education and outreach on storm water impacts
2. Public participation, such as participation in adoption and implementation of the plan
3. Illicit discharge detection and elimination, such as maps and programs to detect and eliminate illicit non-storm water discharges
4. Construction site storm water runoff control, such as reviewing construction plans, inspecting sites, and tracking construction site runoff, as well as erosion and sediment controls
5. Post-construction storm water management, such as developing design standards for preventing runoff and verifying proper maintenance and operation of control procedures
6. Pollution prevention and good housekeeping, such as evaluating waste disposal, material storage, and equipment-cleaning procedures and spill prevention, including at bus maintenance facilities

The Superintendent or designee shall regularly report to the Board on the status of the district's implementation efforts.

*Legal Reference:*

EDUCATION CODE

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

46392 Emergency conditions; ADA estimate

PUBLIC RESOURCES CODE

25410-25421 Energy conservation assistance

WATER CODE

13383.5 Storm water discharge monitoring requirements

CODE OF REGULATIONS, TITLE 23

2200 Discharge permit fees

UNITED STATES CODE, TITLE 33

1342 National pollutant discharge elimination system

CODE OF FEDERAL REGULATIONS, TITLE 40

122.1-122.64 National pollutant discharge elimination system

*Management Resources: (see next page)*

**ENERGY AND WATER MANAGEMENT (continued)**

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES

0118.01 *California's Energy Challenge*

0706.90 *Water Conservation Advisory, 90-09*

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

WEB SITES

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

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

California Department of Education, Facilities: <http://www.cde.ca.gov/ls/fa>

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

California State Water Resources Control Board: <http://www.swrcb.ca.gov>

Department of General Resources, Green California, Sustainable Schools:

<http://www.green.ca.gov/GreenBuildings/schools>

**ENERGY AND WATER MANAGEMENT**

**Resource Management Program**

In the development of the district's resource management program, the Superintendent or designee shall analyze and review the lighting; heating, ventilation, and air conditioning systems; water heaters; electrical equipment and appliances; water use and irrigation; and solid waste and recycling systems. The following district operations shall be incorporated into the district's resource management program:

1. Educational programs
2. Classroom and building management and maintenance
3. Food services and equipment maintenance  
*(cf. 3551 - Food Service Operations/Cafeteria Fund)*
4. Landscaping
5. Transportation services and maintenance  
*(cf. 3540 - Transportation)*
6. New construction  
*(cf. 7110 - Facilities Master Plan)*
7. Administrative operations
8. Use of facilities by outside groups

*(cf. 1330 - Use of School Facilities)*  
*(cf. 3512 - Equipment)*  
*(cf. 7111 - Evaluating Existing Buildings)*

The Superintendent or designee may solicit input from staff, students, and parents/guardians about the district's program. The Superintendent or designee shall provide staff and students with training and guidance on best practices to achieve the district's goals, such as a reward program to recognize outstanding accomplishments.

**Emergency Interruption of Services**

The Superintendent or designee shall develop a plan to address actions to be taken in the event of power outages or other emergency interruption of utility services, both during and

**ENERGY AND WATER MANAGEMENT** (continued)

after school operations. The plan shall address procedures to help ensure student and staff safety, administrative control of operations, protection of equipment, effective communications, and coordination with local fire, police, and utility service providers.

*(cf. 0450 - Comprehensive Safety Plan)*

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

*(cf. 3516.5 - Emergency Schedules)*

**INTEGRATED WASTE MANAGEMENT**

The Board of Trustees 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 Management)*  
*(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*

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:*

*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 Department of Resources Recycling and Recovery: <http://www.calrecycle.ca.gov>

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

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

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

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

**INTEGRATED WASTE MANAGEMENT**

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

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

*(cf. 3300 - Expenditures and Purchases)*

*(cf. 3311 - Bids)*

*(cf. 3312 - Contracts)*

*(cf. 7110 - Facilities Master Plan)*

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

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

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

**EQUIPMENT**

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

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

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

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

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

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

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

**Transfer of Equipment to a New Site**

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

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

**Equipment Acquired by Federal Funds**

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

**EQUIPMENT** (continued)

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

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

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

*(cf. 3530 - Risk Management/Insurance)*  
*(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)*

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

*(cf. 3440 - Inventories)*

*Legal Reference:*

EDUCATION CODE

35160 Authority of governing boards

35168 Inventory of equipment

CODE OF REGULATIONS, TITLE 5

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

4424 Comparability of services

16023 Class 1- Permanent records

CODE OF FEDERAL REGULATIONS, TITLE 34

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

UNITED STATES CODE, TITLE 20

6321 Fiscal requirements

Regulation  
approved:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

**CELLULAR PHONE REIMBURSEMENT**

The Board of Trustees 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 provide an allowance to an employee for the use of his/her personally owned cell phone or mobile communications device for district-related business. The allowance shall be based on the business requirements of the employee. The allowance shall be given to the employee, who shall be responsible for payments to the service provider.

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

~~Employees who are not provided an allowance or district-owned mobile communications devices may be reimbursed for the actual expenses of business-related calls made on their personally owned equipment, in accordance with the district's expense reimbursement procedures.~~

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 and reimbursement of costs.

If an employee misuses the cell phone or other mobile communications device or leaves district employment, he/she shall be responsible for fees or charges associated with cancellation of the service contract.

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)*

**CELLULAR PHONE REIMBURSEMENT** (continued)

**Documentation of Records for Tax Purposes**

When an employee receives a monthly allowance for the use of his/her personally owned cell phone or mobile communications device, the amount of the allowance shall be reported as taxable income by the district and the employee. (26 CFR 1.132-5)

If an employee receives a district-owned cell phone or mobile communications device, the fair market value of the device (one-time value) plus the ongoing, monthly services charges shall be reported as taxable income by the district and the employee. (26 CFR 1.132-5)

Regulation  
approved:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

**TOBACCO-FREE SCHOOLS**

The Board of Trustees recognizes that the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, are inconsistent with its goal to provide a healthy environment for students and staff.

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

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

This prohibition applies to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. 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)*  
*(cf. 1330.1 - Joint Use Agreements)*

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 may provide employee breakrooms designated for smoking only if such rooms meet the requirements of Labor Code 6404.5 and are not accessible to minors. Employees and visitors may smoke outside on school or district grounds except in those areas designated as nonsmoking or otherwise prohibited by law.

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

*Legal Reference: (see next page)*

**TOBACCO-FREE SCHOOLS (continued)**

*Legal Reference:*

EDUCATION CODE

48900 *Grounds for suspension/expulsion*

48901 *Prohibition against tobacco use by students*

HEALTH AND SAFETY CODE

39002 *Control of air pollution from nonvehicular sources*

104350-104495 *Tobacco use prevention, especially:*

104495 *Prohibition of smoking and tobacco waste on playgrounds*

119405 *Unlawful to sell or furnish electronic cigarettes to minors*

LABOR CODE

3300 *Employer, definition*

6304 *Safe and healthful workplace*

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

UNITED STATES CODE, TITLE 20

6083 *Nonsmoking policy for children's services*

7100-7117 *Safe and Drug Free Schools and Communities Act*

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 *Unlawful sale of cigarettes and smokeless tobacco to minors*

PERB RULINGS

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

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

*Management Resources:*

WEB SITES

*California Department of Education, Alcohol, Tobacco and Other Drug Prevention:*

*<http://www.cde.ca.gov/ls/he/at>*

*California Department of Education, Tobacco-Free School District Certification:*

*<http://www.cde.ca.gov/ls/he/at/tobaccofreecert.asp>*

*California Department of Public Health, Tobacco Control: <http://www.cdph.ca.gov/programs/tobacco>*

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

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

**TOBACCO-FREE SCHOOLS**

**Notifications**

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

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

The Superintendent or designee may disseminate this information through annual written notifications, district and school web sites, student and parent handbooks, and/or other appropriate methods of communication.

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

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

**Enforcement/Discipline**

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

*(cf. 4118 - Suspension/Disciplinary Action)*

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

*(cf. 5144 - Discipline)*

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

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

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

*(cf. 1250 - Visitors/Outsiders)*

*(cf. 3515.2 - Disruptions)*

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)

Regulation  
approved:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

**ENVIRONMENTAL SAFETY**

The Board of Trustees recognizes its obligation to provide a safe and healthy environment at school facilities for students, staff, and community members. The Superintendent or designee shall regularly assess school facilities to identify environmental health risks. He/she shall establish a comprehensive plan to prevent and/or mitigate environmental hazards based on a consideration of the proven effectiveness of various options, anticipated short-term and long-term costs and/or savings to the district, and the potential impact on staff attendance, student attendance, and student achievement.

*(cf. 0200 - Goals for the School District)*  
*(cf. 1312.4 - Williams Uniform Complaint Procedures)*  
*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*  
*(cf. 3516.3 - Earthquake Emergency Procedure System)*  
*(cf. 3517 - Facilities Inspection)*  
*(cf. 4157/4257/4357 - Employee Safety)*  
*(cf. 5030 - Student Wellness)*  
*(cf. 5142 - Safety)*  
*(cf. 7111 - Evaluating Existing Buildings)*

Strategies addressed in the district's plan shall include, but not necessarily be limited to, the following:

1. Ensuring good indoor air quality by maintaining adequate ventilation; using effective maintenance operations to reduce dust, mold, mildew, and other indoor air contaminants; and considering air quality in the site selection, design, and furnishing of new or remodeled facilities

*(cf. 3513.3 - Tobacco-Free Schools)*  
*(cf. 5141.23 - Asthma Management)*  
*(cf. 6163.2 - Animals at School)*  
*(cf. 7150 - Site Selection and Development)*

2. Limiting outdoor activities when necessary due to poor outdoor air quality, including excessive smog, smoke, or ozone, or when ultraviolet radiation levels indicate a high risk of harm

*(cf. 3516.5 - Emergency Schedules)*  
*(cf. 5141.7 - Sun Safety)*  
*(cf. 6142.7 - Physical Education and Activity)*

3. Reducing exposure to diesel exhaust and other air contaminants by limiting unnecessary idling of school buses and other commercial motor vehicles

*(cf. 3540 - Transportation)*  
*(cf. 3541.1 - Transportation for School-Related Trips)*  
*(cf. 3542 - School Bus Drivers)*

4. Minimizing exposure to lead in paint, soil, and drinking water

**ENVIRONMENTAL SAFETY** (continued)

5. Inspecting facilities for naturally occurring asbestos and asbestos-containing building materials that pose a health hazard due to damage or deterioration and safely removing, encapsulating, enclosing, or repairing such materials
6. Ensuring the proper storage, use, and disposal of potentially hazardous substances

*(cf. 3514.1 - Hazardous Substances)*

*(cf. 6161.3 - Toxic Art Supplies)*

7. Ensuring the use of effective least toxic pest management practices

*(cf. 3514.2 - Integrated Pest Management)*

8. Instituting a food safety program for the storage, preparation, delivery, and service of school meals in order to reduce the risk of foodborne illnesses

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

In developing strategies to promote healthy school environments, the Superintendent or designee may consult and collaborate with local environmental protection agencies, health agencies, and other community organizations.

*(cf. 1020 - Youth Services)*

The Superintendent or designee shall provide the district's maintenance and facilities staff, bus drivers, food services staff, teachers, and other staff as appropriate with professional development regarding their responsibilities in implementing strategies to improve and maintain environmental safety at the schools.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

The Superintendent or designee shall notify the Board, staff, parents/guardians, students, and/or governmental agencies, as appropriate, if an environmental hazard is discovered at a school site. The notification shall provide information about the district's actions to remedy the hazard and may recommend health screening of staff and students.

*(cf. 5141.6 - School Health Services)*

*Legal Reference: (see next page)*

## ENVIRONMENTAL SAFETY (continued)

*Legal Reference:*

EDUCATION CODE

17002 Definition of "good repair"

17070.75 Facilities inspection

17582 Deferred maintenance fund

17590 Asbestos abatement fund

17608-17613 Healthy Schools Act of 2000, least toxic pest management practices

32240-32245 Lead-Safe Schools Protection Act

48980.3 Notification of pesticides

49410-49410.7 Asbestos materials containment or removal

FOOD AND AGRICULTURAL CODE

11401-12408 Pest control operations and agricultural chemicals

13180-13188 Healthy Schools Act of 2000, least toxic pest management practices

GOVERNMENT CODE

3543.2 Scope of representation; right to negotiate safety conditions

HEALTH AND SAFETY CODE

105400-105430 Indoor environmental quality

113700-114437 California Retail Food Code, sanitation and safety requirements

CODE OF REGULATIONS, TITLE 5

14010 Standards for school site selection

CODE OF REGULATIONS, TITLE 8

337-339 Hazardous substances list

340-340.2 Occupational safety and health, rights of employees

1528-1533 Construction safety orders; exposure to hazards

5139-5223 Control of hazardous substances

CODE OF REGULATIONS, TITLE 13

2480 Vehicle idling

CODE OF REGULATIONS, TITLE 17

35001-36100 Lead abatement services

CODE OF REGULATIONS, TITLE 22

64670-64679 Lead and copper in drinking water

UNITED STATES CODE, TITLE 7

136-136y Use of pesticides

UNITED STATES CODE, TITLE 15

2601-2629 Control of toxic substances

2641-2656 Asbestos Hazard Emergency Response Act

UNITED STATES CODE, TITLE 42

1758 Food safety and inspections

CODE OF FEDERAL REGULATIONS, TITLE 40

141.1-141.723 Drinking water standards

745.61-745.339 Lead-based paint standards

763.80-763.99 Asbestos-containing materials in schools

763.120-763.123 Asbestos worker protections

*Management Resources: (see next page)*

## ENVIRONMENTAL SAFETY (continued)

### *Management Resources:*

#### CSBA PUBLICATIONS

*Indoor Air Quality: Governing Board Actions for Creating Healthy School Environments, Policy Brief, July 2008*

*Asthma Management in the Schools, Policy Brief, March 2008*

*Food Safety Requirements, Fact Sheet, October 2007*

*Sun Safety in Schools, Policy Brief, July 2006*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*School Site Selection and Approval Guide, 2000*

*Indoor Air Quality, A Guide for Educators, 1995*

#### CALIFORNIA DEPARTMENT OF HEALTH SERVICES PUBLICATIONS

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

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

*Indoor Air Quality Tools for Schools, rev. 2007*

*Healthy School Environments Assessment Tool, 2007*

*The ABCs of Asbestos in Schools, rev. August 2003*

*Mold Remediation in Schools and Commercial Buildings, March 2001*

*How to Manage Asbestos in School Buildings: AHERA Designated Person's Self-Study Guide, 1996*

#### WEB SITES

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

AirNow: <http://www.airnow.gov>

American Association of School Administrators: <http://www.aasa.org>

California Air Resources Board: <http://www.arb.ca.gov>

California Department of Education, Health and Safety: <http://www.cde.ca.gov/ls/fa/hs>

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

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

California Indoor Air Quality Program: <http://www.cal-iaq.org>

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

Consumer Product Safety Commission: <http://www.cpsc.gov>

National Center for Environmental Health: <http://www.cdc.gov/nceh>

Occupational Safety and Health Administration: <http://www.osha.gov>

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

**ENVIRONMENTAL SAFETY**

The Superintendent may designate one or more employees to oversee and coordinate the district's environmental safety program(s). The responsibilities of the coordinator(s) shall include, but not be limited to, overseeing assessments of district facilities, recommending strategies for the prevention and mitigation of environmental health risks, ensuring effective implementation of environmental safety strategies, and reporting to the Superintendent regarding the district's progress in addressing environmental safety concerns.

**Indoor Air Quality**

The Superintendent or designee shall ensure that the following strategies are implemented in order to provide proper ventilation, humidity, and temperature in school facilities and to reduce indoor air contaminants:

1. Mechanically driven heating, ventilation, and air conditioning systems shall be operated continuously during working hours except under the circumstances specified in 8 CCR 5142. The systems shall be inspected at least annually and problems corrected within a reasonable time. Where the air supply is filtered, the filters shall be replaced or cleaned regularly to prevent significant reductions in airflow. Documentation of inspections, tests of ventilation rates, and maintenance shall be retained for at least five years. (8 CCR 5142-5143)

*(cf. 3580 - District Records)*

Staff shall not obstruct airflow by covering or blocking ventilators with posters, furniture, books, or other obstacles.

2. School buildings shall be regularly inspected for water damage, spills, leaks in plumbing and roofs, poor drainage, and improper ventilation so as to preclude the buildup of mold and mildew. Wet building materials and furnishings shall be dried within 48 hours if possible to prevent mold growth. When evidence of mold or mildew is found, maintenance staff shall locate and repair the source of water intrusion and remove or clean moldy materials.
3. Exterior wall and foundation cracks and openings shall be sealed as soon as possible to minimize seepage of radon into buildings from surrounding soils.
4. Least toxic pest management practices shall be used to control and manage pests at school sites.

*(cf. 3514.2 - Integrated Pest Management)*

**ENVIRONMENTAL SAFETY** (continued)

5. Routine housekeeping and maintenance schedules and practices shall be designed to effectively reduce levels of dust, dirt, and debris. Plain water, soap and water, or low-emission cleaning products shall be used whenever possible. Aerosols, including air fresheners and other products containing ozone, shall be avoided to the extent possible.

*(cf. 5141.23 - Asthma Management)*

6. Painting of school facilities and maintenance or repair duties that require the use of potentially harmful substances shall be limited to those times when school is not in session. Following any such activity, the facility shall be properly ventilated with adequate time allowed prior to reopening for use by any person.
7. 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.
8. To the extent possible, printing and duplicating equipment that may generate indoor air pollutants, such as methyl alcohol or ammonia, shall be placed in a well-ventilated area with minimal exposure of students and staff.
9. The district's tobacco-free schools policy shall be consistently enforced in order to reduce the health risks caused by second-hand smoke.

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

10. Staff shall refrain from bringing common irritants into the classroom, including, but not limited to, furred or feathered animals, stuffed toys that may collect dust mites, or perfumes or lotions, when students in the class are known to have allergies, asthma, or other sensitivities to odors.

*(cf. 6163.2 - Animals at School)*

**Outdoor Air Quality**

The Superintendent or designee may monitor local health advisories and outdoor air quality alerts, including forecasts of ozone levels, particle pollution, and/or ultraviolet radiation levels.

Whenever these measures indicate a significant health risk, the Superintendent or designee shall communicate with each principal so that outdoor activities, especially those requiring prolonged or heavy exertion, may be avoided, limited in duration, or modified as necessary for all persons or for persons who may be particularly sensitive.

**ENVIRONMENTAL SAFETY** (continued)

*(cf. 5141.7 - Sun Safety)*

*(cf. 6142.7 - Physical Education and Activity)*

*(cf. 6145.2 - Athletic Competition)*

**Vehicle Idling**

Except under the conditions specified in 13 CCR 2480 for which vehicle idling may be necessary, the driver of a school bus, student activity bus, or commercial motor vehicle shall: (13 CCR 2480)

1. Turn off the bus or vehicle 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 or vehicle 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. 3540 - Transportation)*

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

The Superintendent or designee shall ensure that all bus drivers, upon employment and at least once per year thereafter, are informed 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 maintain records of the training and of any complaints and enforcement actions for at least three years. (13 CCR 2480)

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

**Lead Exposure Reduction**

In addition to keeping school facilities as dust-free and clean as possible, the following steps shall be taken to minimize potential exposure to lead in school facilities:

1. Lead-based paint, lead plumbing and solders, or other potential sources of lead contamination shall not be used in the construction of any new school facility or the modernization or renovation of any existing school facility. (Education Code 32244)
2. Lead exposure hazards shall be evaluated before any renovation or remodeling is begun, and children shall not be allowed in or near buildings in which these activities may create lead dust. Contractors and workers shall comply with state and federal standards related to the handling and disposal of lead debris and the clean-up and containment of dust within the construction area.

**ENVIRONMENTAL SAFETY** (continued)

3. Lead-based painted surfaces that are in good condition shall be kept intact. If lead-based paint is peeling, flaking, or chalking, contractors or workers shall follow state and federal standards for safe work practices to minimize contamination when removing the paint.
4. Soil with high lead content may be covered with grass, other plantings, concrete, or asphalt.
5. Whenever testing of drinking water finds concentrations of lead that exceed federal and state standards in 40 CFR 141.80 and 22 CCR 64678, water outlets shall be flushed thoroughly each day before use or made inoperable until a plan for remediation can be implemented. The Superintendent or designee may supply alternative sources of drinking water as appropriate.

Any action to abate existing lead hazards, excluding containment or cleaning, shall be taken only by contractors, inspectors, and workers certified by the California Department of Public Health in accordance with 17 CCR 35001-35099. (Education Code 32243)

**Asbestos Management**

The Superintendent shall designate an employee who shall ensure that the district's responsibilities related to asbestos inspection and abatement are implemented in accordance with federal and state regulations. This employee shall receive adequate training to perform these duties, including, as necessary, basic knowledge of the health effects of asbestos; detection, identification, and assessment of asbestos-containing materials; options for controlling asbestos-containing building materials; and relevant federal and state regulations. (40 CFR 763.84)

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

The designated employee shall ensure that the district complies with the following requirements:

1. School facilities shall be inspected for asbestos-containing materials as necessary in accordance with the following:
  - a. Any school building that is leased or acquired by the district shall be inspected for asbestos-containing materials prior to its use as a school building, unless exempted by federal regulations. (40 CFR 763.85, 763.99)

**ENVIRONMENTAL SAFETY** (continued)

- b. At least once every three years, the district shall conduct a re-inspection of all known or assumed asbestos-containing building materials in each school building. (40 CFR 763.85)
  - c. At least once every six months, the district shall conduct a periodic surveillance consisting of a visual inspection of each school building that contains or is assumed to contain asbestos-containing building materials. (40 CFR 763.92)
2. Based on the results of the inspection, an appropriate response, which is sufficient to protect human health and the environment, shall be determined from among the options specified in 40 CFR 763.90. (40 CFR 763.90)

The district may select the least burdensome response, taking into consideration local circumstances, including occupancy and use patterns within the school building and economic concerns such as short-term and long-term costs. (40 CFR 763.90)

3. An asbestos management plan for each school site shall be maintained and regularly updated to keep it current with ongoing operations and maintenance, periodic surveillance, inspection, re-inspection, and response action activities. (15 USC 2643; 40 CFR 763.93)

The asbestos management plan shall be available for inspection in district and school offices during normal business hours and parent/guardian, teacher, and employee organizations are annually informed of the availability of these plans. (40 CFR 763.84)

4. Staff, students, and parents/guardians shall be informed at least once each school year about any inspections, response actions, and post-response actions, including periodic re-inspection and surveillance activities, that are planned or in progress. (40 CFR 763.84)

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

5. Inspections, re-inspections, periodic surveillance, and response actions, including operations and maintenance, shall be conducted in compliance with state and federal regulations for the protection and safety of workers and all other individuals. (40 CFR 763.84; Education Code 49410.5)

**ENVIRONMENTAL SAFETY** (continued)

Asbestos inspection and abatement work and any maintenance activities that may disturb asbestos-containing building materials, except for emergency repairs or small-scale, short-duration maintenance activities, shall be completed by state-certified asbestos inspectors or contractors. (15 USC 2646; 40 CFR 763.84, 763.85, 763.91)

6. All custodial and maintenance employees shall be properly trained in accordance with applicable federal and/or state regulations. (40 CFR 763.84)

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All district maintenance and custodial staff who may work in a building that contains asbestos-containing building materials, regardless of whether they are required to work with such materials, shall receive at least two hours of related asbestos awareness training. New maintenance and custodial staff shall receive such training within 60 days after beginning employment. Any maintenance or custodial staff who conduct activities that will disturb asbestos-containing materials shall receive 14 hours of additional training. The trainings shall address the topics specified in 40 CFR 763.92. (15 USC 2655; 40 CFR 763.84, 763.92)

7. Short-term workers, such as telephone repair workers, utility workers, or exterminators, who may come in contact with asbestos in a school shall be provided information regarding the locations of known or suspected asbestos-containing building materials. (40 CFR 763.84)
8. Warning labels shall be posted immediately adjacent to any known or suspected asbestos-containing building material located in routine maintenance areas in accordance with 40 CFR 763.95. (40 CFR 763.84)

The district shall maintain, in both the district and school offices and for a period of three years, records pertaining to each preventive measure and response action taken; staff training; periodic surveillances conducted; cleaning, operations, and maintenance activities; and any fiber release episode. (40 CFR 763.94)

**HAZARDOUS SUBSTANCES**

The Board of Trustees 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. 5141.22 - Infectious Diseases)*  
*(cf. 6161.3 - Toxic Art Supplies)*

*Legal Reference:*

EDUCATION CODE

49341 Legislative findings

49401.5 Legislative intent; consultation services

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

FOOD AND AGRICULTURAL CODE

12981 Regulations re pesticides and worker safety

HEALTH AND SAFETY CODE

25163 Transportation of hazardous wastes; registration; exemptions; inspection

25500-25520 Hazardous materials release response plans; inventory

LABOR CODE

6360-6363 Hazardous Substances Information and Training Act

CODE OF REGULATIONS, TITLE 8

5194 Hazard communication

**HAZARDOUS SUBSTANCES**

**Cautionary Notice 2010-13:** AB 1610 (Ch. 724, Statutes of 2010) amended Education Code 37252.2 to relieve districts from the obligation, until July 1, 2013, to perform any activities that are deemed to be reimbursable state mandates under that section. As a result, certain provisions of the following policy or administrative regulation that reflect those requirements may be suspended.

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)

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**Hazard Communication Program**

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

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

1. Container Labeling

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

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

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

2. Material Safety Data Sheets

Upon receiving a hazardous substance or mixture, the Superintendent or designee shall ensure that the manufacturer has also furnished a Material Safety Data Sheet (MSDS) as required by law. If the MSDS is missing or obviously incomplete, the

**HAZARDOUS SUBSTANCES** (continued)

Superintendent or designee shall request a new MSDS from the manufacturer and shall notify the California Occupational Safety and Health Division (Cal/OSHA) if a complete MSDS is not received.

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

**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)

**HAZARDOUS SUBSTANCES** (continued)

4. List of Hazardous Substances

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

5. Hazardous Nonroutine Tasks

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

6. Hazardous Substances in Unlabeled Pipes

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

*(cf. 3514 - Environmental Safety)*

7. Informing Contractors

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

**INTEGRATED PEST MANAGEMENT**

**Definition**

*Integrated Pest Management (IPM)* means a strategy that focuses on long-term prevention or suppression of pest problems through a combination of techniques such as monitoring for pest presence and establishing treatment threshold levels, using nonchemical practices to make the habitat less conducive to pest development, improving sanitation, and employing mechanical and physical controls. Pesticides that pose the least possible hazard and are effective in a manner that minimizes risks to people, property, and the environment are used only after careful monitoring indicates they are needed according to pre-established guidelines and treatment thresholds. (Food and Agricultural Code 13181)

**Procedures**

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

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

*(cf. 4231 - Staff Development)*

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

7. Limiting pesticide purchases to amounts needed for the year. Pesticides shall be stored at a secure location that is not accessible to students and unauthorized staff. They shall be stored and disposed of in accordance with state regulations and label directions registered with the U.S. Environmental Protection Agency (EPA) as well as any disposal requirements indicated on the product label.

*(cf. 3514.1 - Hazardous Substances)*

### **Prohibited Pesticides**

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

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

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

### **Notifications**

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

1. The Internet address (<http://www.schoolipm.info>) used to access information on pesticides and pesticide use reduction developed by the DPR pursuant to Food and Agricultural Code 13184.
2. The name of each pesticide product expected to be applied in the upcoming year and the active ingredient(s) in it.
3. An opportunity for interested persons to register to receive notification of individual pesticide application at the school site. The IPM Coordinator shall notify such registered persons of individual pesticide applications at least 72 hours prior to the application. The notice shall include the product name, the active ingredient(s) in the product, and the intended date of application.

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

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

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

*(cf. 3517 - Facilities Inspection)*

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

*(cf. 5145.6 - Parental Notifications)*

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

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

*(cf. 3514 - Environmental Safety)*

### **Posting of Warning Signs**

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

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

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

### **Records**

Each school site shall maintain records of all pesticide use at the school for four years, and shall make the information available to the public, upon request, in accordance with the

**INTEGRATED PEST MANAGEMENT (continued)**

California Public Records Act. Such records may be maintained by retaining a copy of the warning sign posted for each pesticide application with a recording on that copy of the amount of the pesticide used. (Education Code 17611)

*(cf. 1340 - Access to District Records)*  
*(cf. 3580 - District Records)*

*Legal Reference:*

EDUCATION CODE

17366 Legislative intent (fitness of buildings for occupancy)

17608-17613 Healthy Schools Act of 2000

48980 Notice at beginning of term

48980.3 Notification of pesticides

FOOD AND AGRICULTURAL CODE

11401-12408 Pest control operations and agricultural chemicals

13180-13188 Healthy Schools Act of 2000

GOVERNMENT CODE

3543.2 Scope of representation; right to negotiate safety conditions

6250-6270 California Public Records Act

CODE OF REGULATIONS, TITLE 8

340-340.2 Employer's obligation to provide safety information

UNITED STATES CODE, TITLE 7

136-136y Insecticide, Fungicide and Rodenticide Act

*Management Resources:*

U.S. ENVIRONMENTAL PROTECTION AGENCY

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

WEB SITES

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

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

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

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

Regulation  
approved:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

**CAMPUS SECURITY**

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

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

*(cf. 0450 - Comprehensive Safety Plan)*

**Surveillance Systems**

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

*(cf. 5131.1 - Bus Conduct)*

*(cf. 5145.12 - Search and Seizure)*

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

*(cf. 5144 - Discipline)*

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

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

**CAMPUS SECURITY (continued)**

(cf. 4112.6/4212.6/4312.6 - Personnel Records)  
(cf. 5125 - Student Records)  
(cf. 5125.1 - Release of Directory Information)

*Legal Reference:*

EDUCATION CODE

32020 *Access gates*  
32211 *Threatened disruption or interference with classes*  
32280-32288 *School safety plans*  
35160 *Authority of governing boards*  
35160.1 *Broad authority of school districts*  
38000-38005 *Security patrols*  
49050-49051 *Searches by school employees*  
49060-49079 *Student records*

PENAL CODE

469 *Unauthorized making, duplicating or possession of key to public building*  
626-626.10 *Disruption of schools*

CALIFORNIA CONSTITUTION

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

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act*

COURT DECISIONS

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

ATTORNEY GENERAL OPINIONS

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

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

*Management Resources:*

CSBA PUBLICATIONS

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS

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

WEB SITES

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

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

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

Policy  
adopted:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

**CAMPUS SECURITY**

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

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

These strategies include a risk management analysis of each campus' security system, lighting system, and fencing. Procedures to ensure unobstructed views and eliminate blind spots caused by doorways and landscaping shall also be considered. In addition, parking lot design may be studied, including methods to discourage through traffic.

2. Secure buildings from outsiders and discourage trespassing

These strategies may include requiring visitor registration, staff and student identification tags, and patrolling of places used for congregating and loitering.

*(cf. 1250 - Visitors/Outsiders)*  
*(cf. 3515.2 - Disruptions)*  
*(cf. 5112.5 - Open/Closed Campus)*

3. Discourage vandalism and graffiti

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

*(cf. 3515.4 - Recovery for Property Loss or Damage)*  
*(cf. 5131.5 - Vandalism and Graffiti)*  
*(cf. 5137 - Positive School Climate)*

4. Control access to keys and other school inventory

*(cf. 3440 - Inventories)*

5. Detect and intervene with school crime

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

*(cf. 3515.3 - District Police/Security Department)*  
*(cf. 5116.1 - Intradistrict Open Enrollment)*  
*(cf. 5138 - Conflict Resolution/Peer Mediation)*  
*(cf. 5145.9 - Hate-Motivated Behavior)*

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

**CAMPUS SECURITY** (continued)

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

**Keys**

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

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

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

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

**DISRUPTIONS**

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

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

*(cf. 1250 - Visitors/Outsiders)*

*(cf. 3515 - Campus Security)*

*(cf. 4118 - Suspension/Disciplinary Action)*

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

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

*(cf. 5131.4 - Student Disturbances)*

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

*(cf. 0450 - Comprehensive Safety Plan)*

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

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

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

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

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

**Safe School Zone**

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

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

**DISRUPTIONS** (continued)

(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:*

EDUCATION CODE

~~32210 Willful disturbance of public school or meeting, misdemeanor~~  
32211 Threatened disruption or interference with classes; misdemeanor  
35160 Authority of governing boards  
44810 Willful interference with classroom conduct  
44811 Disruption of classwork or extracurricular activities  
48902 Notification of law enforcement authorities  
51512 Prohibited use of electronic listening or recording device

PENAL CODE

243.5 Assault or battery on school property  
415.5 Disturbance of peace of school  
626-626.11 Schools, crimes, especially:  
626.7 Failure to leave campus or facility; wrongful return; penalties; notice; exceptions  
626.8 Disruptive presence at schools  
626.81 Misdemeanor for registered sex offender to come onto school grounds  
626.85 Misdemeanor for specified drug offender presence on school grounds  
626.9 Gun Free School Zone Act  
627-627.10 Access to school premises  
653b Loitering about schools or public places  
12556 Imitation firearms

UNITED STATES CODE, TITLE 20

7151 Gun-Free Schools Act

COURT DECISIONS

*Reeves v. Rocklin Unified School District*, (2003) 109 Cal.App.4th 652  
*In Re Joseph E.*, (2000) 85 Cal.App.4th 975  
*In Re Jimi A.*, (1989) 209 Cal.App.3d 482  
*In Re Oscar R.*, (1984) 161 Cal.App.3d 770

ATTORNEY GENERAL OPINIONS

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

*Management Resources:*

CSBA PUBLICATIONS

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

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

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

WEB SITES

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

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

U.S. Department of Education, Emergency Planning:

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

Policy  
adopted:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

**DISRUPTIONS**

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

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

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

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

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

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

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

*(cf. 3515.5 - Sex Offender Notification)*

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

*(cf. 1240 - Volunteer Assistance)*

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

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

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

**DISRUPTIONS** (continued)

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

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

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 1250 - Visitors/Outsiders)*

**Appeal Procedure**

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

The decision of the Superintendent or designee may be appealed to the Board of Trustees. 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)

Regulation  
approved:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

**RECOVERY FOR PROPERTY LOSS OR DAMAGE**

The Board of Trustees desires to create a safe and secure learning environment and to minimize acts of vandalism and damage to school property. To discourage such acts, the district shall seek reimbursement of damages, within the limitations specified in law, from any individual, or from the parent/guardian of any minor, who has committed theft or has willfully damaged district or employee property.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3515 - Campus Security)*  
*(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 - Conduct)*  
*(cf. 5131.5 - Vandalism and Graffiti)*  
*(cf. 5136 - Gangs)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

**Rewards**

When district or law enforcement officials have not been able to identify the person(s) responsible for the theft or vandalism of district property, the Board may authorize a reward for the identification and apprehension of the responsible person(s).

The Board shall determine the appropriate amount for the reward.

The Superintendent or designee shall disburse the reward when the guilt of the person responsible for the act has been established by a criminal conviction or other appropriate judicial procedure.

*Legal Reference: (see next page)*

**RECOVERY FOR PROPERTY LOSS OR DAMAGE (continued)**

*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/guardian for willful misconduct

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

53069.6 Actions to recover damages

54951 Local agency, definition

PENAL CODE

484 Theft defined

594 Vandalism

594.1 Aerosol paint and etching cream

640.5 Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti

*Management Resources:*

WEB SITES

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

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

**RECOVERY FOR PROPERTY LOSS OR DAMAGE**

**Reports by Staff**

District employees shall report any damage to 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 and Graffiti)*

**Investigation**

The Superintendent or designee shall conduct a complete investigation of any instance of damage to or loss of school property and shall consult law enforcement officials when appropriate. If it is determined that the damage has been committed by any district student, the Superintendent or designee shall initiate appropriate disciplinary procedures against the student.

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

*(cf. 5131 - Conduct)*

*(cf. 5144 - Discipline)*

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

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

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

**Recovery of Damages**

When the individual 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 the district's costs and shall consult with the district's legal counsel and/or insurance administrator, as appropriate.

Such steps may include the filing of a civil complaint in a court of competent jurisdiction to recover damages from the responsible person and, if the responsible person is a minor, from his/her parent/guardian in accordance with law. Damages may include the cost of repair or replacement of the property, the payment of any reward, interest, court costs, and all other damages as provided by law.

**Payment of Reward**

When authorized according to Board policy, the Superintendent or designee shall pay the reward to the party who provides information sufficient to identify and apprehend the person(s) subsequently determined to be responsible for the damage or loss. If more than one person provides information, the reward shall be divided among them as appropriate.

Regulation  
approved:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

**SEX OFFENDER NOTIFICATION**

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

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

This communication shall also explain:

- a. The reporting requirements pursuant to Penal Code 290 and 290.45, including the fact that law enforcement is the agency best able to assess the relative danger of a sex offender
  - b. The ability of the parents/guardians to contact law enforcement for additional information and to view the information on the Megan's Law Internet website
5. When law enforcement notifies the district of the residency or employment of a sex offender within district boundaries, the Superintendent or district liaison shall consult with law enforcement about the appropriate scope of the disclosure. When authorized by law enforcement, the Superintendent or liaison may disclose information about a sex offender to the following staff:
- a. The principal of the school which is in the attendance area of the sex offender's residence or place of employment
  - b. Teachers and classified personnel at that school, including staff responsible for visitor registration

**SEX OFFENDER NOTIFICATION** (continued)

*(cf. 1250 - Visitors/Outsiders)*

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

**Notification to Parents/Guardians**

When law enforcement has determined that parents/guardians should be notified regarding the presence of a sex offender in the community, the Superintendent or district liaison shall collaborate with local law enforcement in order to determine an appropriate response. This response may include:

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

*Legal Reference: (see next page)*

**SEX OFFENDER NOTIFICATION** (continued)

*Legal Reference:*

EDUCATION CODE

32211 Threatened disruption or interference with classes; offense

35160 Authority of boards

35160.1 Board authority of school districts

PENAL CODE

290 Registration of sex offenders

290.4 Sex offender registration; compilation of information

290.45 Release of sex offender information

290.46 Making information about certain sex offenders available via the Internet

290.9 Addresses of persons who violate duty to register

290.95 Disclosure by person required to register as sex offender

626.8 Disruptive entry or entry of sex offender upon school grounds

830.32 School district and community college police

3003 Parole, geographic placement

UNITED STATES CODE, TITLE 42

14071 Jacob Wetterling Crimes Against Children and Sexually Violent Offender

Registration Program Act

ATTORNEY GENERAL OPINIONS

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

*Management Resources:*

WEB SITES

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

**CRIMINAL BACKGROUND CHECKS FOR CONTRACTORS**

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

*(cf. 3540--Transportation)*

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

*(cf. 3600 - Consultants)*

*(cf. 7140 - Architectural and Engineering Services)*

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

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

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

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

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

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

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

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

**Other Facility Contractors**

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

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

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

3. Surveillance of employees of the entity by school personnel.

These requirements shall not apply if the Superintendent or designee determines that the contracting entity is providing construction, reconstruction, rehabilitation or repair services in an emergency or exceptional situation, such as when student health or safety is endangered or when repairs are needed to make school facilities safe and habitable. (Education Code 45125.2)

*Legal Reference:*

EDUCATION CODE

*41302.5 School districts, definition*

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

*45125.1 Criminal background checks for contractors*

*45125.2 Criminal background checks for construction*

PENAL CODE

*667.5 Prior prison terms, enhancement of prison terms*

*1192.7 Plea bargaining limitation*

Regulation  
approved:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

**EMERGENCIES AND DISASTER PREPAREDNESS PLAN**

The Board of Trustees recognizes that all district staff and students must be prepared to respond quickly and responsibly to emergencies, disasters, and threats of disaster.

The Superintendent or designee shall develop and maintain a disaster preparedness plan which details provisions for handling emergencies and disasters and which shall be included in the district's comprehensive school safety plan. (Education Code 32282)

*(cf. 0450 - Comprehensive Safety Plan)*

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

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

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

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

The Board shall grant the use of school buildings, grounds, and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Board shall cooperate with such agencies in furnishing and maintaining whatever services they deem necessary to meet the community's needs. (Education Code 32282)

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

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

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

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

*Legal Reference: (see next page)*

## EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)

### Legal Reference:

#### EDUCATION CODE

32001 Fire alarms and drills  
32040 Duty to equip school with first aid kit  
32280-32289 School safety plans  
32290 Safety devices  
39834 Operating overloaded bus  
46390-46392 Emergency average daily attendance in case of disaster  
49505 Natural disaster; meals for homeless students; reimbursement

#### GOVERNMENT CODE

3100 Public employees as disaster service workers  
8607 Standardized emergency management system

#### CODE OF REGULATIONS, TITLE 5

550 Fire drills  
560 Civil defense and disaster preparedness plans

#### CODE OF REGULATIONS, TITLE 19

2400-2450 Standardized emergency management system

#### UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

### Management Resources:

#### CSBA PUBLICATIONS

Avian Influenza, Governance and Policy Services Fact Sheet, April 2006

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

#### CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

Pandemic Influenza Planning Checklist, 2006

#### CONTRA COSTA COUNTY OFFICE OF EDUCATION

Pandemic Flu School Action Kit, June 2006

#### GOVERNOR'S OFFICE OF EMERGENCY SERVICES

School Emergency Response: Using SEMS at Districts and Sites, June 1998

#### U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

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

#### WEB SITES

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

American Red Cross: <http://www.redcross.org>

California Department of Education, Crisis Preparedness: <http://www.cde.ca.gov/ls/ss/cp>

California Emergency Management Agency: <http://www.calema.ca.gov>

California Seismic Safety Commission: <http://www.seismic.ca.gov>

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

Contra Costa County Office of Education, Pandemic influenza resources:

[http://www.cccoe.k12.ca.us/about/flu/resources\\_flu\\_action\\_kit](http://www.cccoe.k12.ca.us/about/flu/resources_flu_action_kit)

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

U.S. Department of Education, Emergency Planning:

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

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

**EMERGENCIES AND DISASTER PREPAREDNESS PLAN**

**Components of the Plan**

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

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

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

2. Earthquake or other natural disasters

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

3. Environmental hazards

*(cf. 3514 - Environmental Safety)*

*(cf. 3514.2 - Integrated Pest Management)*

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

*(cf. 3515 - Campus Security)*

*(cf. 3515.2 - Disruptions)*

*(cf. 5131.4 - Student Disturbances)*

5. Bomb threat or actual detonation

*(cf. 3516.2 - Bomb Threats)*

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

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

*(cf. 5141.22 - Infectious Diseases)*

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

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

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

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

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

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

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

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

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

4. Personal safety and security, including:

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

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

*(cf. 5142 - Safety)*

- d. Identification of transportation needs, including a plan which allows bus seating capacity limits to be exceeded when a disaster or hazard requires students to be moved immediately to ensure their safety

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

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

- e. Provision of a first aid kit to each classroom
- f. Arrangements for students and staff with special needs

*(cf. 4032 - Reasonable Accommodation)*

*(cf. 6159 - Individualized Education Program)*

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

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

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

*(cf. 5113 - Absences and Excuses)*

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

5. Closure of schools, including an analysis of:

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

*(cf. 3516.5 - Emergency Schedules)*

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

- a. Identification of spokesperson(s)

*(cf. 1112 - Media Relations)*

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

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

- c. Development of methods to ensure that communications are, to the extent practicable, in a language and format that is easy for parents/guardians to understand

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

- d. Distribution of information about district and school site emergency procedures to staff, students, and parents/guardians
- 7. Cooperation with other state and local agencies, including:
  - a. Development of guidelines for law enforcement involvement and intervention
  - b. Collaboration with the local health department, including development of a tracking system to alert the local health department to a substantial increase of student or staff absenteeism as indicative of a potential outbreak of an infectious disease

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

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

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

**FIRE DRILLS AND FIRES**

**Fire Drills**

The principal shall cause the fire alarm signal to be sounded at least once every month. (Education Code 32001)

The principal shall also hold fire drills at least once a month at the elementary level, four times every school year at the intermediate level, and not less than twice every school year at the secondary level. (Education Code 32001)

1. The principal shall notify staff as to the schedule for fire drills.
2. Whenever a fire drill is held, all students, teachers and other employees shall be directed to leave the building. (5 CCR 550)
3. Teachers shall ascertain that no student remains in the building.
4. Teachers shall be prepared to select alternate exits and shall direct their classes to these exits whenever the designated escape route is blocked.
5. The principal or designee shall keep a record of each fire drill conducted and file a copy of this record with the office of the Superintendent or designee.

**Fires**

When a fire is discovered in any part of the school, the following actions shall be taken:

1. The principal or designee shall sound fire signals, unless the school and/or building is equipped with an automatic fire detection and alarm system. (Education Code 32001)
2. The principal or designee shall call 911.
3. All persons shall be directed to leave the building and shall proceed outside to designated assembly areas.
4. Staff shall give students clear direction and supervision and help maintain a calm and orderly response.
5. In outside assembly areas, teachers shall take roll, report missing students, and provide assistance to any injured students.
6. In outside assembly areas, the principal, designee and/or each department head shall account for their staff, report missing staff, and provide assistance to any injured staff.

**FIRE DRILLS AND FIRES** (continued)

7. If the fire is extensive, students shall be taken to an alternate location for protective custody until parents/guardians can pick them up or until they can be safely transported to their homes.

*(cf. 0450 - Comprehensive Safety Plan)*

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

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*Legal Reference:*

EDUCATION CODE

17074.50-17074.56 Automatic fire detection, alarm and sprinkler systems

32001 Uniform fire signals

32040 Duty to equip school with first aid kit

CODE OF REGULATIONS, TITLE 5

550 Fire drills

**BOMB THREATS**

To maintain a safe and secure environment for district students and staff, the Superintendent or designee shall ensure that the district's emergency and disaster preparedness plan and/or each school's comprehensive safety plan includes procedures for dealing with bomb threats. He/she also shall provide training regarding the procedures to site administrators, safety personnel, and staff members who customarily handle mail, telephone calls, or email.

*(cf. 0450 - Comprehensive Safety Plan)*

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

*(cf. 4040 - Employee Use of Technology)*

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

**Receiving Threats**

Any staff member receiving a telephoned bomb threat shall try to keep the caller on the line in order to gather information about the location and timing of the bomb and the person(s) responsible. To the extent possible, the staff member should also take note of the caller's gender, age, any distinctive features of voice or speech, and any background noises such as music, traffic, machinery, or voices.

If the bomb threat is received through the mail system or in writing, the staff member who receives it should handle the letter, note, or package as minimally as possible. If the threat is received through electronic means, such as email or text messaging, the staff member should not delete the message.

**Response Procedure**

The following procedure shall be followed when a bomb threat is received:

1. Any employee who receives a bomb threat shall immediately call 911 and also report the threat to the Superintendent or designee. If the threat is in writing, the employee shall place the message in an envelope and take note of where and by whom it was found.
2. Any student or employee who sees a suspicious package shall promptly notify the Superintendent or designee.
3. The Superintendent or designee shall immediately use fire drill signals and initiate standard evacuation procedures as specified in the emergency plan.

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

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

4. The Superintendent or designee shall turn off any two-way radio equipment which is located in a threatened building.

**BOMB THREATS** (continued)

Law enforcement and/or fire department staff shall conduct the bomb search. No school staff shall search for or handle any explosive or incendiary device.

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

No one shall reenter the threatened building(s) until the Superintendent or designee declares that reentry is safe based on law enforcement and/or fire department clearance.

*(cf. 3516.5 - Emergency Schedules)*

To the extent possible, the Superintendent or designee shall maintain communications with staff, parents/guardians, the Board of Trustees, other governmental agencies, and the media during the period of the incident.

*(cf. 1112 - Media Relations)*

Following the incident, the Superintendent or designee shall provide crisis counseling for students and/or staff as needed.

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

Any employee or student found to have made a bomb threat shall be subject to disciplinary procedures and/or criminal prosecution.

*(cf. 4118 - Suspension/Disciplinary Action)*

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

*(cf. 5131 - Conduct)*

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

*(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*

*Management Resources:*

CSBA PUBLICATIONS

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

U.S. DEPARTMENT OF HOMELAND SECURITY PUBLICATIONS

*Bomb Threat Checklist*

WEB SITES

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

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

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

U.S. Department of Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives:  
<http://www.THREATPLAN.org>

**EARTHQUAKE EMERGENCY PROCEDURE SYSTEM**

**Earthquake Preparedness**

Earthquake emergency procedures shall be established in every school building having an occupant capacity of 50 or more students, or more than one classroom, and shall be incorporated into the comprehensive safety plan. (Education Code 32282)

*(cf. 0450 - Comprehensive Safety Plan)*

~~Earthquake emergency procedures shall be aligned with the Standardized Emergency Management System and the National Incident Management System. (Government Code 8607; 19 CCR 2400-2450)~~

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

The Superintendent or designee may work with the California Emergency Management Agency and the Seismic Safety Commission to develop and establish the earthquake emergency procedures. (Education Code 32282)

Earthquake emergency procedures shall outline the roles and responsibilities of students and staff during and after an earthquake.

Earthquake emergency procedures shall include, but not be limited to, all of the following: (Education Code 32282)

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 whereby each student and staff member takes cover under a table or desk, dropping to his/her knees, with the head protected by the arms and the back to the windows

Drop procedures shall be practiced at least once each school quarter in elementary schools and at least once each semester in secondary schools.

3. Protective measures to be taken before, during, and following an earthquake
4. A program to ensure that students and staff are aware of and properly trained in the earthquake emergency procedure system

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

**EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)**

Staff and students shall be informed of the dangers to expect in an earthquake and procedures to be followed. Students shall be instructed to remain silent and follow directions given by staff in such an emergency. Staff and students also shall be taught safety precautions to take if they are in the open or on the way to or from school when an earthquake occurs.

Earthquake emergency procedures shall designate primary and alternative locations outside of buildings, which may include areas off campus if necessary, where individuals on a school site will assemble following evacuation. In designating such areas, the Superintendent or designee shall consider potential post-earthquake hazards outside school buildings including, but not limited to, power lines, trees, covered walkways, chain link fences that may be an electric shock hazard, and areas near buildings that may have debris.

Earthquake emergency procedures also shall outline primary and alternative evacuation routes that avoid areas with potential hazards to the extent possible. The needs of students with disabilities shall be considered when planning evacuation routes.

The Superintendent or designee shall consider the danger of a post-earthquake tsunami when developing evacuation routes and locations, including the need to evacuate to higher ground.

The Superintendent or designee shall identify at least one individual within each building to determine if an evacuation is necessary, the best evacuation location, and the best route to that location when an earthquake occurs.

The Superintendent or designee shall identify potential earthquake hazards in classrooms and other district facilities, including, but not limited to, areas where the main gas supply or electric current enters the building, suspended ceilings, pendant light fixtures, large windows, stairwells, science laboratories, storage areas for hazardous materials, shop areas, and unsecured furniture and equipment. To the extent possible, dangers presented by such potential hazards shall be minimized by securing equipment and furnishings and removing heavy objects from high shelves.

**Earthquake While Indoors at School**

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

1. Staff shall have students perform the drop procedure. Students should stay in the drop position until the emergency is over or until further instructions are given.
2. In laboratories, burners should be extinguished, if possible, before taking cover.
3. As soon as possible, staff shall move students away from windows, shelves, and heavy objects or furniture that may fall.

## **EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)**

4. After the earthquake, the principal or designee shall determine whether planned evacuation routes and assembly locations are safe and shall communicate with teachers and other staff.
5. When directed by the principal or designee to evacuate, or if classrooms or other facilities present dangerous hazards that require immediate evacuation, staff shall account for all students under their supervision and shall evacuate the building in an orderly manner.

### **Earthquake While Outdoors on School Grounds**

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

1. Staff shall direct students to walk away from buildings, trees, overhead power lines, power poles, or exposed wires.
2. Staff shall have students perform the drop procedure.
3. Staff shall have students stay in the open until the earthquake is over or until further directions are given.

### **Earthquake While on the Bus**

If students are on the school bus when an earthquake occurs, the bus driver shall take proper precautions to ensure student safety, which may include pulling over to the side of the road or driving to a location away from outside hazards, if possible. Following the earthquake, the driver shall contact the Superintendent or designee for instructions before proceeding on the route or, if such contact is not possible, drive to an evacuation or assembly location.

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

### **Subsequent Emergency Procedures**

After an earthquake episode has subsided, the following actions shall be taken:

1. Staff shall extinguish small fires if safe.
2. Staff shall provide first aid to any injured students, take roll, and report missing students to the principal or designee.
3. Staff and students shall refrain from lighting any stoves or burners or operating any electrical switches until the area is declared safe.

**EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)**

4. All buildings shall be inspected for water and gas leaks, electrical breakages, and large cracks or earth slippage affecting buildings.
5. The principal or designee shall post staff at safe distances from all building entrances and instruct staff and students to remain outside the buildings until they are declared safe.
6. The principal or designee shall request assistance as needed from the county or city civil defense office, fire and police departments, city and county building inspectors, and utility companies and shall confer with them regarding the advisability of closing the school.
7. The principal or designee shall contact the Superintendent or designee and request further instructions after assessing the earthquake damage.
8. The Superintendent or designee shall provide updates to parents/guardians of district students and members of the community about the incident, any safety issues, and follow-up directions.

*(cf. 1112 - Media Relations)*

*Legal Reference:*

EDUCATION CODE

32280-32289 *School safety plans*

GOVERNMENT CODE

3100 *Public employees as disaster service workers*

8607 *Standardized Emergency Management System*

CODE OF REGULATIONS, TITLE 19

2400-2450 *Standardized Emergency Management System*

*Management Resources:*

CALIFORNIA EMERGENCY MANAGEMENT AGENCY PUBLICATIONS

*The ABCs of Post-Earthquake Evacuation: A Checklist for School Administrators and Faculty Guide and Checklist for Nonstructural Earthquake Hazards in California Schools, January 2003*

*School Emergency Response: Using SEMS at Districts and Sites, June 1998*

FEDERAL EMERGENCY MANAGEMENT AGENCY PUBLICATIONS

*Guidebook for Developing a School Earthquake Safety Program, 1990*

WEB SITES

*American Red Cross: <http://www.redcross.org>*

*California Emergency Management Agency: <http://www.calema.ca.gov>*

*California Seismic Safety Commission: <http://www.seismic.ca.gov>*

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

*National Incident Management System: <http://www.fema.gov/emergency/nims>*

Regulation  
approved:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

**EMERGENCY SCHEDULES**

In order to provide for the safety of students and staff, the Board of Trustees authorizes the Superintendent or designee to close a school site, change the regular school day schedule, or take any necessary action when hazardous environmental or weather conditions or other emergencies warrant.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 4157/4257/4357 - Employee Safety)*  
*(cf. 5142 - Safety)*  
*(cf. 6112 - School Day)*

When an emergency condition causes a school closure, reduction in attendance, or change in schedule pursuant to Education Code 41422 or 46392, thereby preventing the district from complying with the minimum number of instructional days or minutes required by law, the Superintendent or designee shall complete and submit to the Superintendent of Public Instruction the necessary forms for obtaining approval of the days of the closure, reduction in attendance, or change in schedule. The Superintendent or designee shall submit other relevant district records as may be required.

*(cf. 3580 - District Records)*  
*(cf. 6111 - School Calendar)*

The Superintendent or designee shall establish a system for informing students and parents/guardians when school buses are not operating as scheduled, the school day schedule is changed, or the school is closed. The district's notification system shall include, but is not limited to, notifying local television and radio stations, posting on district web site(s), sending email and text messages, and/or making telephone calls.

*(cf. 1112 - Media Relations)*  
*(cf. 1113 - District and School Web Sites)*  
*(cf. 3542 - School Bus Drivers)*  
*(cf. 3543 - Transportation Safety and Emergencies)*

Whenever the school day schedule changes after students have arrived at school, the Superintendent or designee shall ensure that students are supervised in accordance with the procedures specified in the district's emergency and disaster preparedness plan.

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

The Superintendent or designee may provide a means to make up lost instructional time later during the year. Students and parents/guardians shall receive timely advanced notice of any resulting changes in the school calendar or school day schedule.

**EMERGENCY SCHEDULES** (continued)

*Legal Reference:*

EDUCATION CODE

41420 Required length of school term

41422 Schools not maintained for 175 days

46010 Total days of attendance

46100-46192 Attendance; maximum credit; minimum day

46390 Calculation of ADA in emergency

46391 Lost or destroyed ADA records

46392 Decreased attendance in emergency situation

VEHICLE CODE

34501.6 School buses; reduced visibility

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE

90-01 Average Daily Attendance Credit During Periods of Emergency, February 10, 2005

WEB SITES

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

**FACILITIES INSPECTION**

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

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

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

*(cf. 3111 - Deferred Maintenance Funds)*

*(cf. 3514 - Environmental Safety)*

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

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

**FACILITIES INSPECTION (continued)**

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

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

*Legal Reference:*EDUCATION CODE

1240 County superintendent of schools, duties

17002 Definitions

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

17565-17591 Property maintenance and control, especially:

17584 Deferred maintenance

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School accountability report card

35186 Williams uniform complaint procedure

CODE OF REGULATIONS, TITLE 2

1859.300-1859.330 Emergency Repair Program

*Management Resources:*CSBA PUBLICATIONS*Williams Settlement and the Emergency Repair Program, Policy Brief, January 2008*COALITION OF ADEQUATE SCHOOL HOUSING PUBLICATIONS*Facility Inspection Tool Guidebook, February 2008*WEB SITESCSBA: <http://www.csba.org>California County Superintendents Educational Services Association: <http://www.ccsesa.org>California Department of Education, Williams Case: <http://www.cde.ca.gov/eo/ce/wc/index.asp>Coalition of Adequate School Housing: <http://www.cashnet.org>State Allocation Board, Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

Policy  
adopted:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

**RISK MANAGEMENT/INSURANCE**

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

The Superintendent or designee shall establish a risk management program that uses effective safety and loss control practices. The district shall strive to keep its liability at a minimum and its insurance premiums as low as possible while maintaining adequate protection. To determine the most economical means of insuring the district consistent with required services, the Superintendent or designee shall annually review the district's options for obtaining coverage, including qualified insurance agents, a joint powers agency, self-insurance or a combination of these means.

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

To attempt to minimize the district's exposure to liability, the Board shall adopt clear policies related to discrimination, harassment, safety procedures, and the timely handling of claims. The Superintendent or designee shall ensure that these policies and related procedures are enforced fairly and consistently.

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

*(cf. 3320 - Claims and Actions Against the District)*

*(cf. 4030 - Nondiscrimination in Employment)*

*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*

*(cf. 4132/4232/4332 - Publication or Creation of Materials)*

*(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)*

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

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 6162.6 - Use of Copyrighted Materials)*

*(cf. 9260 - Legal Protection)*

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

*Legal Reference: (see next page)*

**RISK MANAGEMENT/INSURANCE (continued)**

*Legal Reference:*

EDUCATION CODE

*17029.5 Contract funding; board liability*

*17565-17592 Board duties re property maintenance and control*

*32350 Liability on equipment loaned to district*

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

*35200-35214 Liabilities, especially:*

*35208 Liability insurance*

*35211 Driver training civil liability insurance*

*35213 Reimbursement for loss, destruction or damage of personal property*

*35214 Liability self-insurance*

*35331 Medical or hospital service for students on field trip*

*39837 Transportation of pupils to places of summer employment*

*41021 Requirement for employees' indemnity bonds*

*44873 Qualifications for physician (liability coverage)*

*49470-49474 District medical services and insurance*

GOVERNMENT CODE

*820.9 Board members not vicariously liable for injuries caused by district*

*989-991.2 Local public entity insurance*

LABOR CODE

*3200-4855 Workers' compensation*

**RISK MANAGEMENT/INSURANCE**

**Risk Management**

The Superintendent or designee shall take action to:

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

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

- (cf. 0450 - Comprehensive Safety Plan)*
- (cf. 1240 - Volunteer Assistance)*
- (cf. 1330 - Use of School Facilities)*
- (cf. 3400 - Management of District Assets/Accounts)*
- (cf. 3430 - Investing)*
- (cf. 3440 - Inventories)*
- (cf. 3512 - Equipment)*
- (cf. 3514 - Environmental Safety)*
- (cf. 3514.1 - Hazardous Substances)*
- (cf. 3515.4 - Recovery for Property Loss or Damage)*
- (cf. 3516 - Emergencies and Disaster Preparedness Plan)*
- (cf. 3541.1 - Transportation for School-Related Trips)*
- (cf. 3543 - Transportation Safety and Emergencies)*
- (cf. 4112.42/4212.42/4312.43 - Drug and Alcohol Testing for School Bus Drivers)*
- (cf. 4119.42/4219.42/4319.42 - 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. 5141.22 - Infectious Diseases)*
- (cf. 5142 - Safety)*
- (cf. 6145.2 - Athletic Competition)*
- (cf. 6153 - School-Sponsored Trips)*
- (cf. 9260 - Legal Protection)*

**RISK MANAGEMENT/INSURANCE** (continued)

**Insurance**

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

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

A suitable bond indemnifying the district against loss shall be purchased for employees responsible for handling district funds and may be purchased for employees responsible for handling district property. The district shall bear the cost of this bonding. (Education Code 41021)

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

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

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

*(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)*

*(cf. 5143 - Insurance)*

*(cf. 9260 - Legal Protection)*

**TRANSPORTATION**

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

*(cf. 3100 - Budget)*

*(cf. 3250 - Transportation Fees)*

*(cf. 3541 - Transportation Routes and Services)*

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

*(cf. 3541.2 - Transportation for Students with Disabilities)*

*(cf. 5116.1 - Intradistrict Open Enrollment)*

*(cf. 5117 - Interdistrict Attendance Agreements)*

The Superintendent or designee shall recommend to the Board the most economical and appropriate means of providing transportation services.

The Superintendent or designee shall develop procedures to promote safety for students traveling on school buses.

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

*(cf. 5131.1 - Bus Conduct)*

The Superintendent or designee shall ensure the qualifications of bus drivers and related staff employed by the district, provide for the maintenance and operation of district-owned school buses and other equipment, and ensure adequate facilities for equipment storage and maintenance.

*(cf. 3542 - School Bus Drivers)*

*Legal Reference: (see next page)*

**TRANSPORTATION** (continued)

*Legal Reference:*

EDUCATION CODE

35330 *Excursions and field trips*

35350 *Authority to transport pupils*

39800-39860 *Transportation, especially:*

39800 *Powers of governing board to provide transportation for pupils to and from school; definition of "municipally owned transit system"*

39801 *Contract with County Superintendent of Schools to provide transportation*

39802-39803 *Bids and contracts for transportation services*

39806 *Payments to parents in lieu of transportation*

39807 *Food and lodging payments in lieu of transportation*

38807.5 *Transportation fees*

39808 *District transportation of private school students*

41850-41854 *Allowances for transportation*

41860-41862 *Supplemental allowances for transportation*

45125.1 *Criminal background checks for contractors*

GOVERNMENT CODE

3540-3549.3 *Educational Employment Relations Act*

CODE OF REGULATIONS, TITLE 5

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

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

15253-15272 *District records related to transportation*

VEHICLE CODE

2807 *School bus inspection*

COURT DECISIONS

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

**TRANSPORTATION**

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

**Means of Transportation**

To provide transportation services, the Board of Trustees 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)

Regulation  
approved:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

**TRANSPORTATION ROUTES AND SERVICES**

**Routes and Bus Stops**

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

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

1. For elementary school students:

Grades K-5: three-fourths mile

Grades 6-8: one mile

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

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

*(cf. 5116.1- Intradistrict Open Enrollment)*

*(cf. 5117 - Interdistrict attendance)*

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

*(cf. 1112 - Media Relations)*

**Transportation Services**

With the Board of Trustees'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)

**TRANSPORTATION ROUTES AND SERVICES** (continued)

4. District employees and parents/guardians traveling to and from educational activities authorized by the district (Education Code 39837.5)
5. Preschool or nursery school students (Education Code 39800)
6. Students traveling to full-time occupational classes provided by a Regional Occupational Program or Center (Education Code 39807.5, 41850)

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7. Students traveling to and from their places of employment during the summer in connection with a summer employment program for youth (Education Code 39837)
8. Private school students, in the same manner and on the same routes provided for district students (Education Code 39808)
9. Nonschool purposes as allowed by law, such as:
  - a. Community recreation (Education Code 39835)
  - b. Public transportation (Education Code 39841)

The district shall provide home-to-school transportation and additional transportation services as needed for students with disabilities as specified in their individualized education programs. (Education Code 41850; 20 USC 1400-1482; 34 CFR 104.4)

*(cf. 3541.2 - Transportation for Students with Disabilities)*

The Superintendent or designee shall provide transportation to homeless children in accordance with law, Board policy and administrative regulation.

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

*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*

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

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

39801.5 *Transportation for adults*

39808 *Transportation for private school students*

39830-39842 *School buses, especially:*

39835 *Use of school buses for community recreation*

39837 *Transportation to summer employment program*

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

39860 *Transportation to school activities*

41850-41856 *Allowances for transportation*

41860-41863 *Supplementary allowances for transportation*

CODE OF REGULATIONS, TITLE 5

15240-15244 *Allowances for student transportation*

UNITED STATES CODE, TITLE 20

1400-1482 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 42

11432 *McKinney-Vento Homeless Assistance Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

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

*Management Resources:*

WEB SITES

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

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

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

**TRANSPORTATION FOR SCHOOL-RELATED TRIPS**

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

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

*(cf. 3540 - Transportation)*

*(cf. 3541 - Transportation Routes and Services)*

*(cf. 6153 - School-Sponsored Trips)*

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

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

School-related organizations requesting transportation shall be fully responsible for the costs of their trips unless funding has been approved by the Board of Trustees.

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

The Superintendent or designee shall ensure that the district has sufficient liability insurance when field trips or excursions involve either transportation by district vehicles or travel to and from a foreign country. When a trip to a foreign country is authorized, liability insurance shall be secured from a carrier licensed to transact insurance business in that country. (Education Code 35330)

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

**Transportation by Private Vehicle**

The Superintendent or designee may authorize the transportation of students by private vehicle when the vehicle is driven by an adult age 21 or older who possesses a valid California driver's license or, if he/she is a nonresident on active military duty in California, possesses a valid license from his/her state of residence. To be approved, a driver shall have a good driving record and possess at least the minimum insurance required by law. Any person providing transportation to district students in a private vehicle shall register with the district for such purposes.

*(cf. 1240 - Volunteer Assistance)*

All student passengers shall submit permission slips signed by their parents/guardians. Teachers shall ensure that each driver has a copy of the permission slip for each student riding in his/her vehicle.

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

The number of passengers, including the driver, shall not exceed the capacity for which the vehicle was designed. Motor trucks may not transport more persons than can safely sit in the passenger compartment. The driver shall ensure that the manufacturer's recommendations for his/her vehicle are followed regarding the seating of children in seats equipped with airbags.

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

**Passenger Restraint Systems**

All drivers shall wear safety belts in accordance with law. In addition, drivers shall ensure that: (Vehicle Code 27315, 27360, 27360.5, 27363)

1. A child who is under age 6 or under 60 pounds, unless exempted in accordance with Vehicle Code 27360 or 27363, is properly secured in a rear seat in an appropriate child passenger restraint system meeting federal safety standards.
2. All other children are properly secured in either a child passenger restraint system or safety belt.
3. All other passengers wear seat belts.

*Legal Reference: (see next page)*

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

*Legal Reference:*

EDUCATION CODE

35330 *Excursions and field trips*

35332 *Transportation by air*

39830 *School bus*

39830.1 *School pupil activity bus*

39860 *Transportation to special activities by district*

44808 *Liability when students not on school property*

HEALTH AND SAFETY CODE

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

VEHICLE CODE

12814.6 *Limitations of provisional driver's license*

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

27360-27360.5 *Child passenger restraint systems*

27363 *Child passenger restraint systems, exemptions*

*Management Resources:*

WEB SITES

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

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

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

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

TRANSPORTATION FOR SCHOOL-RELATED TRIPS

SCHOOL DRIVER REGISTRATION FORM

DRIVER INFORMATION

Driver (circle one): Employee Parent/Guardian Volunteer
Name: Date of Birth:
Address:
Telephone: ( ) Cell Phone: ( )
Driver's License No.: Expiration Date:

VEHICLE INFORMATION

Name of Owner:
Address:
Make: Year: License Plate No.:
Registration Expiration: Seating Capacity:

INSURANCE INFORMATION

Insurance Company: Telephone: ( )
Policy No.: Expiration Date:
Liability Limits of Policy:

DRIVER STATEMENT

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

I certify that I have received and will abide by the driver instructions provided by the district.

Name: Date:

**TRANSPORTATION FOR SCHOOL-RELATED TRIPS**

**DRIVER INSTRUCTIONS**

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

1. Be sure that you have registered with the district for such purposes and have a valid driver's license and current liability insurance at or above the minimum amount required by law for each occurrence.
2. Check the safety of your vehicle: tires, brakes, lights, horn, suspension, etc.
3. Carry only the number of passengers for which your vehicle was designed. If you have a pickup truck, carry only as many as can safely sit in the passenger compartment.
4. Require each passenger to use an appropriate child passenger restraint system (child car seat or booster seat) or safety belt in accordance with law.
5. Do not smoke a pipe, cigar, or cigarette while there are minors in the vehicle, as required by law.
6. Obey all traffic laws.
7. Take the most direct route to the destination or event without unnecessary stops.

In case of emergency, keep all students together and call 911 and the district office.

**TRANSPORTATION FOR STUDENTS WITH DISABILITIES**

The Board of Trustees shall ensure that appropriate transportation services are provided for students with disabilities as specified in their individualized education program (IEP) or accommodation plan. The district shall make home-to-school transportation available for students at no cost to parents/guardians as specified in the student's IEP.

*(cf. 0430 - Comprehensive Local Plan for Special Education)*

*(cf. 3250 - Transportation Fees)*

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

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

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

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

The Superintendent or designee shall establish criteria and procedures for determining the most appropriate mode of transportation for an individual student based on identified needs as determined in the IEP or accommodation plan.

*(cf. 3540 - Transportation)*

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

*(cf. 3541 - Transportation Routes and Services)*

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

*(cf. 3542 - School Bus Drivers)*

*Legal Reference: (see next page)*

**TRANSPORTATION FOR STUDENTS WITH DISABILITIES (continued)**

*Legal Reference:*

EDUCATION CODE

39807.5 *Payment of transportation cost*

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

41850-41854 *Allowances for transportation*

48300-48315 *Alternative interdistrict attendance program*

48915.5 *Expulsion of students with exceptional needs*

56195.8 *Adoption of policies*

56327 *Assessment for special education and related services*

56345 *Individualized education program*

56366 *Nonpublic nonsectarian schools or agencies*

56366.1 *Waiver of requirements under section 56365 and 56366*

CODE OF REGULATIONS, TITLE 5

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

15243 *Physically handicapped minors*

15271 *Exclusion from report*

UNITED STATES CODE, TITLE 20

1400-1482 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

794 *Section 504 of the Rehabilitation Act of 1973*

CODE OF FEDERAL REGULATIONS, TITLE 34

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

CODE OF FEDERAL REGULATIONS, TITLE 49

571.222 *Federal requirements for bus securement systems*

*Management Resources:*

CDE MANAGEMENT ADVISORIES

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

CDE PROGRAM ADVISORIES

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

**TRANSPORTATION FOR STUDENTS WITH DISABILITIES**

Transportation for students with disabilities shall be provided in accordance with a student's Individualized Education Program (IEP) or Section 504 accommodation plan.

*(cf. 3540 - Transportation)*  
*(cf. 6159 - Individualized Education Program (IEP))*  
*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*  
*(cf. 6164.6 - Identification and Education Under Section 504)*

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

*(cf. 5131.1 - Bus Conduct)*  
*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students 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 if specified in the student's IEP. (Education Code 56366)

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

Guide dogs, signal dogs and service dogs trained to provide assistance to disabled persons may be transported in a school bus when accompanied by disabled students, disabled teachers or persons training the dogs. (Education Code 39839)

**SCHOOL BUS DRIVERS**

**Authority**

Students transported in a school bus or in a student activity bus shall be under the authority of, and responsible directly to, the driver of the bus. The driver shall be held responsible for the orderly conduct of the students while they are on the bus or being escorted across a street, highway or road. (5 CCR 14103)

*(cf. 3540 - Transportation)*

A bus driver shall have the authority to discontinue the operation of a school bus whenever he/she determines that it is unsafe to continue.

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

*(cf. 3516.5 - Emergency Schedules)*

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

*(cf. 5131.1 - Bus Conduct)*

**Qualifications, Training and Monitoring**

All drivers employed to operate school buses or student activity buses shall possess, at a minimum, both of the following documents issued by the state Department of Motor Vehicles: (Education Code 39830.1; Vehicle Code 12517)

1. A valid driver's license for the appropriate class of vehicle to be driven
2. A certificate which permits the driver to operate either school buses or student activity buses, as applicable

*(cf. 4200 - Classified Personnel)*

*(cf. 4211 - Recruitment and Selection)*

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

*(cf. 4212.5 - Criminal Record Check)*

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

1. First aid practices (Vehicle Code 12522)

**SCHOOL BUS DRIVERS** (continued)

2. The proper actions to be taken in the event that a school bus is hijacked (Education Code 39831)
3. The proper installation of mobile seating devices in the bus securement systems (Education Code 56195.8)

*(cf. 3541.2 - Transportation for Students with Disabilities)*  
*(cf. 4231 - Staff Development)*

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

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

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

*(cf. 4215 - Evaluation/Supervision)*  
*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

**Responsibilities**

The school bus driver's primary responsibility is to safely transport students to and from school and school activities. He/she shall follow procedures contained in the district's transportation safety plan.

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

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

*(cf. 3541 - Transportation Routes and Services)*

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

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

**SCHOOL BUS DRIVERS** (continued)

The driver also shall report the following to the Superintendent or designee:

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

*Legal Reference: (see next page)*

**SCHOOL BUS DRIVERS (continued)**

*Legal Reference:*

EDUCATION CODE

39830-39842 School buses

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

45125.1 Criminal background checks for contractors

56195.8 Training in installation of mobile seating devices

PENAL CODE

241.3 Assault against school bus driver

243.3 Battery against school bus driver

VEHICLE CODE

1808.8 Dismissal for safety-related cause

2570-2575 Transportation of students

12517-12517.4 Certification requirements

12522 First aid training for school bus drivers

13376 Driver certificates; revocation or suspension; sex offense prosecution

22112 School bus signals; roadway crossings

25257 School bus; flashing light signal system

25257.2 School bus used for transportation of developmentally disabled person

34501.6 School buses; reduced visibility

34508.5 Investigation of accidents

CODE OF REGULATIONS, TITLE 5

14103 Authority of the driver

14104 School bus driver instructor

CODE OF REGULATIONS, TITLE 13

1200-1228 General provisions, school bus regulations

CODE OF FEDERAL REGULATIONS, TITLE 49

571.222 Federal motor vehicle safety standard #222

*Management Resources:*

WEB SITES

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

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

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

Regulation  
approved:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

**TRANSPORTATION SAFETY AND EMERGENCIES**

**Cautionary Notice 2010-13:** AB 1610 (Ch. 724, Statutes of 2010) amended Education Code 37252.2 to relieve districts from the obligation, until July 1, 2013, to perform any activities that are deemed to be reimbursable state mandates under that section. As a result, certain provisions of the following policy or administrative regulation that reflect those requirements may be suspended.

**Safety Equipment**

Each school bus shall be equipped with at least one fire extinguisher located in the driver's compartment which meets the standards specified in law. (Education Code 39838; 13 CCR 1242)

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

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

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

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

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

**Safe Bus Operations**

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

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

School bus operations shall be limited when atmospheric conditions reduce visibility on the roadway to 200 feet or less during regular home-to-school transportation service. Bus drivers

**TRANSPORTATION SAFETY AND EMERGENCIES** (continued)

for school activity trips shall have the authority to discontinue bus operation whenever they determine that it is unsafe to continue operation because of reduced visibility. (Vehicle Code 34501.6)

*(cf. 3516.5 - Emergency Schedules)*

*(cf. 3540 - Transportation)*

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

*(cf. 3542 - School Bus Drivers)*

A person shall not drive a motor vehicle while using a wireless telephone.

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. (Vehicle Code 23123.5)

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

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

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

*(cf. 3515.2 - Disruptions)*

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

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

1. Procedures for determining if students in grades prekindergarten through 8 require an escort to cross a private road or highway at a bus stop pursuant to Vehicle Code 22112
2. Procedures for all students in grades prekindergarten through 8 to follow as they board and exit the bus at their bus stops
3. Procedures for boarding and exiting a school bus at a school or other trip destination

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

**TRANSPORTATION SAFETY AND EMERGENCIES** (continued)**Notifications**

The Superintendent or designee shall provide written safety information to the parents/guardians of all students in grades prekindergarten through 6 who have not previously been transported in a school bus or student activity bus. This information shall be provided upon registration and shall contain: (Education Code 39831.5)

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

*(cf. 5145.6 - Parental Notifications)*

**Student Instruction**

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

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

1. The Superintendent or designee shall annually provide appropriate instruction in safe riding practices and emergency evacuation drills to each student who receives home-to-school transportation in a school bus. (5 CCR 14102)
2. At least once each school year, all students in grades kindergarten through 8 who receive home-to-school transportation shall receive safety instruction which includes, but is not limited to: (Education Code 39831.5)
  - a. Proper loading and unloading procedures, including escorting by the driver
  - b. How to safely cross the street, highway, or private road

**TRANSPORTATION SAFETY AND EMERGENCIES** (continued)

- c. In school buses with passenger restraint systems, instruction in the use of such systems as specified in 5 CCR 14105, including, but not limited to, the proper fastening and release of the passenger restraint system, acceptable placement of passenger restraint systems on students, times at which the passenger restraint systems should be fastened and released, and acceptable placement of the passenger restraint systems when not in use
- d. Proper passenger conduct

*(cf. 5131.1 - Bus Conduct)*

- e. Bus evacuation procedures
- f. Location of emergency equipment

As part of this instruction, students shall evacuate the school bus through emergency exit doors. Instruction also may include responsibilities of passengers seated next to an emergency exit. (Education Code 39831.5)

Each time the above instruction is given, the following information shall be documented: (Education Code 39831.5)

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

**TRANSPORTATION SAFETY AND EMERGENCIES** (continued)

This documentation shall be kept on file at the district office or the school for one year and shall be available for inspection by the California Highway Patrol. (Education Code 39831.5)

3. Before departing on a school activity trip, all students riding on a school bus or student activity bus shall receive safety instruction which includes, but is not limited to: (Education Code 39831.5)
  - a. Location of emergency exits
  - b. Location and use of emergency equipment

This instruction also may include responsibilities of passengers seated next to an emergency exit. (Education Code 39831.5)

*Legal Reference: (see next page)*

**TRANSPORTATION SAFETY AND EMERGENCIES (continued)**

*Legal Reference:*

EDUCATION CODE

39830-39842 *Transportation, school buses*

51202 *Instruction in personal and public health and safety*

PENAL CODE

241.3 *Assault against school bus driver*

243.3 *Battery against school bus driver*

VEHICLE CODE

415 *Definition of motor vehicle*

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

22112 *Loading and unloading passengers*

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

23123.5 *Text communications prohibited while driving motor vehicle*

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

27316 *Passenger restraint systems*

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

34501.5 *California Highway Patrol responsibility to adopt rules re: safe operation of school buses*

34501.6 *School buses; reduced visibility*

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

CODE OF REGULATIONS, TITLE 5

14100-14105 *School buses and student activity buses*

CODE OF REGULATIONS, TITLE 13

1200-1293 *Motor carrier safety*

CODE OF FEDERAL REGULATIONS, TITLE 49

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

*Management Resources:*

WEB SITES

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

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

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

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

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

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

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

Regulation  
approved:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

**DISTRICT RECORDS**

The Board of Trustees recognizes the importance of securing and retaining district documents. The Superintendent or designee shall ensure that district records are developed, maintained, and disposed of in accordance with law, Board policy, and administrative regulation.

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

*(cf. 3440 - Inventories)*

The Superintendent or designee shall consult with district legal counsel, site administrators, district information technology staff, personnel department staff, and others as necessary to develop a secure document management system that provides for the storage, retrieval, archiving, and destruction of district documents, including electronically stored information such as email. This document management system shall be designed to comply with state and federal laws regarding security of records, record retention and destruction, response to "litigation hold" discovery requests, and the recovery of records in the event of a disaster or emergency.

*(cf. 0440 - District Technology Plan)*

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

*(cf. 4040 - Employee Use of Technology)*

*(cf. 9011 - Board Member Electronic Communications)*

The Superintendent or designee shall ensure the confidentiality of records as required by law and shall establish regulations to safeguard data against damage, loss, or theft.

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

*(cf. 5125 - Student Records)*

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

The Superintendent or designee shall ensure that employees receive information about the district's document management system, including retention and confidentiality requirements and an employee's obligations in the event of a litigation hold established on the advice of legal counsel.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

**Safe at Home Program**

District public records shall not include the actual addresses of students, parents/guardians, or employees when a substitute address is designated by the Secretary of State pursuant to the Safe at Home program. (Government Code 6206, 6207)

**DISTRICT RECORDS** (continued)

When a substitute address card is provided pursuant to this program, the confidential, actual address may be used only to establish district residency requirements for enrollment and for school emergency purposes.

(cf. 5111.1 - District Residency)  
(cf. 5141 - Health Care and Emergencies)

*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

CODE OF CIVIL PROCEDURE

2031.010-2031.060 Civil Discovery Act, scope of discovery demand  
2031.210-2031.320 Civil Discovery Act, response to inspection demand

GOVERNMENT CODE

6205-6210 Confidentiality of addresses for victims of domestic violence, sexual assault or stalking  
6252-6265 Inspection of public records  
12946 Retention of employment applications and records for two years

PENAL CODE

11170 Retention of child abuse reports

CODE OF REGULATIONS, TITLE 5

432 Varieties of student records  
16020-16022 Records, general provisions  
16023-16027 Retention of records

*Management Resources:*

SECRETARY OF STATE PUBLICATIONS

Letter re: California Confidential Address Program Implementation (SB 489), August 27, 1999

WEB SITES

California Secretary of State: <http://www.ss.ca.gov/safeathome>

**DISTRICT RECORDS**

**Classification of Records**

*Records* means all records, maps, books, papers, and documents of a school district required by law to be prepared or retained as necessary or convenient to the discharge of official duty. (5 CCR 16020)

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

Before January 1, the Superintendent or designee shall review the prior year's records and shall classify them as either a Class 1 (Permanent), Class 2 (Optional), or Class 3 (Disposable) record. (5 CCR 16022)

*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. (5 CCR 16022)

An inventory of equipment shall be a continuing record and shall not be classified until the inventory is superseded or until the equipment is removed from district ownership. (5 CCR 16022)

*(cf. 3440 - Inventories)*

A student's cumulative record is a continuing record until the student ceases to be enrolled in the district. (5 CCR 16022)

*(cf. 5125 - Student Records)*

When an electronic or photographed copy of a Class 1 (Permanent) record has been made, the copy may be classified as Class 1 (Permanent) and the original classified as either Class 2 (Optional) or Class 3 (Disposable). However, no original record that is basic to any required audit may be destroyed prior to the second July 1st succeeding the completion of the audit. (Education Code 35254)

**Class 1 - Permanent Records**

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: (5 CCR 16023)

1. Annual Reports
  - a. Official budget
  - b. Financial reports of all funds, including cafeteria and student body funds

**DISTRICT RECORDS** (continued)

- 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 Board of Trustees minutes to be permanent

*(cf. 3100 - Budget)*

*(cf. 3452 - Student Activity Funds)*

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

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

2. Official Actions

- a. Minutes of the Board or Board committees, including the text of rules, regulations, policies, or resolutions included by reference only
- 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

*(cf. 7214 - General Obligation Bonds)*

*(cf. 9324 - Minutes and Recordings)*

3. Personnel Records

Class 1 (Permanent) records include 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; and 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.

**DISTRICT RECORDS** (continued)

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

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

## 4. Student Records

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 shall be classified as Class 1 (Permanent) records. 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 expired.

*(cf. 5111.1 - District Residency)*

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

*(cf. 5143 - Insurance)*

## 5. Property Records

Class 1 (Permanent) records include 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.

*(cf. 3280 - Sale or Lease of District-Owned Real Property)*

**Class 2 - Optional Records**

Any record considered temporarily 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 as specified in 5 CCR 16022, all records of the prior year may be classified Class 2 (Optional) pending further review and classification within one year. (5 CCR 16024)

**Class 3 - Disposable Records**

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

**DISTRICT RECORDS** (continued)

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. (5 CCR 16025)

All Class 3 (Disposable) records shall be destroyed during the third school year after the school year in which the records originated. In addition, Class 3 (Disposable) records shall not be destroyed until after the third school year following the completion of any legally required audit or the retention period required by any agency other than the State of California, whichever is later. A continuing record shall not be destroyed until the fourth year after it has been classified as Class 3 (Disposable). (5 CCR 16026, 16027)

*(cf. 5113.2 - Work Permits)*

Regulation  
approved:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

**CONSULTANTS**

The Board of Trustees 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.

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.

**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 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

**FOOD SERVICE/CHILD NUTRITION PROGRAM**

The Board of Trustees recognizes that adequate, nourishing food is essential to student health, development, and ability to learn. The Superintendent or designee shall develop strategies to increase students' access to the district's food service programs and to maximize their participation in available programs.

Foods and beverages available through the district's food service program shall:

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

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

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

*(cf. 3552 - Summer Meal Program)*

*(cf. 3554 - Other Food Sales)*

*(cf. 5030 - Student Wellness)*

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

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

*(cf. 5148.3 - Preschool/Early Childhood Education)*

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 portions

5. Be available to students who meet federal eligibility criteria at no cost or at reduced prices, and to other students at reasonable prices

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

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

The district's food service program shall give priority to serving unprocessed foods and fresh fruits and vegetables.

District schools are encouraged to establish school gardens and/or farm-to-school projects to increase the availability of safe, fresh, seasonal fruits and vegetables for school meals and to support the district's nutrition education program.

*(cf. 6142.8 - Comprehensive Health Education)*

To encourage student participation in school meal programs, schools may offer multiple choices of food items within a meal service, provided all food items meet nutrition standards and all students are given an opportunity to select any food item.

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

The Superintendent or designee may invite students and parents/guardians to participate in the selection of foods of good nutritional quality for school menus.

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

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

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

*(cf. 3517- Facilities Inspection)*

*(cf. 7110 - Facilities Master Plan)*

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

The Superintendent or designee shall annually report to the Board on student participation in the district's nutrition programs and the extent to which the district's food services program meets state and federal nutrition standards for foods and beverages.

*(cf. 0500 - Accountability)*

*(cf. 3555 - Nutrition Program Compliance)*

*Legal Reference: (see next page)*

**FOOD SERVICE/CHILD NUTRITION PROGRAM** (continued)*Legal Reference:*EDUCATION CODE

35182.5 *Contracts, non-nutritious beverages*  
 38080-38103 *Cafeteria, establishment and use*  
 45103.5 *Contracts for management consulting services; restrictions*  
 49430-49436 *Pupil Nutrition, Health, and Achievement Act of 2001*  
 49490-49494 *School breakfast and lunch programs*  
 49500-49505 *School meals*  
 49510-49520 *Nutrition*  
 49530-49536 *Child Nutrition Act*  
 49540-49546 *Child care food program*  
 49547-49548.3 *Comprehensive nutrition services*  
 49550-49562 *Meals for needy students*  
 49570 *National School Lunch Act*  
 51795-51797 *School gardens*

HEALTH AND SAFETY CODE

113700-114437 *California Retail Food Code*

CODE OF REGULATIONS, TITLE 5

15510 *Mandatory meals for needy students*  
 15530-15535 *Nutrition education*  
 15550-15565 *School lunch and breakfast programs*  
 15575-15578 *Requirements for foods and beverages outside federal meal programs*

UNITED STATES CODE, TITLE 42

1751-1769j *National School Lunch Program, including:*  
 1758b *Local wellness policy*  
 1761 *Summer Food Service Program and Seamless Summer Feeding Option*  
 1769a *Fresh Fruit and Vegetable Program*  
 1771-1793 *Child nutrition, especially:*  
 1772 *Special Milk Program*  
 1773 *National School Breakfast Program*

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 *National School Lunch Program*  
 215.1-215.18 *Special Milk Program*  
 220.1-220.21 *National School Breakfast Program*  
 245.1-245.13 *Eligibility for free and reduced-price meals and free milk*

*Management Resources:*CSBA PUBLICATIONS

*Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009*  
*Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007*  
*Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007*  
*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*School Meals Initiative Summary*

*Healthy Children Ready to Learn, January 2005*

CALIFORNIA PROJECT LEAN PUBLICATIONS

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

*Management Resources continued: (see next page)*

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

*Management Resources: (continued)*

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

School Breakfast Toolkit

Fresh Fruit and Vegetable Program: Handbook for Schools, December 2010

Food Buying Guide for Child Nutrition Programs, December 2007

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

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

Dietary Guidelines for Americans, 2005

WEB SITES

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

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

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

California Farm Bureau Federation: <http://www.cfbf.com>

California Food Policy Advocates: <http://www.cfpa.net>

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

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

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

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

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

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

**FOOD SERVICE/CHILD NUTRITION PROGRAM**

**Nutrition Standards for School Meals**

Meals or food items provided through the district's food services program shall: (Education Code 49430, 49430.5, 49430.7, 49550, 49553; 42 USC 1758, 1773; 7 CFR 210.10, 220.8)

1. Comply with the National School Lunch and/or Breakfast standards for meal patterns, nutrient levels, and calorie requirements for the ages/grade levels served, as specified in 7 CFR 210.10 or 220.8, or the state's menu planning options of Shaping Health as Partners in Education
2. Not be deep fried, par fried, or flash fried by the district or school or as part of the manufacturing process
3. Not contain artificial trans fat as defined in Education Code 49430.7

*(cf. 3552 - Summer Meal Program)*  
*(cf. 3553 - Free and Reduced Price Meals)*  
*(cf. 5030 - Student Wellness)*  
*(cf. 5141.27 - Food Allergies/Special Dietary Needs)*  
*(cf. 5148 - Child Care and Development)*  
*(cf. 5148.3 - Preschool/Early Childhood Education)*

**Nutrition Standards for Foods and Beverages Sold Outside the Reimbursable Meal Programs**

Any foods or beverages that are not sold as part of the National School Lunch or Breakfast Program shall be sold to students only if they meet the nutrition standards specified in Education Code 49430-49431.7 and 5 CCR 15575-15578.

*(cf. 3554 - Other Food Sales)*

**Drinking Water**

The district shall provide access to free, fresh drinking water during meal times in food service areas at all district schools, including, but not limited to, areas where reimbursable meals under the National School Lunch or Breakfast Program are served or consumed. (Education Code 38086; 42 USC 1758)

**Special Milk Program**

Any school that does not participate in the National School Lunch or Breakfast Program may participate in the Special Milk Program to provide all enrolled students with reasonably priced milk. (7 CFR 215.1)

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

**Food Safety**

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

For all district schools participating in the National School Lunch and/or School Breakfast Program, the Superintendent or designee shall implement a written food safety program for the storage, preparation, and service of school meals which complies with the national Hazard Analysis and Critical Control Point (HACCP) system. The district's HACCP plan shall include, but not be limited to, a determination of critical control points and critical limits at each stage of food production, monitoring procedures, corrective actions, and recordkeeping procedures. (42 USC 1758; 7 CFR 210.13, 220.7)

The Superintendent or designee shall provide ongoing staff development on food safety to food service managers and employees. Any new employee, substitute, or volunteer shall complete initial food safety training prior to handling food. The Superintendent or designee shall document the date, trainer, and subject of each training.

*(cf. 4231 - Staff Development)*

The Superintendent or designee shall assign staff to maintain records and logs documenting food safety activities, including, but not limited to, records of food deliveries, time and temperature monitoring during food production, equipment temperature (freezer, cooler, thermometer calibration), corrective actions, verification or review of safety efforts, and staff training.

**Inspection of Food Facilities**

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

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

The Superintendent or designee shall retain records from the most recent food safety inspection. All schools shall post a notice indicating that the most recent inspection report is available to any interested person upon request. (Health and Safety Code 113725.1; 42 USC 1758; 7 CFR 210.13, 210.15, 220.7)

*(cf. 1340 - Access to District Records)*  
*(cf. 3580 - District Records)*

Regulation  
approved:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

**FOOD SERVICE OPERATIONS/CAFETERIA FUND**

The Board of Trustees intends that, insofar as possible, school food services shall be a self-supporting, nonprofit program. To increase cost effectiveness, the Superintendent or designee shall centralize and direct the purchasing of foods 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. 3552 - Summer Meal Program)*

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)*

**Meal Sales**

Meals may be sold to students, district employees, Board members, and employees or members of the fund or association maintaining the cafeteria. (Education Code 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.

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.

**Cafeteria Fund**

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

**FOOD SERVICE OPERATIONS/CAFETERIA FUND** (continued)

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

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.

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

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

**Contracts with Outside Services**

With Board approval, the district may enter into a contract for food service consulting services or food service management services in one or more district schools. (Education Code 45103.5; 42 USC 1758; 7 CFR 210.16)

*(cf. 3312 - Contracts)*

*(cf. 3600 - Consultants)*

*Legal Reference: (see next page)*

**FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)**

*Legal Reference:*

EDUCATION CODE

38080-38086 Cafeteria, establishment and use  
38090-38095 Cafeterias, funds and accounts  
38100-38103 Cafeterias, allocation of charges  
42646 Alternate payroll procedure  
45103.5 Contracts for management consulting services; restrictions  
49490-49493 School breakfast and lunch programs

49500-49505 School meals

49554 Contract for services

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

UNITED STATES CODE, TITLE 42

1751-1769j School lunch programs

1771-1791 Child nutrition, including:

1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 2

255 Cost Principles for State, Local, and Indian Tribal Governments

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

250.1-250.70 USDA foods

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

USDA-FDP-02-2010 Storage and Inventory Management of United States Department of Agriculture (USDA) Donated Foods, August 2010

USDA-SNP-01-2008 Clarification for the Use of Alternate Meals in the National School Lunch and School Breakfast Programs; and the Handling of Unpaid Meal Charges, February 2008

00-111 Adult and Sibling Meals in the National School Lunch and School Breakfast Programs, July 2000

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Food Distribution Program Administrative Manual

U.S. DEPARTMENT OF EDUCATION GUIDANCE

FAQs About School Meals

WEB SITES

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

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

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

**FOOD SERVICE OPERATIONS/CAFETERIA FUND**

**Payments 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)*

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

In cases of repeated nonpayment by a student, the Superintendent or designee may contact parents/guardians to discuss the reasons for the nonpayment. The Superintendent 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 or need referral to social services.

In any school that uses a system of meal tickets or other similar medium of exchange rather than an electronic point-of-sale system, a student shall be allowed at least three replacement tickets each school year in the event that tickets are lost or stolen. School staff shall maintain a list of students who have reported lost or stolen tickets and the number of occurrences for each student. When it has been determined that a student has reached the limit, school staff shall issue at least one advance warning to the student or his/her parent/guardian prior to denying a replacement ticket. However, prekindergarten and younger primary students or students with disabilities who may be unable to take full responsibility for their meal tickets shall not be denied meals when tickets are lost or stolen.

Students and parents/guardians shall be advised in writing of the school's policy regarding replacement tickets at the beginning of the school year and/or when applications for free and reduced-price meals are distributed or approved.

**FOOD SERVICE OPERATIONS/CAFETERIA FUND** (continued)**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 Board of Trustees shall be recorded as income and expenditures of the cafeteria fund. (Education Code 38090, 38091, 38092)

*(cf. 3100 - Budget)*

*(cf. 3300 - Expenditures and Purchases)*

The cafeteria fund shall be used only for those expenditures authorized by the Board as necessary for the operation of school cafeterias in accordance with Education Code 38100-38103, 2 CFR 255, and the California School Accounting Manual. (Education Code 38091, 38101; 2 CFR 255)

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)*

**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)

**Contracts with Outside Services**

The term of any contract for food service management or consulting services shall not exceed one year. Any renewal of the contract or further requests for proposals to provide such services shall be considered on a year-to-year basis. (Education Code 45103.5; 7 CFR 210.16)

Any contract for management of the food service operation shall be approved by CDE and comply with the conditions in Education Code 49554 and 7 CFR 210.16 as applicable. The district shall retain control of the quality, extent, and general nature of its food services, including prices to be charged to students for meals, and shall monitor the food service operation through periodic on-site visits. The district shall not enter into a contract with a food service company to provide a la carte food services only, unless the company agrees to offer free, reduced-price, and full-price reimbursable meals to all eligible students. (Education Code 49554; 42 USC 1758; 7 CFR 210.16)

Any contract for consulting services shall not result in the supervision of food service classified staff by the management consultant, nor shall it result in the elimination of any food service classified staff or position or have any adverse effect on the wages, benefits, or other terms and conditions of employment of classified food service staff or positions. All persons providing consulting services shall be subject to applicable employment conditions related to health and safety as listed in Education Code 45103.5. (Education Code 45103.5)

*(cf. 3312 - Contracts)*

*(cf. 3515.6 - Criminal Background Checks for Contractors)*

*(cf. 3600 - Consultants)*

*(cf. 4112.4/4212.4/4312.4 - Health Examinations)*

*(cf. 4212 - Appointments and Conditions of Employment)*

Regulation  
approved:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

**FREE AND REDUCED PRICE MEALS**

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

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

*(cf. 3552 - Summer Meal Program)*

*(cf. 5030 - Student Wellness)*

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

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

*(cf. 6177 - Summer School)*

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

The Superintendent or designee shall ensure that meals provided through the free and reduced-price meals 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)*

Schools participating in the Special Milk Program pursuant to 42 USC 1772 shall provide milk at no charge to students who meet federal eligibility criteria for free or reduced-price meals.

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

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

*(cf. 3555 - Nutrition Program Compliance)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

**Confidentiality/Release of Records**

All applications and records related to eligibility for the free and reduced-price meals 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)

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

1. Disaggregation of academic achievement data
2. In any school identified as a Title I program improvement school pursuant to 20 USC 6316, identification of students eligible for school choice and supplemental educational services

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

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 in accordance with Education Code 49557.2.

*(cf. 5141.6 - School Health Services)*

*Legal Reference:*

EDUCATION CODE

48980 Notice at beginning of term  
49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001  
49490-49494 School breakfast and lunch programs  
49500-49505 School meals  
49510-49520 Nutrition  
49530-49536 Child Nutrition Act of 1974  
49547-49548.3 Comprehensive nutrition service  
49550-49562 Meals for needy students

*Legal Reference continued: (see next page)*

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

*Legal Reference: (continued)*

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

1751-1769j School lunch program

1771-1791 Child nutrition, especially:

1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.10-220.21 National School Breakfast Program

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

*Management Resources:*

CSBA PUBLICATIONS

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

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

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

USDA-SNP-07-2010 *Change in Free and Reduced-Price Meal Application Approval Process, September 2010*

NSD-SNP-12-2010 *Clarification Regarding the Ability to Share Student Meal Program Eligibility Information Between School Food Authorities, April 2010*

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

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Feed More Kids, Improve Program Participation*

*Direct Certification Implementation Checklist, May 2008*

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

*Eligibility Manual for School Meals: Federal Policy for Determining and Verifying Eligibility, January 2008*

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

WEB SITES

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

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

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

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

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

**FREE AND REDUCED PRICE MEALS**

**Applications**

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.

The application form and related information shall be distributed to all parents/guardians at the beginning of each school year and shall be available to students at all times during the school day. (Education Code 48980, 49520; 42 USC 1758; 7 CFR 245.5)

*(cf. 3550 - Food Service/Child Nutrition Program)*  
*(cf. 3551 - Food Service Operations/Cafeteria Fund)*  
*(cf. 3552 - Summer Meal Program)*  
*(cf. 5145.6 - Parental Notifications)*

The form and information shall also be provided whenever a new student is enrolled.

At the beginning of each school year, the Superintendent or designee shall send a public release, containing the same information supplied to parents/guardians and including eligibility criteria, to local media, the local unemployment office, and any major employers in the district attendance area contemplating large layoffs. Copies of the public release shall be made available upon request to any interested person. (7 CFR 245.5)

*(cf. 1112 - Media Relations)*

**Eligibility**

The Superintendent or designee shall determine students' eligibility for the free and reduced-price meals 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 meals program. (Education Code 49561; 42 USC 1758)

*(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

**Confidentiality/Release of Records**

The Superintendent designates the following district employee(s) to use individual records pertaining to student participation in the free and reduced-price meals 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 or designee

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

In using the records for such purposes, the following conditions shall be satisfied: (Education Code 49558)

1. No individual indicators of participation in the free and reduced-price meals program shall be maintained in the permanent records of any student if not otherwise allowed by law.

*(cf. 5125 - Student Records)*

2. Information regarding individual student participation in the free and reduced-price meals program shall not be publicly released.

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

3. All other confidentiality provisions required by law shall be met.
4. Information collected regarding individual students certified to participate in the free and reduced-price meals 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; 42 USC 1758)

1. The names of the students shall not be published, posted, or announced in any manner, or used for any purpose other than the National School Lunch and School Breakfast Programs, unless otherwise provided by law.
2. There shall be no overt identification of any of the students by the use of special tokens or tickets or by any other means.
3. The students shall not be required to work for their meals or for milk.
4. The students shall not be required to use a separate dining area, go through a separate serving line or entrance, or consume their meals or milk at a different time.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 3555 - Nutrition Program Compliance)*

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)

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

**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)

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Regulation  
approved:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

**OTHER FOOD SALES**

The Board of Trustees believes that sales of foods and beverages at school during the school day should be aligned with the district's goals to promote student wellness. Any food sales conducted outside the district's food service program shall meet nutritional standards specified in law, Board policy, and administrative regulation and shall not reduce student participation in the district's food service program.

*(cf. 3550 - Food Service/Child Nutrition Program)*  
*(cf. 3551 - Food Service Operations/Cafeteria Fund)*  
*(cf. 3553 - Free and Reduced Price Meals)*  
*(cf. 5030 - Student Wellness)*  
*(cf. 5141.27 - Food Allergies/Special Dietary Needs)*

The Board authorizes the Superintendent or designee to approve the sale of foods and beverages outside the district's food service program, including sales by student or school-connected organizations, sales through vending machines, and/or sales at secondary school student stores for fundraising purposes.

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

When vending machines are sponsored by the district or a student or adult organization, the Superintendent or designee shall determine how and where vending machines may be placed at school sites, district offices, or other school facilities.

*(cf. 3312 - Contracts)*

*Legal Reference: (see next page)*

**OTHER FOOD SALES (continued)***Legal Reference:*EDUCATION CODE35182.5 *Contracts, non-nutritious beverages*48931 *Authorization and sale of food*49430-49436 *Pupil Nutrition, Health, and Achievement Act of 2001*51520 *School premises; prohibited solicitations*CODE OF REGULATIONS, TITLE 515500 *Food sales in elementary schools*~~15501 *Sales in high schools and junior high schools*~~15575-15578 *Requirements for foods and beverages outside federal meals program*HEALTH AND SAFETY CODE113700-114437 *California Retail Food Code*UNITED STATES CODE, TITLE 421751-1769h *National School Lunch Act, including:*1751 *Note Local wellness policy*1771-1791 *Child nutrition, School Breakfast Program*CODE OF FEDERAL REGULATIONS, TITLE 7210.1-210.31 *National School Lunch Program*220.1-220.21 *National School Breakfast Program**Management Resources:*CSBA PUBLICATIONS*Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007**Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007**Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006*CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS06-110 *Restrictions on Food and Beverage Sales Outside of the School Meal Program, August 2006*FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS*Associated Student Body Accounting Manual and Desk Reference, 2002*NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS*Fit, Healthy and Ready to Learn, 2000*WEB SITESCSBA: <http://www.csba.org>California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>California Department of Public Health: <http://www.cdph.ca.gov>California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>Centers for Disease Control and Prevention: <http://www.cdc.gov>Fiscal Crisis and Management Assistance Team: <http://www.femat.org>National Association of State Boards of Education (NASBE): <http://www.nasbe.org>U.S. Dept. of Agriculture, Food and Nutrition Information Center: <http://www.nal.usda.gov/fnic>

**OTHER FOOD SALES**

**Nutritional Standards for Foods and Beverages**

Food and beverage sales outside the district's food service program shall comply with applicable nutritional standards specified in Education Code 49431, 49431.2, 49431.5, and 49431.7 and 5 CCR 15575-15578.

*(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 or junior high school as part of a school event under either of the following circumstances: (Education Code 49431.5)

1. The sale occurs during a school-sponsored event and takes place at the location of the event at least one-half hour after the end of the school day.
2. Vending machines, student stores, and cafeterias are used later than one-half hour after the end of the school day.

**OTHER FOOD SALES** (continued)

**Additional Requirements for Schools Participating in the National School Lunch or Breakfast Program**

The sale of foods outside of the district's food service program during meal periods in food service areas shall be allowed only if all income from the sale, including the sale of approved foods or drinks from vending machines, accrues to the benefit of the school, the school food service program, or the student organization(s) sponsoring the sale. (7 CFR 210.11, 220.12)

No foods of minimal nutritional value, as listed in 7 CFR 210, Appendix B, and 7 CFR 220, Appendix B, shall be sold in food service areas during breakfast and lunch periods. (7 CFR 210.11, 220.12)

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

1. The student organization shall sell only one food item per sale.
2. The specific nutritious food item is approved by the Superintendent or designee.
3. The sale does not begin until after the close of the regularly scheduled midday food service period.
4. The sale during the regular school day is 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.

Regulation  
approved:

**PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT**  
Plumas Lake, California

**NUTRITION PROGRAM COMPLIANCE**

The Board of Trustees 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. 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)*

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### **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.

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:

**NUTRITION PROGRAM COMPLIANCE (continued)**

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](mailto:Joe.Torres@fns.usda.gov)

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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 (TTY)

*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>