

Gold Trail Union School District



BOARD OF TRUSTEES

Regular and Closed Session Meeting

Thursday, January 12, 2017

Gold Trail School

Agenda

District Office

1575 Old Ranch Road

Placerville, CA 95667

1.530.626.3194

Fax 1.530.626.3199

Joe Murchison

Superintendent

Board of Trustees

Sue Hennike

President

Janet Barbieri

Clerk

Julie Bauer

Micah Howser

Daryl Lander

Sutter's Mill School (K-3)

4801 Luneman Road

Placerville, CA 95667

1.530.626.2591

Fax 1.530.626.3199

Joe Murchison

Superintendent/Principal

Gold Trail School (4-8)

889 Cold Springs Road

Placerville, CA 95667

1.530.626.2595

Fax 1.530.626.3289

Scott Lyons

Principal

An Equal Opportunity
Employer

In compliance with the Americans with Disabilities Act, for those requiring special assistance to access the Board meeting room, to access written documents being discussed at the Board meeting, or to otherwise participate at Board meetings, please contact the Board Secretary, Joe Murchison, at (530) 626-3194 for assistance. Notification at least 48 hours before the meeting will enable the District to make reasonable arrangements to ensure accessibility to the Board meeting and to provide any required accommodations, auxiliary aids or services.

6:00 P.M.

OPENING BUSINESS

1. CALL TO ORDER

- S. Hennike, President
- J. Barbieri, Clerk
- J. Bauer, Member
- M. Howser, Member
- D. Lander, Member

2. PUBLIC SESSION

.1 Flag Salute

3. ACTION ITEM: Adoption of Agenda

The Board will review the agenda prior to adoption, taking this opportunity to re-sequence or table agenda topics.

4. OPEN HEARING

Members of the public are encouraged to address the Board concerning any item on the agenda either before or during the Board's consideration of the item. Under the Brown Act and open meeting laws, members of the public shall also be given an opportunity to address the Board on any item of interest that is not on the agenda but within the subject matter jurisdiction of the Board. Individual speakers shall be allowed three minutes to address the Board on each agenda or non-agenda item. Members of the community may address the Board at this time. (*Education Code 35145.5, Government Code 54952/54954.3, Board Bylaw 9323*)

RECOGNITION

5. RECOGNITION

- The Board will recognize Sierra Asset Management for their continued support of the District.
- The Board will recognize M. and J. McClone for their continued support of the Gold Trail Music Program.

REPORTS

6. REPORT: Student Council

E. Harm, Student Council president, will report on Student Council activities.

7. REPORT: Parent Teacher Organization

T. Hanks, PTO president, will report on PTO activities.

8. REPORT: Equiguide Program

S. Fadel, Gold Trail Union School District Behavioral Intervention Instructional Assistant, will report on the Equiguide Program in which district students participated.

9. REPORT: Local Control Accountability Plan (LCAP) Update

J. Murchison, superintendent, will present the District's update on the 2017-18 LCAP.

CONSENT

10. CONSENT ITEM

The items listed below are passed in one motion without discussion. Any item may be pulled from the Consent Agenda by the Board. (BB 9322)

.1 Meeting Minutes (BB 9324)

Regular Meeting of December 8, 2016

The Board will take action to approve the Minutes.

.2 Warrants (BP 3314)

The Board will take action to approve the expenditures.

.3 Personnel

Hiring

Hilary Mulligan, Instructor: Enrichment (Nature Bowl Grades 3/4), effective 2016-17 school year.

Resignation

S. Cupler, Bus Driver, 4.0 hours per day, effective March 1, 2017.

.4 Quarterly Report on Williams Uniform Complaints

The quarterly report to the County Office of Education is brought forward for Board acceptance. (Education Code 35186)

.5 Certification of Signatures

The Board will approve district signature authority for 2017. (Education Code 42632 and 42633)

ACTION ITEMS

11. ACTION ITEM: 2015-16 Audit Report

The independent audit report for the fiscal year 2015-16 is brought before the Board for review and acceptance. (*Education Code 1241.5*)

12. ACTION ITEM: Local Educational Agency Plan (LEAP) Amendment

W. Scarlett, CFO, will review and update the District's LEAP.

13. ACTION ITEM: Annual Review of Board Bylaw 9270: Conflict of Interest

The Board will conduct its annual review of subject Bylaw.

14. ACTION ITEM: Annual Review of Board Policy and Administrative Regulation 6154: Homework/Makeup Work

BP 6154, Homework/Makeup Work (Revised)

AR 6154, Homework/Makeup Work (Deleted)

The Board will conduct its annual review of subject Policy and Regulation, and adopt the Policy for first reading.

15. ACTION ITEM: First Reading of Board Policies, Administrative Regulations and Board Bylaws

AR 1340, Access to District Records (AR Revised)

BP/AR 3311, Bids (BP/AR Revised)

BP/AR 3311.1, Uniform Public Construction Cost Accounting Procedures (BP/AR Added)

AR 3311.2, Lease-Leaseback Contracts (AR Added)

AR 3311.3, Design-Build Contracts (AR Added)

AR 3311.4, Procurement of Technological Equipment (AR Added)

BP 3470, Debt Issuance and Management (BP Added)

AR 3543, Transportation Safety and Emergencies (AR Revised)

BP/AR 4030, Nondiscrimination in Employment (BP/AR Revised)

BP/AR 4119.11/4219.11/4319.11, Sexual Harassment (BP/AR Revised)

BP 5030, Student Wellness (BP Revised)

AR 5111.1, District Residency (AR Revised)

BP 5116.2, Involuntary Student Transfers (BP Added)

BP/AR 5141.21, Administering Medication and Monitoring Health Conditions (BP/AR Revised)

BP/AR 6164.6, Identification and Education Under Section 504 (BP/AR Revised)

BB 9240, Board Training (BB Revised)

BB 9323, Meeting Conduct (BB Revised)

The Board will take action to adopt the roster for first reading.

DISCUSSION ITEMS

16. DISCUSSION ITEM: School Facilities Master Plan

The Board will discuss options for developing a facilities master plan and/or a deferred maintenance schedule.

17. DISCUSSION ITEM: Administrative Reports

J. Murchison will report on activities relevant to District and Sutter's Mill School site business.

S. Lyons will report on activities relevant to Gold Trail School site business.

W. Scarlett will be available to answer question relevant to financial business.

Board members will report on activities relevant to District business.

CLOSED SESSION

18. CLOSED SESSION OPEN HEARING

Members of the public may take this opportunity to comment on Closed Session agenda items.

19. CLOSED SESSION

The Board will adjourn to Closed Session pursuant to Government Code 54956.8.

Closed Session attendants: Board Members and Superintendent.

20. PERSONNEL

.1 Conference with Labor Negotiators (Government Code Section 54957.6)

The Board will give direction regarding employee bargaining issues with the Gold Trail Federation of Educators and discussion with other non-represented employee groups.

RECONVENE PUBLIC SESSION

21. RECONVENE PUBLIC SESSION AND CLOSED SESSION DISCLOSURE

Any action taken during Closed Session will be disclosed at this time. Public action necessitated by Closed Session deliberations will also be disclosed at this time.

ADVANCE PLANNING

22. FUTURE REGULAR MEETING SCHEDULE

Date: February 9, 2017 Time: 6:00 p.m. Location: Gold Trail School Library

Agenda Items for that meeting may include but are not limited to:

After School Sports Report/Walk On Coach Certification (Annual)

Board Policies, Administrative Regulations and Board Bylaw Updates

BP 4117.3, Relevance of Tie Breaking Criteria (Annual)

BP 6145, Extracurricular and Co-curricular Activities, Review (Annual)

Comprehensive School Safety Plan (Annual)

Consolidated Application and Reporting System (CARS) Winter Collection (Annual)

*Gold Trail Union School District
Supplemental Information
Regular Meeting of the Board: January 12, 2017*

EDCSBA Award Nominations (Annual)
Local Control Accountability Plan (LCAP) Update
Reduction of Certificated Employees, If Applicable
School Accountability Report Card (SARC) Annual
School Site Council Plans and Budgets (Annual)

Requests may be made at this time for items to be placed on a future agenda.

ADJOURNMENT

PUBLIC INSPECTION

Documents provided to a majority of the Governing Board regarding an open session item on this agenda will be made available for public inspection in the District Office, located in the Sutter's Mill School Administration building, 4801 Luneman Road, Placerville, California, during normal business hours. In addition, such writings and documents will be posted on the District's website, www.gtusd.org. Agendas will be posted at:

Gold Trail School
880 Cold Springs Road
Placerville, CA. 95667

Sutter's Mill School/District Office
4801 Luneman Road
Placerville, CA. 95667

And E-mailed to every district family

AGENDA ITEM Opening Business

1.0 CALL TO ORDER

-  S. Hennike, President
-  J. Barbieri, Clerk
-  J. Bauer, Member
-  M. Howser, Member
-  D. Lander, Member

2.0 PUBLIC SESSION**.1 Flag Salute****3.0 ACTION ITEM: Adoption of Agenda**

This item is provided as an opportunity for trustees, through consensus, to re-sequence or table agenda topics.

<i>ACTION</i>	<i>Moved</i>	<i>Seconded</i>
<input type="checkbox"/> <i>Approved as is</i>		
<input type="checkbox"/> <i>Not approved</i>		
<input type="checkbox"/> <i>Amended to read:</i>		

<i>Vote</i>	<i>Ayes</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>

4.0 OPEN HEARING

Under the Brown Act and open meeting laws, members of the community wishing to address an item on the agenda may do so at this time or for action items, when they come before the Board. Items not on the agenda, but within jurisdiction of this body, may be addressed at this time or be submitted to the Superintendent in writing for Board consideration as an agenda item. Items not on the agenda, which are expressed in person before this Board without written request, are restricted in response and action by the Board and its members. A three-minute limit is set for each speaker on all such items. (Board Bylaws 9323/Government Code 54952)

AGENDA ITEM 5.0
RECOGNITION

BACKGROUND

- The Board will recognize Sierra Asset Management for their continued support of the District.
- The Board will recognize M. and J. McClone for their continued support of the Gold Trail Music Program.

ATTACHMENTS

➤ None

BUDGETED

NA Yes No Cost Analysis Follows

RECOMMENDATION

No action needed.

NOTES

AGENDA ITEM 6.0
REPORT: Student Council

BACKGROUND

Ella Harm, Student Council president, will report on Student Council activities

ATTACHMENTS

- None

BUDGETED

NA Yes No Cost Analysis Follows

RECOMMENDATION

No action needed.

NOTES

AGENDA ITEM 7.0
REPORT: Parent Teacher Organization

BACKGROUND

Tracy Hanks, PTO president, will report on PTO activities.

ATTACHMENTS

- None

BUDGETED

NA Yes No Cost Analysis Follows

RECOMMENDATION

No action needed.

NOTES

AGENDA ITEM 8.0
REPORT: Equiguide Program

BACKGROUND

Sue Fadel, Gold Trail Union School District Behavioral Intervention Instructional Assistant, will report on the Equiguide Program <http://www.eagala.org/node/19326> in which district students participated in the fall of 2016.

ATTACHMENTS

➤ None

BUDGETED

NA Yes No Cost Analysis Follows

RECOMMENDATION

No action needed.

NOTES

AGENDA ITEM 9.0**REPORT: Local Control Accountability Plan (LCAP) Update****BACKGROUND**

The Local Control Accountability Plan (LCAP) is a critical part of the new Local Control Funding Formula (LCFF). Each school district must engage parents, educators, employees and the community to establish these plans. The plans will describe the school district's overall vision for students, annual goals and specific actions the district will take to achieve the vision and goals.

The Superintendent or designee shall gather data and information needed for effective and meaningful plan development and present it to the Board and community (*BP 0640*). Joe Murchison, superintendent, will present the most current update on the 2017-18 LCAP.

ATTACHMENTS

- None

BUDGETED

NA Yes No Cost Analysis Follows

RECOMMENDATION

No action needed.

NOTES

AGENDA ITEM 10.0 Consent

President Script:

The following is the consent agenda. In accordance with law, the public has a right to comment on any consent item.

The items listed below are passed in one motion without discussion. Any item may be pulled from the Consent Agenda by the Board. (BB 9322)

.1 Meeting Minutes (BB 9324)

Regular Meeting of December 8, 2016

The Board will take action to approve the Minutes.

.2 Warrants (BP 3314)

The Board will take action to approve the expenditures.

.3 Personnel

Hiring

Hilary Mulligan, Instructor: Enrichment (Nature Bowl Grades 3/4), effective 2016-17 school year.

Resignation

S. Cupler, Bus Driver, 4.0 hours per day, effective March 1, 2017.

.4 Quarterly Report on Williams Uniform Complaints

The quarterly report to the County Office of Education is brought forward for Board acceptance. (Education Code 35186)

.5 Certification of Signatures

The Board will approve district signature authority for 2017. (Education Code 42632 and 42633)

President Script:

Do any members of the audience wish to address or comment any of these items?

NOTES

PULL (If Applicable)

ACTION	<i>Moved</i>	<i>Seconded</i>		
<input type="checkbox"/> <i>Approved as is</i>				
<input type="checkbox"/> <i>Not approved</i>				
<input type="checkbox"/> <i>Amended to read:</i>				
<i>Vote</i>	<i>Ayes</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>

AGENDA ITEM Consent

10.1 Meeting Minutes (Board Bylaw 9324)**BACKGROUND**

Minutes of prior Board meetings are included for review and approval.

ATTACHMENTS

- Minutes of Regular Meeting of December 8, 2016

BUDGETED

NA Yes No Cost Analysis Follows

RECOMMENDATION

Approve the minutes.

NOTES*If pulled from Consent*

<i>ACTION</i>	<i>Moved</i>	<i>Seconded</i>		
<input type="checkbox"/> Approved as is <input type="checkbox"/> Not approved <input type="checkbox"/> Amended to read:				
<i>Vote</i>	<i>Ayes</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>

Gold Trail Union School District

BOARD OF TRUSTEES Regular and Closed Session Meeting Thursday, December 8, 2016 OPEN AND CLOSED SESSION MINUTES



District Office
1575 Old Ranch Road
Placerville, CA 95667
1.530.626.3194
Fax 1.530.626.3199
Joe Murchison
Superintendent

Board of Trustees
Daryl Lander
President
Sue Hennike
Clerk
Janet Barbieri
Julie Bauer
Gary Ritz

Sutter's Mill School (K-3)
4801 Luneman Road
Placerville, CA 95667
1.530.626.2591
Fax 1.530.626.3199
Joe Murchison
Superintendent/Principal

Gold Trail School (4-8)
889 Cold Springs Road
Placerville, CA 95667
1.530.626.2595
Fax 1.530.626.3289
Scott Lyons
Principal

*An Equal Opportunity
Employer*

1. CALL TO ORDER

The meeting was called to order in the Gold Trail School Library by D. Lander, president, at 6:00 p.m.

Members present: J. Barbieri, J. Bauer, S. Hennike, M. Howser and D. Lander

Outgoing member present: G. Ritz

Members absent: None

2. PUBLIC SESSION

A Blair, Student Body representative, led the flag salute.

3. ACTION ITEM: Adoption of Agenda

MOTION WAS MADE by J. Bauer and duly seconded by D. Lander to adopt the agenda with no changes, and the vote was as follows:

AYES: J. Bauer, S. Hennike, D. Lander

NOES: None

ABSENCES: None

ABSTENSIONS: None

MOTION CARRIED

(Please note that although J. Barbieri and M. Howser officially took office on Friday, December 2, 2016, they may not act in an official capacity until they are sworn in and sign their Oath of Office.)

4. OPEN HEARING

The Board president solicited comments in accordance with the Brown Act and Open Meeting laws. No one addressed the Board.

5. RECOGNITION

The Board recognized G. Ritz, outgoing Board of Trustees member, for twelve years of dedicated service to the District.

6. SWEARING IN OF NEWLY APPOINTED TRUSTEES

As authorized by Education Code 60 and Board Bylaw 9224, prior to entering upon the duties of their office, all Board of Trustees members shall take the oath or affirmation required by law. The Oath was taken by returning Board member J. Barbieri, and newly appointed Board member M. Howser. It was administered and certified by Board Secretary, J. Murchison.

7. Organizational Meeting of the Board

1. Election Of the Board President

MOTION WAS MADE by D. Lander and duly seconded by J. Bauer to elect S. Hennike as Board President, and the vote was as follows:

AYES:	Trustees J. Barbieri, J. Bauer, S. Hennike, M. Howser and D. Lander
NOS:	None
ABSENCES:	None
ABSTENSIONS:	None

MOTION CARRIED

2. Election of the Board Clerk

MOTION WAS MADE by D. Lander and duly seconded by J. Bauer to elect J. Barbieri as Board Clerk, and the vote was as follows:

AYES:	Trustees J. Barbieri, J. Bauer, S. Hennike, M. Howser and D. Lander
NOS:	None
ABSENCES:	None
ABSTENSIONS:	None

MOTION CARRIED

3. Approval of the Board Secretary

MOTION WAS MADE by J. Bauer and duly seconded by M. Howser to approve J. Murchison as Board Secretary, and the vote was as follows:

AYES:	Trustees J. Barbieri, J. Bauer, S. Hennike, M. Howser and D. Lander
NOS:	None
ABSENCES:	None
ABSTENSIONS:	None

MOTION CARRIED

4. Election of the Board Representative to Serve on the Council of Representatives of the El Dorado County School Boards Association

MOTION WAS MADE by D. Lander and duly seconded by S. Hennike to elect J. Barbieri as the District's delegate to the El Dorado County School Boards Association, and the vote was as follows:

AYES:	Trustees J. Barbieri, J. Bauer, S. Hennike, M. Howser and D. Lander
NOS:	None
ABSENCES:	None
ABSTENSIONS:	None

MOTION CARRIED

5. Selection of the Board Member to Serve at Collective Bargaining Sessions

MOTION WAS MADE by J. Barbieri and duly seconded by S. Hennike to select D. Lander to observe at collective bargaining sessions, and the vote was as follows:

AYES:	Trustees J. Barbieri, J. Bauer, S. Hennike, M. Howser and D. Lander
NOS:	None
ABSENCES:	None
ABSTENSIONS:	None

MOTION CARRIED

6. Selection of the Board Member to Serve on the Salary and Benefits Committee

MOTION WAS MADE by J. Barbieri and duly seconded by M. Howser to select D. Lander to serve on the salary and benefits committee, and the vote was as follows:

AYES:	Trustees J. Barbieri, J. Bauer, S. Hennike, M. Howser and D. Lander
NOS:	None
ABSENCES:	None
ABSTENSIONS:	None

MOTION CARRIED

7. Board Meeting Dates, Times, Venue and Agenda Topics

MOTION WAS MADE by J. Barbieri and duly seconded by D. Lander to adopt the proposed 2017 schedule of regular meeting dates, times, venue and agenda topics, and the vote was as follows:

AYES:	Trustees J. Barbieri, J. Bauer, S. Hennike, M. Howser and D. Lander
NOS:	None
ABSENCES:	None
ABSTENSIONS:	None

MOTION CARRIED

8. Adoption/Review of Board Bylaw 9320: Meeting Notices

The Board Bylaw was reviewed, and no changes were made. NO ACTION TAKEN.

8. REPORT: Student Council

A Blair, Student Council representative, reported on Student Council activities.

9. REPORT: School Facilities Master Plan

M. Williams, Williams & Associates consultant, was scheduled to give a report on the development of a comprehensive school facilities master plan. Ms. Williams was delayed. Therefore this item was moved until later in the meeting, awaiting Ms. Williams's arrival.

10. REPORT: English Learner Program Evaluation

This report was tabled.

11. REPORT: Transportation

L. Havner, transportation supervisor, reported on the District's home to school transportation program.

12. CONSENT ITEM

.1 Meeting Minutes (BB 9324)

Regular Meeting of November 10, 2016

.2 Warrants (BP 3314)

.3 Personnel

Hiring

M. Carlisle, Playground Monitor, 1.5 hours per day, effective November 7, 2016

Resignation

S. Heller, Playground Monitor, 1.0 hours per day, effective November 4, 2016

.4 School Facilities Consulting Agreement between Gold Trail Union School District and Williams & Associates

- .5 Memorandum of Understanding between Gold Trail Union School District and Black Oak Mine Unified School District for Mental Health Services
- .6 Medi-Cal Administrative Claiming Agreement between Gold Trail Union School District and Sutter County Superintendent of Schools for Administrative Services Related to Medi-Cal Administrative Activities
- .7 Second Reading of Board Policies, Administrative Regulations and Board Bylaws
BP 0410, Nondiscrimination in District Programs and Activities (BP Revised)
BP 0420.41, Charter School Oversight (BP Revised)
BP 4151/4251/4351, Employee Compensation (BP Revised)
BP 4157.1/4257.1/4357.1/AR 4157.1, 4257.1, 4357.1, Work-Related Injuries (BP Deleted, AR Added)
AR 5125.3, Challenging Student Records (AR Revised)
AR 5148, Child Care and Development (AR Deleted)
AR 5148.3, Preschool/Early Childhood Education (AR Deleted)
BP 6142.4, Service Learning/Community Service Classes (BP Deleted)
BP 6142.94, History-Social Science Instruction (BP Revised)
AR 6143, Courses of Study (AR Revised)
BP 6173, AR 6173, E 6173, Education for Homeless Children (BP/AR/E Revised)
BP 6185/AR 6185, Community Day School (BP/AR Deleted)
E 9323.2, Actions by the Board (E Revised)

MOTION WAS MADE by S. Hennike and duly seconded by J. Barbieri to adopt items 1, 2, 3, 5, 6 and 7 and to table item 4 until such time that Williams & Associates could make their report, and the vote was as follows:

AYES: Trustees J. Barbieri, J. Bauer, S. Hennike, M. Howser and D. Lander
NOS: None
ABSENCES: None
ABSTENSIONS: None

MOTION CARRIED

13. ACTION ITEM: 2016-17 First Interim

MOTION WAS MADE by J. Barbieri and duly seconded by J. Bauer to accept the report, and the vote was as follows:

AYES: Trustees J. Barbieri, J. Bauer, S. Hennike, M. Howser and D. Lander
NOS: None
ABSENCES: None
ABSTENSIONS: None

MOTION CARRIED

14. ACTION ITEM: First Reading and Adoption of AR 6174, Education for English Language Learners

MOTION WAS MADE by D. Lander and duly seconded by J. Barbieri to adopt the regulation, and the vote was as follows:

AYES: Trustees J. Barbieri, J. Bauer, S. Hennike, M. Howser and D. Lander
NOS: None
ABSENCES: None
ABSTENSIONS: None

MOTION CARRIED

15. ACTION ITEM: Review of Board of Trustees and Superintendent Protocols

The Board reviewed the “Board and Superintendent Protocols” and no changes were made. NO ACTION TAKEN.

16. ACTION ITEM: District Vision

The Board reviewed the current “District Vision” and no changes were made. NO ACTION TAKEN.

17. ACTION ITEM: Trustee Biographies

With the addition of a new member to the governing Board, the Trustees shared a bit about themselves. NO ACTION TAKEN.

18. DISCUSSION ITEM: Administrative Reports

The Board members and administration reported on District activities.

7:05 p.m.

Item 9.0, REPORT: School Facilities Master Plan

M. Williams, Williams & Associates consultant, arrived and reported on the development of a comprehensive school facilities master plan.

Consent Item 12.4, School Facilities Consulting Agreement between Gold Trail Union School District and Williams & Associates

This item was tabled.

19. CLOSED SESSION OPEN HEARING

No one addressed the Board.

20. CLOSED SESSION

The Board adjourned to Closed Session at 7:45 p.m. Also present: J. Murchison and W. Scarlett,

21. PERSONNEL

.1 Conference with Labor Negotiators

22. RECONVENE PUBLIC SESSION AND CLOSED SESSION DISCLOSURE

The Board reconvened Public Session at 8:29 p.m. The Board discussed Labor Negotiations.

23. FUTURE REGULAR MEETING SCHEDULE

Date: Thursday, January 12, 2017 Time: 6:00 p.m. Location: Gold Trail Library

Agenda Items for that meeting may include but are not limited to:

Audit Report

Board Policies, Administrative Regulations and Board Bylaws Updates

BP/AR 6154, Homework Plan Review (Annual)

BB 9270, Conflict of Interest Review (Annual)

Filing of District Verified Signatures (Annual)

Local Education Agency Plan (LEAP) Amendment (Annual)

Local Control Accountability Plan (LCAP) Update

Williams Act Uniform Complaint Procedures Quarterly Report

There being no further business to come before the Board, MOTION WAS MADE by S. Hennike and duly seconded by J. Bauer and carried to adjourn the meeting 8:30 p.m. and the vote was as follows:

AYES: Trustees J. Barbieri, J. Bauer, S. Hennike, M. Howser and D. Lander

NOS: None

ABSENCES: None

ABSTENSIONS: None

MOTION CARRIED

S. Hennike, President

J. Murchison, Secretary

AGENDA ITEM Consent

10.2 Warrants (Board Policy 3314)**BACKGROUND**

The warrants are included for Board review and approval.

ATTACHMENTS

- Warrants

BUDGETED

NA Yes No Cost Analysis Follows

All warrants are within the adopted budget and/or approved expenditures.

RECOMMENDATION

Approve the warrants.

NOTES*If pulled from Consent*

<i>ACTION</i>	<i>Moved</i>	<i>Seconded</i>		
<input type="checkbox"/> Approved as is <input type="checkbox"/> Not approved <input type="checkbox"/> Amended to read:				
<i>Vote</i>	<i>Ayes</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>

APY250 L.00.05

DISTRICT: 005 Gold Trail Union School Dist
BATCH: 7017 GTUSD ACCOUNTS PAYABLEEL DORADO COUNTY OFFICE OF EDUCATION
COMMERCIAL WARRANT REGISTER
FOR WARRANTS DATED 12/13/2016

12/13/16 PAGE 1

WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
REQ#	REFERENCE	LN	FD RESC Y OBJT GOAL FUNC LC1 LOC2 L3 SCH	DESCRIPTION		
80539940	100716/	AT&T				
		PV-170275	01-0000-0-5901-0000-2700-003-1210-00-000	8932111 GT		81.54
			01-0000-0-5901-0000-7200-000-1210-00-000	8932108 PRI		341.60
			01-0000-0-5901-0000-7200-000-1210-00-000	8932109 ALARM LINES		37.70
			01-0000-0-5901-0000-7200-000-1210-00-000	8932110 D O		61.41
			01-0000-0-5901-0000-7200-000-1210-00-000	8901991 T-1		240.70
			WARRANT TOTAL			\$762.95
80539941	100912/	BANK OF AMERICA				
		PV-170276	01-0000-0-9509-0000-0000-000-00-000	VISA BALANCE		5,902.45
			WARRANT TOTAL			\$5,902.45
80539942	100513/	BUCKEYE UNION SCHOOL DISTRICT				
		175067	PO-170067 1. 01-0000-0-5600-0000-3600-000-0000-00-000	170059 BUS REPAIRS		1,310.56
			WARRANT TOTAL			\$1,310.56
80539943	100048/	CALIFORNIA KINDERGARTEN ASSN				
		175091	PO-170091 1. 01-4035-0-5200-1110-1000-002-0000-00-000	KINDER CONF REG		930.00
			WARRANT TOTAL			\$930.00
80539944	101412/	CALSTRS/JEM				
		PV-170277	01-0000-0-5800-0000-7200-000-0000-00-000	150305 OCT 2016		30.00
			WARRANT TOTAL			\$30.00
80539945	000352/	CALTRONICS BUSINESS SYSTEMS				
		PV-170278	01-0000-0-4300-0000-2700-003-0000-33-000	2141780 TONER SHIPPING		12.00
			01-1100-0-5600-1110-1000-003-1210-00-000	2146047 GT COPIER		261.97
			WARRANT TOTAL			\$273.97
80539946	101104/	CIT TECHNOLOGY FIN SERV INC				
		175024	PO-170024 1. 01-1100-0-5600-1110-1000-003-1210-00-000	29437329 GT COPIER LEASE		570.92
			WARRANT TOTAL			\$570.92
80539947	101683/	SIERRA CLARK				
		PV-170279	01-0000-0-4300-1110-1000-002-0300-68-000	CLASSROOM SUPPLIES		16.99

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WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
	REQ#	REFERENCE	LN FD RESC Y OBJT GOAL FUNC LC1 LOC2 L3 SCH		DESCRIPTION	
			01-0000-0-4300-1110-1000-002-0300-68-000		CLASSROOM SUPPLIES	76.17
			01-6300-0-4100-1110-1000-002-0000-00-000		CS MATH/ELA CURRICULUM	41.40
			WARRANT TOTAL			\$134.56
80539948	101618/	DE LAGE LANDEN				
		175026	PO-170026 1. 01-0000-0-7439-0000-9100-000-1210-00-000		52385105 D O COPIER	241.19
		175026	2. 01-0000-0-7439-0000-9100-002-1210-00-000		52385105 SM COPIER	196.33
			WARRANT TOTAL			\$437.52
80539949	101851/	DESERT PALMS				
		175099	PO-170099 1. 01-0000-0-5835-1110-1000-003-0115-00-000		DEPOSIT DISNEY JAZZ LODGING	3,174.27
			WARRANT TOTAL			\$3,174.27
80539950	101554/	BARBARA DYER				
		PV-170280	01-0000-0-4300-0000-8100-002-0000-00-000		PAINTING SUPPLIES	99.44
			01-0000-0-4300-1110-1000-002-0300-61-000		CLASSROOM SUPPLIES	339.19
			01-0000-0-4300-1110-1000-002-0300-61-000		CLASSROOM SUPPLIES	274.80
			01-9021-0-5200-1110-1000-000-0000-00-000		CTEL CLASS REIMB	680.00
			WARRANT TOTAL			\$1,393.43
80539951	000429/	EL DORADO COUNTY SHERIFF				
		PV-170281	01-0000-0-5800-0000-8100-003-0000-00-000		PERMIT #1190 GT ALARM PERMIT	25.00
			WARRANT TOTAL			\$25.00
80539952	000738/	EL DORADO DISPOSAL				
		PV-170282	01-0000-0-5560-0000-8100-002-0000-00-000		172393665 SM	658.58
			01-0000-0-5560-0000-8100-003-0000-00-000		172393646 GT	726.75
			WARRANT TOTAL			\$1,385.33
80539953	101263/	EQUIGUIDE/GROW PLAYFULLY				
		PV-170287	01-0600-0-5800-1110-4100-003-0000-00-000		EQUINE ENRICHMENT PGM	2,000.00
			WARRANT TOTAL			\$2,000.00
80539954	100422/	SUE FADEL				
		PV-170283	01-6500-0-5210-5770-1120-000-0000-00-000		MILEAGE NOV 2016	21.60

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WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
REQ#	REFERENCE	LN FD RESC Y OBJT GOAL FUNC	LC1 LOC2 L3 SCH	DESCRIPTION		
WARRANT TOTAL						\$21.60
80539955	101115/	AMBER GARCIA	PV-170284 01-0000-0-4300-1110-1000-003-0300-67-000	CLASSROOM SUPPLIES	59.66	
			WARRANT TOTAL		\$59.66	
80539956	101792/	KAREN GILLILAND	PV-170285 01-0000-0-4300-1110-1000-003-0310-00-000	GT GARDEN DOCENT SUPPLIES	89.09	
			WARRANT TOTAL		\$89.09	
80539957	100356/	GOLD TRAIL FEDERATION OF	PV-170286 01-0000-0-9573-0000-0000-000-0000-00-000	DUES NOVEMBER 2016	3,206.17	
			WARRANT TOTAL		\$3,206.17	
80539958	101708/	GROWING HEALTHY CHILDREN	PV-170288 01-6500-0-5806-5770-1120-000-0000-00-000	GTUSD_1608 OT SVCS AUG 2016	150.00	
			01-6500-0-5806-5770-1120-000-0000-00-000	GTUSD_1609 OT SVCS SEP 2016	1,110.00	
			01-6500-0-5806-5770-1120-000-0000-00-000	GTUSD_1611 OT SVCS NOV 2016	1,410.00	
			WARRANT TOTAL		\$2,670.00	
80539959	100616/	MARTA HARRIS	PV-170289 01-0000-0-4300-1110-1000-003-0300-64-000	CLASSROOM SUPPLIES	806.36	
			WARRANT TOTAL		\$806.36	
80539960	101087/	CARINA JACKSON	PV-170290 01-0000-0-4300-1110-1000-003-0600-00-000	IN-CLASS ENRCHMNT PGM	98.23	
			WARRANT TOTAL		\$98.23	
80539961	101149/	MARY JAMES	PV-170291 01-0000-0-4300-1110-1000-002-0300-56-000	CLASSROOM SUPPLIES	151.45	
			WARRANT TOTAL		\$151.45	
80539962	101168/	MARILYN KITT	PV-170292 01-0000-0-4300-0000-3140-000-0000-00-000	NURSE LAPTOP SLEEVE	14.02	
			01-0000-0-5300-0000-3140-000-0000-00-000	NASN MEMBERSHIP	105.00	
			WARRANT TOTAL		\$119.02	

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WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
REQ#	REFERENCE	LN FD RESC Y OBJT GOAL FUNC	LC1 LOC2 L3 SCH	DESCRIPTION		
80539963	101691/	KERRY KOENIG	PV-170293	01-0000-0-4300-1110-1000-003-0300-66-000	YOST CLASSROOM SUPPLIES	10.08
				01-0000-0-4300-1110-1000-003-0300-78-000	CLASSROOM SUPPLIES	286.00
				WARRANT TOTAL		\$296.08
80539964	101853/	LORI LARSON	PV-170294	01-0600-0-5800-1110-4100-003-0000-00-000	EQUINE ENRICHMENT PGM	2,000.00
				WARRANT TOTAL		\$2,000.00
80539965	003202/	JOE MURCHISON	PV-170295	01-0000-0-4300-0000-2700-002-0000-22-000	SM OFFICE SUPPLIES	45.50
				01-0000-0-5210-0000-7100-000-0000-00-000	MILEAGE NOVEMBER 2016	126.36
				WARRANT TOTAL		\$171.86
80539966	000232/	PACIFIC GAS & ELECTRIC COMPANY	PV-170296	01-0000-0-5540-0000-8100-000-0000-00-000	0991367996-6 EXT DAY	141.87
				01-0000-0-5540-0000-8100-002-0000-00-000	0991367996-6 SM	2,777.31
				01-0000-0-5540-0000-8100-003-0000-00-000	0991367996-6 GT	4,338.28
				WARRANT TOTAL	1274317581-7 GT STREET LIGHT	41.69
						\$7,299.15
80539967	101818/	TOM PAGAN	PV-170297	01-0000-0-4300-1110-1000-003-0310-00-000	GT GARDEN DOCENT SUPPLIES	60.29
				WARRANT TOTAL		\$60.29
80539968	020926/	PITNEY BOWES GLOBAL FINANCIAL	PV-170298	01-0000-0-5902-0000-2700-000-0000-00-000	3100793362 PSTG MTR LEASE	367.20
				WARRANT TOTAL		\$367.20
80539969	000466/	RESCUE UNION SCHOOL DISTRICT	PV-170299	01-0000-0-5800-0000-3600-000-0000-00-000	170017 BUS USE	315.00
				WARRANT TOTAL		\$315.00
80539970	100735/	RIEBES AUTO PARTS	PV-170300	01-0000-0-4300-0000-3600-000-0000-00-000	934525 BUS SUPPLIES	57.52

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	REQ#	REFERENCE	LN FD RESC Y OBJT GOAL FUNC	LC1 LOC2 L3 SCH	DESCRIPTION	
WARRANT TOTAL						\$57.52
WARRANT TOTAL						\$57.52
80539971	011513/	RISO PRODUCTS OF SACRAMENTO				
		PV-170301	01-1100-0-5600-1110-1000-002-1210-00-000	163998	SM RISO	409.20
			01-1100-0-5600-1110-1000-003-1210-00-000	163999	GT RISO	1,182.02
			WARRANT TOTAL			\$1,591.22
80539972	101569/	CHERYL ROMIG				
		PV-170302	01-0000-0-4300-1110-1000-003-0000-33-000		CLASSROOM SKY PANELS	237.64
			01-0000-0-4300-1110-1000-003-0000-33-000		COLOR COPIES	60.21
			01-0000-0-4300-1110-1000-003-0300-62-000		CLASSROOM SUPPLIES	399.44
			01-0000-0-4300-1110-1000-003-0300-62-000		CLASSROOM SUPPLIES	11.90
			WARRANT TOTAL			\$709.19
80539973	101839/	SANTANDER LEASING LLC				
		175081	PO-170081 2. 01-0000-0-7438-0000-9100-000-0000-00-000	1908187	BUS PAYMENT INTEREST	920.33
		175081	1. 01-0000-0-7439-0000-9100-000-0000-00-000	1908187	BUS PYMT PRINCIPAL	53,518.67
			WARRANT TOTAL			\$54,439.00
80539974	101128/	SCHOOLS INSURANCE AUTHORITY				
		PV-170303	01-0000-0-3901-1110-1000-000-0000-00-000		DIST PD RET VISION DEC 2016	41.40
			01-0000-0-9570-0000-0000-000-0000-00-000		EMP VISION DEC 2016	1,625.26
			01-0000-0-9570-0000-0000-000-0000-00-000		RET VISION DEC 2016	481.46
			WARRANT TOTAL			\$2,148.12
80539975	101209/	SELF-INSURED SCHOOLS OF CALIF				
		PV-170304	01-0000-0-3901-1110-1000-000-0000-00-000	1908187	DIST PD RET DEC 2016	1,174.60
			01-0000-0-3901-1110-1000-000-0000-00-000	1908187	DIST PD RET DNTL DEC 2016	150.00
			01-0000-0-9570-0000-0000-000-0000-00-000	1908187	EMP MED DEC 2016	56,436.00
			01-0000-0-9570-0000-0000-000-0000-00-000	1908187	EMP DNTL DEC 2016	6,960.00
			01-0000-0-9570-0000-0000-000-0000-00-000	1908187	RET MED DEC 2016	5,189.40

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WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
REQ#	REFERENCE	LN	FD RESC Y OBJT GOAL FUNC LC1 LOC2 L3 SCH	DESCRIPTION		
			01-0000-0-9570-0000-0000-000-00-000 WARRANT TOTAL	RET DNTL DEC 2016		1,922.00 \$71,832.00
80539976	101394/	SIERRA WEST OFFICIALS ASSOC				
			PV-170305 01-1100-0-5807-1110-4200-003-1206-00-000 WARRANT TOTAL	111716-GTB BYS BSKTBL OFFICIALS		700.00 \$700.00
80539977	101479/	JENNA STIGALL				
			PV-170306 01-0000-0-4300-1110-1000-002-0300-59-000 WARRANT TOTAL	CLASSROOM SUPPLIES		113.53 \$113.53
80539978	101607/	DAVE STRINGER				
			PV-170307 01-0000-0-4300-0000-8100-003-0000-00-000 01-0000-0-4300-1110-1000-000-0000-00-000 01-0000-0-6200-0000-8500-002-0469-00-000 WARRANT TOTAL	GT MAINT SUPPLIES WRESTLING SUPPLY-ASB REIMB SM BOOKROOM PROJECT		7.94 4.30 142.27 \$154.51
80539979	101843/	TIMBERLINE ELECTRONICS				
			PV-170308 01-0000-0-5600-0000-3600-000-0000-00-000 WARRANT TOTAL	GT110416 BUS RADIO REPAIRS		356.00 \$356.00
80539980	100981/	VERIZON WIRELESS				
			PV-170309 01-0000-0-5901-0000-3140-000-1210-00-000 01-0000-0-5901-0000-8100-000-1210-00-000 01-5810-0-5901-0000-2700-002-1210-00-000 01-5810-0-5901-0000-2700-003-1210-00-000 WARRANT TOTAL	9776127272 NURSE 9776127272 MAINT 9776127272 SM 9776127272 GT		121.46 61.19 39.19 \$261.03
80539981	101027/	MICHELE WAGSTROM				
			PV-170310 01-0000-0-5210-0000-7200-000-0000-00-000 WARRANT TOTAL	MILEAGE NOVEMBER 2016		85.32 \$85.32
*** BATCH TOTALS ***			TOTAL NUMBER OF CHECKS: 42 TOTAL ACH GENERATED: 0 TOTAL EFT GENERATED: 0 TOTAL PAYMENTS: 42	TOTAL AMOUNT OF CHECKS: TOTAL AMOUNT OF ACH: TOTAL AMOUNT OF EFT: TOTAL AMOUNT:		\$168,509.56* \$.00* \$.00* \$168,509.56*
*** DISTRICT TOTALS ***			TOTAL NUMBER OF CHECKS: 42 TOTAL ACH GENERATED: 0 TOTAL EFT GENERATED: 0 TOTAL PAYMENTS: 42	TOTAL AMOUNT OF CHECKS: TOTAL AMOUNT OF ACH: TOTAL AMOUNT OF EFT: TOTAL AMOUNT:		\$168,509.56* \$.00* \$.00* \$168,509.56*

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WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
	REQ#	REFERENCE	LN FD RESC Y OBJT GOAL FUNC LC1 LOC2 L3 SCH		DESCRIPTION	
80541073	101845/	ACCELERATE LEARNING				
	175095	PO-170095	1. 01-5810-0-5875-1110-1000-003-1210-00-000 WARRANT TOTAL	26983	NGSS GR 4 ONLINE SUBSCRI	223.50 \$223.50
80541074	079102/	ACER LANDSCAPE MATERIALS INC				
	PV-170311		01-0000-0-6200-0000-8500-002-0469-00-000 WARRANT TOTAL	165	CONCRETE SM BOOKROOM	989.00 \$989.00
80541075	008233/	AMERICAN FIDELITY ASSURANCE				
	PV-170312		01-0000-0-9582-0000-0000-000-0000-00-000 WARRANT TOTAL	B546078	JANUARY 2017	1,227.03 \$1,227.03
80541076	007568/	AMERICAN FIDELITY ASSURANCE CO				
	PV-170313		01-0000-0-9582-0000-0000-000-0000-00-000 WARRANT TOTAL	1465063A	JANUARY 2017	535.00 \$535.00
80541077	101213/	AMS.NET INC				
	175066	PO-170066	1. 01-0000-0-4400-0000-7700-000-1210-00-000	10229	ROUTER UPGRADE	350.00
	175066		1. 01-0000-0-4400-0000-7700-000-1210-00-000	8829	ROUTER UPGRADE	10,019.48
	175085	PO-170085	1. 01-5810-0-4400-0000-2700-002-1210-00-000	9813	NEW PHONES/PRGMNG/INSTALL	3,113.48
	175085		2. 01-5810-0-4400-0000-2700-003-1210-00-000	9813	NEW PHONES/PRGM/INSTALL	3,113.49
	175086	PO-170086	2. 01-5810-0-4400-0000-2700-002-1210-00-000	9814	NEW PHONES	3,815.18
	175086		1. 01-5810-0-4400-0000-2700-003-1210-00-000	9814	NEW PHONES	3,815.19
	175086		3. 01-5810-0-4400-0000-7200-000-1210-00-000 WARRANT TOTAL	9814	NEW PHONES	958.90 \$25,185.72
80541078	003805/	APPLE COMPUTER INC				
	175089	PO-170089	1. 01-6500-0-4400-5770-1120-002-1210-00-000	441201579	IPAD MINIS TITLE I	594.00
	175089		1. 01-6500-0-4400-5770-1120-002-1210-00-000	4414653156	IPAD MINIS TITLE I	281.43
	175089		1. 01-6500-0-4400-5770-1120-002-1210-00-000	4414357347	IPAD MINIS TITLE I	1,407.13
	175100	PO-170100	1. 01-6500-0-4400-5770-1120-000-1210-00-000	4416602780	SP ED IPAD MINIS	844.28
	175100		1. 01-6500-0-4400-5770-1120-000-1210-00-000	4416339601	SP ED IPAD AIRS	1,231.28

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WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
		REQ# REFERENCE	LN FD RESC Y OBJT GOAL FUNC	LC1 LOC2 L3 SCH	DESCRIPTION	
	175100		1. 01-6500-0-4400-5770-1120-000-1210-00-000 WARRANT TOTAL	4416116216	SP ED IPAD PRO	1,640.93 \$5,999.05
80541079	020043/	ARC				
		PV-170314	01-0000-0-5835-1110-1000-003-0600-00-000 WARRANT TOTAL		NATURE BOWL TEAM REGISTRATION	25.00 \$25.00
80541080	100912/	BANK OF AMERICA				
		PV-170315	01-0000-0-4300-0000-2700-002-0000-00-000 01-0000-0-4300-0000-2700-002-0000-22-000 01-0000-0-4300-0000-2700-002-0000-22-000 01-0000-0-4300-0000-2700-002-0000-22-000 01-0000-0-4300-0000-2700-002-0000-22-000 01-0000-0-4300-0000-3600-000-0000-00-000 01-0000-0-4300-0000-7100-000-0000-00-000 01-0000-0-4300-0000-7100-000-0000-00-000 01-0000-0-4300-0000-7150-000-0000-00-000 01-0000-0-4300-0000-7200-000-0000-00-000 01-0000-0-4300-0000-7200-000-0000-00-000 01-0000-0-4300-0000-8100-002-0000-00-000 01-0000-0-4300-0000-8100-002-0000-00-000 01-0000-0-4300-0000-8100-003-0000-00-000 01-0000-0-4300-1110-1000-000-0000-00-000 01-0000-0-4300-1110-1000-002-0300-60-000 01-0000-0-4300-1110-1000-002-0300-73-000 01-0000-0-4300-1110-1000-002-1210-00-000 01-0000-0-4300-1110-1000-003-0000-22-000	GT OFFICE/LYONS TONER SM RECESS SUPPLIES SM OFC RSTRM MIRROR SM OFFICE SUPPLIES SM STUDENT INCENTIVES TRANSPORTATION SUPPLIES BROWN ACT REFERENCE BOOK BOARD MEETING SUPPLIES AUDIT SUPPLIES VISA PAYMENT DETAILS D O SUPPLIES SM MAINTENANCE SUPPLIES SM MAINTENANCE SUPPLIES GT MAINTENANCE SUPPLIES CROSS COUNTRY SUPPLIES/ASB ASTROBRIGHT PAPER ASTROBRIGHT PAPER SM CLASSROOM ADAPTER MULLIGAN CLSRM MICROSCOPES	1,017.17 75.38 160.58 50.46 129.86 405.65 35.42 27.30 81.15 12,549.87- 148.16 204.66 204.10 91.52 73.88 11.73 11.73 19.66 420.94	

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WARRANT REQ#	VENDOR/ADDR REFERENCE	NAME (REMIT) LN	DEPOSIT TYPE FD RESC Y OBJT GOAL FUNC	ABA NUM LC1 LOC2 L3 SCH	ACCOUNT NUM DESCRIPTION	AMOUNT
			13-5310-0-4300-0000-3700-000-0000-00-000		CAFE CLEANER	42.49
			13-5310-0-4300-0000-3700-000-0000-00-000		CAFE HAND TRUCK	86.73
PV-170316		01-0000-0-4300-0000-2700-000-0420-00-000			HALLOWEEN CARNIVAL	414.08
		01-0000-0-4300-0000-2700-000-0420-00-000			HALLOWEEN CARNIVAL BOUNCE HOUSE	715.50
		01-0000-0-4300-0000-2700-002-0000-22-000			SM OFFICE SUPPLIES	30.89
		01-0000-0-4300-0000-2700-002-0000-22-000			SM TEACHER RESOURCE	27.24
		01-0000-0-4300-0000-2700-003-0000-33-000			GT ADMIT SLIPS	64.97
		01-0000-0-4300-0000-3140-000-0000-00-000			NURSE HAND CART	29.99
		01-0000-0-4300-0000-3600-000-0000-00-000			TRANSPORTATION SUPPLIES	279.11
		01-0000-0-4300-0000-7100-000-0000-00-000			BOARD MEETING SUPPLIES	25.25
		01-0000-0-4300-0000-7200-000-0000-00-000			D O OFFICE SUPPLIES	73.92
		01-0000-0-4300-0000-8100-002-0000-00-000			SM MAINTENANCE SUPPLIES	134.09
		01-0000-0-4300-0000-8100-003-0000-00-000			GT NEW CLOCK BATTERIES	15.12
		01-0000-0-4300-0000-8100-003-0000-00-000			GT MAINTENANCE SUPPLIES	169.45
		01-0000-0-4300-1110-1000-002-0000-22-000			KINDER ELECTION SUPPLIES	89.01
		01-0000-0-4300-1110-1000-002-0000-22-000			BRANDT CLASSROOM SUPPLIES	65.54
		01-0000-0-4300-1110-1000-002-0000-22-000			2ND GR ADULT TSHIRTS	112.32
		01-0000-0-4300-1110-1000-002-0300-59-000			STIGALL CLASS SUPPLIES	71.63
		01-0000-0-4300-1110-1000-002-1210-00-000			WAGNER IT SUPPLIES	36.34
		01-0000-0-4300-1110-1000-003-0000-22-000			MULLIGAN CLSRM MICROSCOPES	841.88
		01-0000-0-4300-1110-1000-003-0000-22-000			GT SCIENCE SUPPLIES	309.98
		01-0000-0-4300-1110-1000-003-0107-00-000			7TH GR BODEGA BAY FT PROPANE	28.06
		01-0000-0-4300-1110-1000-003-0107-00-000			7TH GR BODEGA BAY FT SUPPLIES	246.84
		01-0000-0-4300-1110-1000-003-0201-00-000			DRUM PRACTICE PADS	251.55

APY250 L.00.05

DISTRICT: 005 Gold Trail Union School Dist
BATCH: 7018 GTUSD ACCOUNTS PAYABLEEL DORADO COUNTY OFFICE OF EDUCATION
COMMERCIAL WARRANT REGISTER
FOR WARRANTS DATED 12/21/2016

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WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
	REQ#	REFERENCE	LN FD RESC Y OBJT GOAL FUNC	LC1 LOC2 L3 SCH	DESCRIPTION	
			01-0000-0-5600-0000-8100-000-0000-00-000		SMOG MAINTENANCE TRUCK	55.75
			01-0000-0-5800-0000-3600-000-0000-00-000		OVERNIGHT BUS LOAN DOCS	43.10
			01-0000-0-5835-1110-1000-002-0101-00-000		1ST GR RR MUSEUM FIELD TRIP	300.00
			01-0000-0-5835-1110-1000-002-0109-00-000		TK APPLE HILL FIELD TRIP	248.00
			01-0000-0-6200-0000-8500-002-0468-00-000		SM BLDG C STRG SHED MATERIALS	802.66
			01-0000-0-9510-0000-0000-000-0000-00-000		VISA PAYMENT DETAILS	6,549.01-
			01-0600-0-4300-1110-1000-002-0000-00-000		TITLE 1 CLASS SUPPLIES	210.66
			01-0600-0-4300-1110-1000-002-0000-00-000		SM REPORT CARD SUPPLIES	161.91
			01-1100-0-4300-1110-1000-003-0000-00-000		JACKSON CLASSROOM NOVELS	96.75
			01-6300-0-4100-1110-1000-002-0000-00-000		CS 2ND GR CLASSROOM READERS	176.64
			01-6500-0-4400-5770-1120-002-0000-00-000		SP ED ALTERNATIVE SEATING	185.90
			01-6500-0-4400-5770-1120-002-1210-00-000		SP ED PRINTER	104.89
			01-9021-0-4300-1110-1000-002-0000-00-000		BI-LINGUAL CLASS SUPPLIES	129.99
			WARRANT TOTAL			\$0.00
80541081	101412/	CALSTRS/JEM				
		PV-170317	01-0000-0-5800-0000-7200-000-0000-00-000		150598 NOV 2016	30.00
			WARRANT TOTAL			\$30.00
80541082	101302/	CDW GOVERNMENT				
	175096	PO-170096	1. 01-0000-0-4400-1110-1000-003-1210-00-000		GDN2576 MORGAN DISPLAY TV	1,067.46
			WARRANT TOTAL			\$1,067.46
80541083	000073/	CHEVRON & TEXACO				
		PV-170319	01-0000-0-4370-0000-3600-000-0000-00-000		6000917515 TRANSPORTATION FUEL	6.27
			01-0000-0-4370-0000-8100-003-0000-00-000		6000917515 GT MAINTENANCE FUEL	158.36
			01-9022-0-4370-0000-3600-000-0000-00-000		6000917515 MV TRANSP FUEL	12.54
			13-5310-0-4370-0000-3700-000-0000-00-000		6000917515 CAFE FUEL	6.27

APY250 L.00.05

EL DORADO COUNTY OFFICE OF EDUCATION
 COMMERCIAL WARRANT REGISTER
 FOR WARRANTS DATED 12/21/2016

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DISTRICT: 005 Gold Trail Union School Dist
 BATCH: 7018 GTUSD ACCOUNTS PAYABLE

WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
	REQ#	REFERENCE	LN FD RESC Y OBJT GOAL FUNC	LC1 LOC2 L3 SCH	DESCRIPTION	
WARRANT TOTAL						\$183.44
80541084	011529/	THE DANIELSEN CO				
	175048	PO-170048	1. 13-5310-0-4700-0000-3700-000-0800-00-000	115193	LUNCH FOOD	2,515.06
	175048		2. 13-5310-0-4700-0000-3700-000-0801-00-000	115163	BREAKFAST FOOD	415.10
	175048		3. 13-5310-0-4700-0000-3700-000-0802-00-000	115193	ALA CARTE FOOD	168.40
			WARRANT TOTAL			\$3,098.56
80541085	000126/	EL DORADO COUNTY OFFICE				
	PV-170318		01-0000-0-5809-0000-7700-000-1210-00-000	17028	OTHER IT SUPPORT	62.64
			01-0000-0-5809-0000-7700-000-1210-00-000	170284	ADD'L IT SUPPRT AUG '16	2,536.92
			01-0000-0-5809-0000-7700-000-1210-00-000	170291	ADD'L IT SUPPRT SEP '16	2,380.32
			WARRANT TOTAL			\$4,979.88
*** BATCH TOTALS ***			TOTAL NUMBER OF CHECKS:	13	TOTAL AMOUNT OF CHECKS:	\$43,543.64*
			TOTAL ACH GENERATED:	0	TOTAL AMOUNT OF ACH:	\$0.00*
			TOTAL EFT GENERATED:	0	TOTAL AMOUNT OF EFT:	\$0.00*
			TOTAL PAYMENTS:	13	TOTAL AMOUNT:	\$43,543.64*
*** DISTRICT TOTALS ***			TOTAL NUMBER OF CHECKS:	13	TOTAL AMOUNT OF CHECKS:	\$43,543.64*
			TOTAL ACH GENERATED:	0	TOTAL AMOUNT OF ACH:	\$0.00*
			TOTAL EFT GENERATED:	0	TOTAL AMOUNT OF EFT:	\$0.00*
			TOTAL PAYMENTS:	13	TOTAL AMOUNT:	\$43,543.64*

APY250 L.00.05

EL DORADO COUNTY OFFICE OF EDUCATION
 COMMERCIAL WARRANT REGISTER
 FOR WARRANTS DATED 12/27/2016

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DISTRICT: 005 Gold Trail Union School Dist
 BATCH: 7019 GTUSD ACCOUNTS PAYABLE

WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
REQ#	REFERENCE	LN FD RESC Y OBJT GOAL FUNC	LC1 LOC2 L3 SCH	DESCRIPTION		
80541443	100022/	BLAIN STUMPF ROCK SAND	PV-170334 01-0000-0-6200-0000-8500-002-0469-00-000 WARRANT TOTAL	201611-451 SM BOOKROOM ROCK		568.61 \$568.61
80541444	101104/	CIT TECHNOLOGY FIN SERV INC	175024 PO-170024 1. 01-1100-0-5600-1110-1000-003-1210-00-000 WARRANT TOTAL	29575168 GT COPIER LEASE		570.92 \$570.92
80541445	100999/	DAWSON OIL COMPANY	175068 PO-170068 1. 01-0000-0-4370-0000-3600-000-0000-00-000 WARRANT TOTAL	73191 BUS FUEL NOV 2016		1,264.94 \$1,264.94
80541446	101817/	VANESSA DENSMORE	PV-170320 01-0000-0-5210-0000-3600-000-0000-00-000 WARRANT TOTAL	COURIER MILEAGE DEC 2016		4.32 \$4.32
80541447	101346/	FERRELLGAS	PV-170321 01-0000-0-5530-0000-8100-000-0000-00-000 01-0000-0-5530-0000-8100-002-0000-00-000 01-0000-0-5530-0000-8100-002-0000-00-000 01-0000-0-5530-0000-8100-003-0000-00-000 01-0000-0-5530-0000-8100-003-0000-00-000 01-0000-0-5530-0000-8100-003-0000-00-000 WARRANT TOTAL	1094187190 EXT DAY 1093969569 SM 1094232633 SM 1093980978 GT 1093980973 GT 1093980975 GT		164.77 360.82 883.45 738.61 51.70 243.59 \$2,442.94
80541448	004875/	FLINN SCIENTIFIC INC	PO-173067 1. 01-1100-0-4300-1110-1000-003-0000-00-000 WARRANT TOTAL	2041909 SCIENCE SDS SHEETS		331.33 \$331.33
80541449	100036/	FOOTHILL FOOD SERVICE INC	175049 PO-170049 1. 13-5310-0-4700-0000-3700-000-0800-00-000 175049 1. 13-5310-0-4700-0000-3700-000-0800-00-000 175049 1. 13-5310-0-4700-0000-3700-000-0800-00-000	472937 LUNCH FOOD 472540 LUNCH FOOD 472538 LUNCH FOOD		520.35 141.18 283.93

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EL DORADO COUNTY OFFICE OF EDUCATION
COMMERCIAL WARRANT REGISTER
FOR WARRANTS DATED 12/27/2016

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DISTRICT: 005 Gold Trail Union School Dist
BATCH: 7019 GTUSD ACCOUNTS PAYABLE

WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	
	REQ#	REFERENCE	LN FD RESC Y OBJT GOAL FUNC LC1 LOC2 L3 SCH		DESCRIPTION	AMOUNT
	175049	1. 13-5310-0-4700-0000-3700-000-0800-00-000	472159	LUNCH FOOD		381.13
	175049	1. 13-5310-0-4700-0000-3700-000-0800-00-000	472157	LUNCH FOOD		573.99
	175049	1. 13-5310-0-4700-0000-3700-000-0800-00-000	472938	LUNCH FOOD		300.29
	175049	2. 13-5310-0-4700-0000-3700-000-0801-00-000	472937	BREAKFAST FOOD		18.65
	175049	2. 13-5310-0-4700-0000-3700-000-0801-00-000	472159	BREAKFAST FOOD		13.45
	175049	2. 13-5310-0-4700-0000-3700-000-0801-00-000	472157	BREAKFAST FOOD		18.65
	175049	3. 13-5310-0-4700-0000-3700-000-0802-00-000	472938	ALA CARTE FOOD		23.12
	175049	3. 13-5310-0-4700-0000-3700-000-0802-00-000	472937	ALA CARTE FOOD		9.90
	175049	3. 13-5310-0-4700-0000-3700-000-0802-00-000	472538	ALA CARTE FOOD		33.32
	175049	3. 13-5310-0-4700-0000-3700-000-0802-00-000	472157	ALA CARTE FOOD		37.86
		WARRANT TOTAL				\$2,355.82
80541450	079952/	GOLD STAR FOODS INC				
	175050	PO-170050	1. 13-5310-0-4700-0000-3700-000-0800-00-000	1856617	LUNCH FOOD	1,913.85
	175050		2. 13-5310-0-4700-0000-3700-000-0801-00-000	1856617	BREAKFAST FOOD	923.85
	175050		3. 13-5310-0-4700-0000-3700-000-0802-00-000	1856617	ALA CARTE FOOD	294.87
		WARRANT TOTAL				\$3,132.57
80541451	100356/	GOLD TRAIL FEDERATION OF				
		PV-170322	01-0000-0-9573-0000-0000-0000-00-000		DUES DECEMBER 2016	3,533.02
			WARRANT TOTAL			\$3,533.02
80541452	101796/	HILLTOP TREE SERVICE				
		CL-160003	01-8150-0-5600-0000-8100-002-0000-00-000	2131	TREE TRIMMING	1,200.00
			WARRANT TOTAL			\$1,200.00
80541453	100904/	HILLYARD/SACRAMENTO				
	175092	PO-170092	1. 01-0000-0-4300-0000-8100-000-0000-00-000	602334769	CUSTODIAL SUPPLIES	1,549.34
			WARRANT TOTAL			\$1,549.34
80541454	000102/	HM RECEIVABLES CO LLC				
	175101	PO-170101	1. 01-6500-0-4300-5770-1120-000-0000-00-000	952836866	SP ASSESS MATERIAL	1,922.51

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EL DORADO COUNTY OFFICE OF EDUCATION
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DISTRICT: 005 Gold Trail Union School Dist
 BATCH: 7019 GTUSD ACCOUNTS PAYABLE

WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
REQ#	REFERENCE	LN FD RESC Y OBJT	GOAL FUNC LC1 LOC2 L3 SCH	DESCRIPTION		
	175101		1. 01-6500-0-4300-5770-1120-000-0000-00-000 WARRANT TOTAL	952842545	SP ED ASSESS MATERIAL	374.40 \$2,296.91
80541455	101314/	LEGALSHIELD				
	PV-170323		01-0000-0-9576-0000-0000-000-0000-00-000 WARRANT TOTAL	0126086	OCTOBER 2016	51.80 \$51.80
80541456	101854/	LOVE AND LOGIC INSTITUTE				
	175107	PO-170107	2. 01-6264-0-5200-1110-1000-003-0000-00-000	SMR158415	WORKSHOP REGISTRATN	109.00
	175107		2. 01-6264-0-5200-1110-1000-003-0000-00-000	SMR158413	WORKSHOP REGISTRATN	109.00
	175107		1. 01-6264-0-5200-5770-1120-000-0000-00-000 WARRANT TOTAL	SMR158412	WORKSHOP REGISTRATN	109.00 \$327.00
80541457	100146/	MCGRAW-HILL SCHOOL EDUCATION				
	175105	PO-170103	1. 01-6300-0-4100-5770-1120-000-0000-00-000 WARRANT TOTAL	95338572001	SRA READING LABS	2,378.05 \$2,378.05
80541458	004638/	MOORE MEDICAL				
	PV-170324		01-0000-0-4300-0000-3140-000-0000-00-000	83158487	NURSE SUPPLIES	66.53
			01-0000-0-4300-0000-3140-000-0000-00-000 WARRANT TOTAL	83168435	NURSE SUPPLIES	78.68 \$145.21
80541459	100811/	MOTHER LODE REHABILITATION ENT				
	PV-170325		01-0000-0-4300-0000-7200-000-0000-00-000	123007	CONFIDENTIAL SHREDDING	3.50
			01-0000-0-4300-0000-7200-000-0000-00-000 WARRANT TOTAL	123008	CONFIDENTIAL SHREDDING	8.25 \$11.75
80541460	101651/	MYBINDING.COM				
	PO-173064		1. 01-0000-0-4300-1110-1000-003-0000-00-000 WARRANT TOTAL	100613793	GT LAMINATING FILM	220.28 \$220.28
80541461	101500/	OFFICE RELIEF INC				
	175090	PO-170090	1. 01-0000-0-4400-0000-7200-000-0000-00-000 WARRANT TOTAL	15223364	D O OFFICE CHAIRS	969.75 \$969.75

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DISTRICT: 005 Gold Trail Union School Dist
BATCH: 7019 GTUSD ACCOUNTS PAYABLE

WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
REQ#	REFERENCE	LN FD RESC Y OBJT GOAL FUNC	LC1 LOC2 L3 SCH	DESCRIPTION		
80541462	000232/	PACIFIC GAS & ELECTRIC COMPANY	PV-170326 01-0000-0-5540-0000-8100-003-0000-00-000 WARRANT TOTAL	1274317581-7	GT STREET LIGHT	41.69 \$41.69
80541463	077441/	PLACERVILLE GROCERY OUTLET	175051 PO-170051 1. 13-5310-0-4700-0000-3700-000-0800-00-000 175051 2. 13-5310-0-4700-0000-3700-000-0801-00-000 175051 3. 13-5310-0-4700-0000-3700-000-0802-00-000 WARRANT TOTAL	LUNCH FOOD BREAKFAST FOOD ALA CARTE FOOD		114.23 127.60 135.48 \$377.31
80541464	007927/	PLATT ELECTRIC SUPPLY INC	PV-170330 01-6230-0-4300-0000-8100-000-0000-00-000 WARRANT TOTAL	K646450	LED LIGHTS	4,337.63 \$4,337.63
80541465	101855/	PONDEROSA BAND BOOSTERS	PV-170327 01-0000-0-5835-1110-1000-003-0600-00-000 WARRANT TOTAL	GOLD COUNTRY JAZZ FESTIVAL REG		495.00 \$495.00
80541466	014416/	RAPID CARE WALK-IN MEDICAL	PV-170328 01-0000-0-5815-0000-7200-000-0000-00-000 WARRANT TOTAL	1455 NEW EMP TB TESTING		46.00 \$46.00
80541467	100387/	RENAISSANCE LEARNING	PV-170331 01-0600-0-5875-1110-1000-003-1210-00-000 WARRANT TOTAL	4306533 ADD'L STAR READING SUB		13.50 \$13.50
80541468	000895/	SCHOOL SERVICES OF CALIFORNIA	175030 PO-170030 1. 01-0000-0-5800-0000-7200-000-0000-00-000 WARRANT TOTAL	0108826-IN NOV BDGT SVCS		56.00 \$56.00
80541469	100129/	SCHOOL SPECIALTY INC	PO-173070 1. 01-0000-0-4300-0000-2700-003-0000-33-000 WARRANT TOTAL	208117576655 GT STU ADMIT BKS		17.80 \$17.80
80541470	003783/	SFS OF SACRAMENTO INC	175052 PO-170052 1. 13-5310-0-4700-0000-3700-000-0800-00-000	131037369 LUNCH FOOD		817.27

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EL DORADO COUNTY OFFICE OF EDUCATION
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 FOR WARRANTS DATED 12/27/2016

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DISTRICT: 005 Gold Trail Union School Dist
 BATCH: 7019 GTUSD ACCOUNTS PAYABLE

WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
	REQ#	REFERENCE	LN FD RESC Y OBJT GOAL FUNC LC1 LOC2 L3 SCH		DESCRIPTION	
	175052		2. 13-5310-0-4700-0000-3700-000-0801-00-000		131037369 BREAKFAST FOOD	373.36
	175052		3. 13-5310-0-4700-0000-3700-000-0802-00-000		131037369 ALA CARTE FOOD	317.74
			WARRANT TOTAL			\$1,508.37
80541471	023212/	SHELL FLEET MANAGEMENT				
		PV-170329	01-0000-0-4370-0000-3600-000-0000-00-000		8000061765 TRANSP FUEL	4.76
			01-9022-0-4370-0000-3600-000-0000-00-000		8000061765 MV HTS FUEL	9.49
			13-5310-0-4370-0000-3700-000-0000-00-000		8000061765 CAFE FUEL	4.76
			WARRANT TOTAL			\$19.01
80541472	100751/	SIGNATURE WIRELESS GROUP				
	175032	PO-170032	1. 01-0000-0-5800-0000-3600-000-0000-00-000		27400 SMR RPTR SVC 12/16	258.05
			WARRANT TOTAL			\$258.05
80541473	101856/	SIMS METAL MANAGEMENT				
		PV-170332	01-6230-0-4300-0000-8100-000-0000-00-000		TFN VVV METAL DISPOSAL LED PRJC	135.65
			WARRANT TOTAL			\$135.65
80541474	004234/	SKI AIR INCORPORATED				
		PV-170333	01-8150-0-5600-0000-8100-002-0000-00-000		SW31705 SM E4 HVAC REPAIRS	729.42
			01-8150-0-5600-0000-8100-002-0000-00-000		SW31801 SM E BLDG HVAC REPAIRS	555.00
			01-8150-0-5600-0000-8100-003-0000-00-000		SW31775 GT OFC HVAC REPAIRS	110.00
			WARRANT TOTAL			\$1,394.42
80541475	100580/	STAPLES ADVANTAGE				
		PO-173062	1. 01-0000-0-4300-1110-1000-000-0000-00-000		3321562306 COLORED/KRAFT PAPER	231.02
			1. 01-0000-0-4300-1110-1000-000-0000-00-000		3323330530 COLORED/KRAFT PAPER	45.37-
			1. 01-0000-0-4300-1110-1000-000-0000-00-000		3321562305 COLORED/KRAFT PAPER	1,536.50
			WARRANT TOTAL			\$1,722.15
80541476	101027/	MICHELE WAGSTROM				
		PV-170335	01-0000-0-4300-0000-8100-002-0000-00-000		TELEPHONE ROOM LADDER	86.36
			WARRANT TOTAL			\$86.36

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EL DORADO COUNTY OFFICE OF EDUCATION
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 FOR WARRANTS DATED 12/27/2016

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DISTRICT: 005 Gold Trail Union School Dist
 BATCH: 7019 GTUSD ACCOUNTS PAYABLE

WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
REQ#	REFERENCE	LN FD RESC Y OBJT GOAL FUNC	LC1 LOC2 L3 SCH	DESCRIPTION		
80541477	002823/	WAYNE'S LOCKSMITH SERVICE				
		PV-170336	01-0000-0-4300-0000-8100-000-0000-00-000	21988	EXT DAY LOCKS	162.00
			01-0000-0-4300-0000-8100-002-0000-00-000	21550	SM LOCKS/KEYS	181.85
			01-0000-0-4300-0000-8100-003-0000-00-000	21550	GT LOCKS/KEYS	181.85
			WARRANT TOTAL			\$525.70
80541478	005002/	WEST COAST JANITORIAL COMPANY				
		PV-170337	01-0000-0-4300-0000-8100-000-0000-00-000	45625	DIST CUSTODIAL SUPPLIES	113.13
			WARRANT TOTAL			\$113.13
*** BATCH TOTALS ***		TOTAL NUMBER OF CHECKS:	36	TOTAL AMOUNT OF CHECKS:		\$34,502.33*
		TOTAL ACH GENERATED:	0	TOTAL AMOUNT OF ACH:		\$0.00*
		TOTAL EFT GENERATED:	0	TOTAL AMOUNT OF EFT:		\$0.00*
		TOTAL PAYMENTS:	36	TOTAL AMOUNT:		\$34,502.33*
*** DISTRICT TOTALS ***		TOTAL NUMBER OF CHECKS:	36	TOTAL AMOUNT OF CHECKS:		\$34,502.33*
		TOTAL ACH GENERATED:	0	TOTAL AMOUNT OF ACH:		\$0.00*
		TOTAL EFT GENERATED:	0	TOTAL AMOUNT OF EFT:		\$0.00*
		TOTAL PAYMENTS:	36	TOTAL AMOUNT:		\$34,502.33*

AGENDA ITEM Consent

10.3 Personnel**BACKGROUND*****Hiring***

Hilary Mulligan, Instructor: Enrichment (Nature Bowl Grades 3/4), effective 2016-17 school year.

Resignation

S. Cupler, Bus Driver, 4.0 hours per day, effective March 1, 2017.

ATTACHMENTS

➤ None

BUDGETED

NA Yes No Cost Analysis Follows

RECOMMENDATION

Approve the Action.

NOTES

If pulled from Consent

<i>ACTION</i>	<i>Moved</i>	<i>Seconded</i>		
<input type="checkbox"/> <i>Approved as is</i> <input type="checkbox"/> <i>Not approved</i> <input type="checkbox"/> <i>Amended to read:</i>				
<i>Vote</i>	<i>Ayes</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>

AGENDA ITEM Consent

10.4 Quarterly Report on Williams Uniform Complaints

BACKGROUND

Education Code 35186 mandates that districts use the uniform complaint process to help identify and resolve any deficiencies related to instructional materials, teacher vacancy or misassignments, and emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff. A school district shall report summarized data on the nature and resolution of all complaints. These summaries shall be publicly reported to the Board and the County Superintendent of Schools on a quarterly basis, and presented at a regularly scheduled meeting of the governing board of the school district. The complaints and written responses shall be available as public records. *Education Code 35186*

ATTACHMENTS

- **Quarterly Report on Williams Uniform Complaints**

BUDGETED

NA Yes No Cost Analysis Follows

RECOMMENDATION

Approve the report.

If pulled from Consent

ACTION	Moved	Seconded		
<input type="checkbox"/> Approved as is <input type="checkbox"/> Not approved <input type="checkbox"/> Amended to read:				
Vote	Ayes	Noes	Absent	Abstain

Quarterly Report on Williams Uniform Complaints

[Education Code § 35186]

To: Ed Manansala, Ed.D., Superintendent of Schools

District: Gold Trail Union School District

Person completing this form: Joe Murchison Title: Superintendent

Quarterly Report Submission Date:
(check one)

April 2016
 July 2016
 October 2016
 January 2017

Date for information to be reported publicly at governing board meeting: August 4, 2016

Please check the box that applies:

No complaints were filed with any school in the district during the quarter indicated above.

Complaints were filed with schools in the district during the quarter indicated above. The following chart summarizes the nature and resolution of these complaints.

General Subject Area	Total # of Complaints	# Resolved	# Unresolved
Textbooks and Instructional Materials	0	0	0
Teacher Vacancy or Misassignment	0	0	0
Facilities Conditions	0	0	0
TOTALS	0	0	0

Signature of District Superintendent

Date

AGENDA ITEM Consent

10.5 Certification of Signatures

BACKGROUND

Each order drawn on the funds of a school district shall be signed by at least a majority of the members of the governing board of the district, or by a person or persons authorized by the governing board to sign orders in its name. No person other than an officer or employee of the district shall be authorized to sign orders. (EC 42632)

The governing board of each school district shall be responsible for filing or causing to be filed with the county superintendent of schools the verified signature of each person, including members of the governing board, authorized to sign orders in its name. Except for districts determined to be fiscally accountable pursuant to Section 42650, no order on the funds of any school district shall be approved by the county superintendent of schools unless the signatures are on file in his (her) office and he (she) is satisfied that the signatures on the order are those of persons authorized to sign the order. (EC 42633)

This certification is made in accordance of Education Codes 42632 and 42633.

ATTACHMENTS

- **Signature Authority Page**

BUDGETED

NA Yes No Cost Analysis Follows

RECOMMENDATION

Approve district signature authority for calendar year 2017.

If pulled from Consent

ACTION	<i>Moved</i>	<i>Seconded</i>		
<input type="checkbox"/> <i>Approved as is</i> <input type="checkbox"/> <i>Not approved</i> <input type="checkbox"/> <i>Amended to read:</i>				
Vote	<i>Ayes</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>

Gold Trail Union
School District

Certification of Signatures

As clerk/secretary to the governing board of the above named school district, I certify that the signatures shown below in Column 1 are the verified signatures of the members of the governing board. I certify that the signatures as shown in Column 2 are the verified signatures of the person or persons authorized to sign notices of employment, contracts and orders drawn on the funds of the school district. These certifications are made in accordance with the provision of Education Code Sections:

K-12 Districts: 35143, 42632, and 42633

Community College Districts: 72000, 85232, 85233

If persons authorized to sign orders as shown in Column 2 are unable to do so, the law requires the signatures of the majority of the governing board.

These approved signatures are valid for the period of: December 8, 2016 to December 14, 2017 in accordance with Governing Board approval dated January 12, 2017

Signature _____

Clerk (Secretary) to the Board

NOTE: Please TYPE name under signature.

Column 1 Signatures of Members of the Governing Board		Column 2 Signatures of Personnel and/or Members of Governing Board authorized to sign Orders for Salary or Commercial Payments, Notices of Employment, and Contracts
Signature		Signature
Typed Name Sue Hennike		Typed Name Joe Murchison
President of the Board of Trustees/Education		Title Superintendent
Signature		Signature
Typed Name Janet Barbieri		Typed Name Scott Lyons
Clerk/Secretary of the Board of Trustees/Education		Title Principal
Signature		Signature
Typed Name Julie Bauer		Typed Name Wendy Scarlett
Member of the Board of Trustees/Education		Title Chief Fiscal Officer
Signature		Signature
Typed Name Micah Howser		Typed Name
Member of the Board of Trustees/Education		Title
Signature		Signature
Typed Name Daryl Lander		Typed Name
Member of the Board of Trustees/Education		Title
Signature		Signature
Typed Name		Typed Name
Member of the Board of Trustees/Education		Title
Signature		Signature
Typed Name		Typed Name
Member of the Board of Trustees/Education		Title
<i>If the Board has given special instructions for signing warrants or orders, please attach a copy of the resolution to this form.</i>		<i>Number of Signatures required:</i>
		Orders for Salary Payments 1 Orders for Commercial Payments 1
		Notices of Employment 1 Contracts 1

AGENDA ITEM 11.0**ACTION ITEM: 2015-16 Audit Report****BACKGROUND**

Wendy Scarlett, CFO, will present the annual audit report to the Board.

ATTACHMENTS

- **2015-16 Gold Trail Union School District Independent Audit Report**

BUDGETED

NA Yes No Cost Analysis Follows

RECOMMENDATION

Accept the report.

NOTES

<i>ACTION</i>	<i>Moved</i>	<i>Seconded</i>		
<input type="checkbox"/> <i>Approved as is</i> <input type="checkbox"/> <i>Not approved</i> <input type="checkbox"/> <i>Amended to read:</i>				
<i>Vote</i>	<i>Ayes</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>

GOLD TRAIL UNION SCHOOL DISTRICT

AUDIT REPORT

JUNE 30, 2016

San Diego
Los Angeles
San Francisco
Bay Area

christy white
A PROFESSIONAL
ACCOUNTANCY CORPORATION
associates

GOLD TRAIL UNION SCHOOL DISTRICT
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GOLD TRAIL UNION SCHOOL DISTRICT

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FINANCIAL SECTION

INDEPENDENT AUDITORS' REPORT

Christy White, CPA

Michael Ash, CPA

Heather Rubio

Governing Board
Gold Trail Union School District
Placerville, California

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the major fund, and the aggregate remaining fund information of the Gold Trail Union School District, as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the Gold Trail Union School District's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

SAN DIEGO
LOS ANGELES
SAN FRANCISCO/BAY AREA

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www.christywhite.com

Licensed by the California
State Board of Accountancy

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the major fund, and the aggregate remaining fund information of Gold Trail Union School District, as of June 30, 2016, and the respective changes in financial position thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the required supplementary information, such as management's discussion and analysis, budgetary comparison information, schedules of proportionate share of net pension liability, and schedules of District contributions for pensions be presented to supplement the basic financial statements. Such information, although not part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Gold Trail Union School District's basic financial statements. The supplementary information listed in the table of contents is presented for purposes of additional analysis and is not a required part of the basic financial statements.

The supplementary information listed in the table of contents is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the supplementary information is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated October 25, 2016 on our consideration of Gold Trail Union School District's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Gold Trail Union School District's internal control over financial reporting and compliance.

Christy White Associates

San Diego, California
October 25, 2016

GOLD TRAIL UNION SCHOOL DISTRICT MANAGEMENT'S DISCUSSION AND ANALYSIS

INTRODUCTION

Gold Trail Union School District operates two elementary schools serving families residing within a 45 square mile area of rural Placerville in El Dorado County. Gold Trail Elementary School serves grades 4 through 8 and is located one mile south of the Marshall Gold State Historic Park. The school site is completely encircled by a 272 acre property protected by a conservation easement for its property and historical value by the American River Conservancy. Sutter's Mill Elementary School serves grades K through 3 and is located four miles from Gold Trail Elementary.

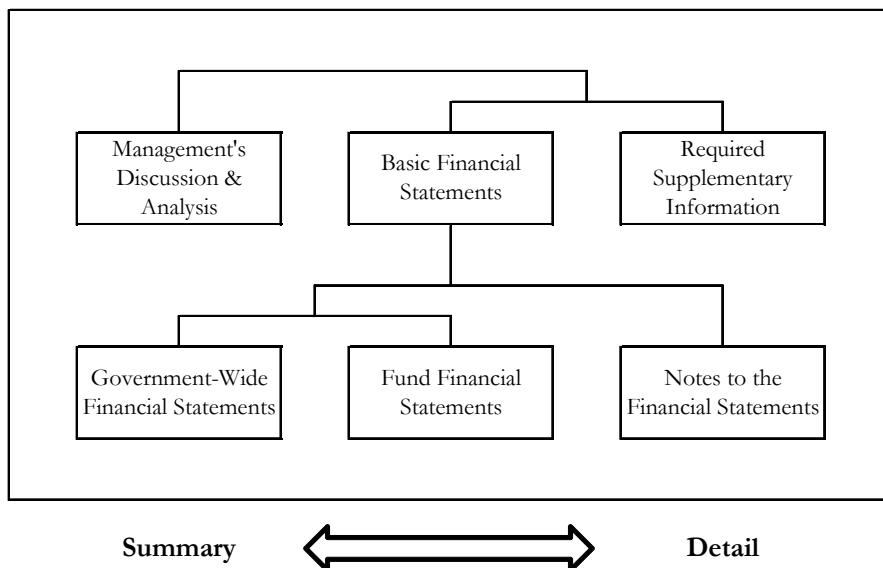
Our discussion and analysis of Gold Trail Union School District's (District) financial performance provides an overview of the District's financial activities for the fiscal year ended June 30, 2016. It should be read in conjunction with the District's financial statements, which follow this section.

FINANCIAL HIGHLIGHTS

- The District's total net position was \$713,773 at June 30, 2016. This was a decrease of \$782,351 from the prior year's net position.
- Overall expenses were \$7,082,700, which exceeded revenues of \$6,300,349.
- P-2 average daily attendance (ADA) was 613 in 2015-16 and 615 in 2014-15, a decrease of 2 ADA.

OVERVIEW OF FINANCIAL STATEMENTS

Components of the Financials Section



GOLD TRAIL UNION SCHOOL DISTRICT
MANAGEMENT'S DISCUSSION AND ANALYSIS, continued
FOR THE YEAR ENDED JUNE 30, 2016

This annual report consists of three parts – Management's Discussion and Analysis (this section), the basic financial statements, and required supplementary information. The three sections together provide a comprehensive overview of the District. The basic financial statements are comprised of two kinds of statements that present financial information from different perspectives:

- **Government-wide financial statements**, which comprise the first two statements, provide both short-term and long-term information about the entity's overall financial position.
- **Fund financial statements** focus on reporting the individual parts of District operations in more detail. The fund financial statements comprise the remaining statements.
 - ▶ **Governmental Funds** provide a detailed *short-term* view that helps you determine whether there are more or fewer financial resources that can be spent in the near future to finance the District's programs.
 - ▶ **Fiduciary Funds** report balances for which the District is a custodian or *trustee* of the funds, such as Associated Student Bodies and pension funds.

The financial statements also include notes that explain some of the information in the statements and provide more detailed data. The basic financial statements are followed by a section of required and other supplementary information that further explain and support the financial statements.

Government-Wide Statements

The government-wide statements report information about the District as a whole using accounting methods similar to those used by private-sector companies. The statement of net position includes all of the government's assets and liabilities. All of the current year's revenues and expenses are accounted for in the statement of activities, regardless of when cash is received or paid.

The two government-wide statements report the District's net position and how it has changed. Net position is one way to measure the District's financial health. Over time, increases or decreases in the District's net position are an indicator of whether its financial health is improving or deteriorating, respectively.

The government-wide financial statements of the District include governmental activities. All of the District's basic services are included here, such as regular education, food service, maintenance and general administration. Local control formula funding and federal and state grants finance most of these activities.

GOLD TRAIL UNION SCHOOL DISTRICT
MANAGEMENT'S DISCUSSION AND ANALYSIS, continued
FOR THE YEAR ENDED JUNE 30, 2016

FINANCIAL ANALYSIS OF THE ENTITY AS A WHOLE

Net Position

The District's net position was \$713,773 at June 30, 2016, as reflected in table below. Of this amount, negative \$4,430,446 was unrestricted. Restricted net position is reported separately to show legal constraints from debt covenants and enabling legislation that limit the Governing Board's ability to use that net position for day-to-day operations.

	Governmental Activities		
	2016	2015	Net Change
ASSETS			
Current and other assets	\$ 842,190	\$ 786,316	\$ 55,874
Capital assets	6,139,487	6,205,536	(66,049)
Total Assets	6,981,677	6,991,852	(10,175)
DEFERRED OUTFLOWS OF RESOURCES	477,981	423,605	54,376
LIABILITIES			
Current liabilities	281,493	263,161	18,332
Long-term liabilities	5,649,148	4,757,205	891,943
Total Liabilities	5,930,641	5,020,366	910,275
DEFERRED INFLOWS OF RESOURCES	815,244	898,967	(83,723)
NET POSITION			
Net investment in capital assets	4,911,072	4,850,001	61,071
Restricted	233,147	180,256	52,891
Unrestricted	(4,430,446)	(3,534,133)	(896,313)
Total Net Position	\$ 713,773	\$ 1,496,124	\$ (782,351)

**GOLD TRAIL UNION SCHOOL DISTRICT
MANAGEMENT'S DISCUSSION AND ANALYSIS, continued
FOR THE YEAR ENDED JUNE 30, 2016**

FINANCIAL ANALYSIS OF THE ENTITY AS A WHOLE (continued)

Changes in Net Position

The results of this year's operations for the District as a whole are reported in the Statement of Activities. The table below reorganizes the information from the Statement of Activities to illustrate total revenues, expenses, and special items for the year.

	Governmental Activities		
	2016	2015	Net Change
REVENUES			
Program revenues			
Charges for services	\$ 116,370	\$ 137,156	\$ (20,786)
Operating grants and contributions	684,565	571,314	113,251
General revenues			
Property taxes	1,857,880	1,670,023	187,857
Unrestricted federal and state aid	3,395,610	2,878,510	517,100
Other	245,924	358,128	(112,204)
Total Revenues	6,300,349	5,615,131	685,218
EXPENSES			
Instruction	4,562,115	3,385,753	1,176,362
Instruction-related services	543,108	439,564	103,544
Pupil services	677,637	555,825	121,812
General administration	391,668	337,673	53,995
Plant services	573,830	440,893	132,937
Ancillary and community services	42,264	43,467	(1,203)
Debt service	37,423	81,849	(44,426)
Other Outgo	19,218	7,951	11,267
Depreciation	235,437	221,081	14,356
Total Expenses	7,082,700	5,514,056	1,568,644
Change in net position	(782,351)	101,075	(883,426)
Net Position - Beginning*	1,496,124	1,395,049	101,075
Net Position - Ending	\$ 713,773	\$ 1,496,124	\$ (782,351)

* Beginning Net Position was restated for the 2015 year only

The total cost of governmental activities this year was \$7,082,700 (refer to the table above). The amount that our taxpayers ultimately financed for these activities through property taxes was \$1,857,880. Federal and State aid not restricted to specific purpose was \$3,395,610. State and Federal categorical revenue totaled \$684,565 and charges for services and local contributions were \$116,370 and \$245,924 respectively.

**GOLD TRAIL UNION SCHOOL DISTRICT
MANAGEMENT'S DISCUSSION AND ANALYSIS, continued
FOR THE YEAR ENDED JUNE 30, 2016**

FINANCIAL ANALYSIS OF THE ENTITY AS A WHOLE (continued)

The cost of governmental activities (\$7,082,700) as reduced by charges for services, and operating grants and contributions totaling \$800,935 represents the Net Costs of Services. This table shows the financial burden that was placed on the District's taxpayers by each of the functions listed below. Providing this information allows our citizens to consider the cost of each function in comparison to the benefits provided by that function.

	Net Cost of Services	
	2016	2015
Instruction	\$ 4,048,686	\$ 2,960,887
Instruction-related services	514,040	418,698
Pupil services	484,397	365,306
General administration	372,138	321,683
Plant services	565,101	432,199
Ancillary and community services	41,025	41,481
Debt service	37,423	81,849
Transfers to other agencies	(16,482)	(37,598)
Depreciation	235,437	221,081
Total Expenses	\$ 6,281,765	\$ 4,805,586

CURRENT YEAR BUDGET 2015-16

During the fiscal year, budget revisions and appropriation transfers are presented to the Board for their approval on a monthly basis to reflect changes to both revenues and expenditures that become known during the year. In addition, the Board of Education approves financial projections included with the Adopted Budget, First Interim, and Second Interim financial reports. The Unaudited Actuals reflect the District's financial projections and current budget based on State and local financial information.

FINANCIAL ANALYSIS OF THE DISTRICT'S MAJOR FUNDS

The financial performance of the District as a whole is reflected in its governmental funds as well. As the District completed this year, its governmental funds reported a combined fund balance of \$769,874, which is more than last year's ending fund balance of \$728,056. The District's General Fund had \$70,716 more in operating revenues than expenditures for the year ended June 30, 2016.

GOLD TRAIL UNION SCHOOL DISTRICT
MANAGEMENT'S DISCUSSION AND ANALYSIS, continued
FOR THE YEAR ENDED JUNE 30, 2016

CAPITAL ASSET AND DEBT ADMINISTRATION

Capital Assets

By the end of 2015-16 the District had invested \$6,139,487 in capital assets, net of accumulated depreciation.

	Governmental Activities		
	2016	2015	Net Change
CAPITAL ASSETS			
Land	\$ 271,706	\$ 271,706	\$ -
Construction in progress	-	12,893	(12,893)
Land improvements	487,869	361,252	126,617
Buildings & improvements	8,706,363	8,665,699	40,664
Furniture & equipment	1,436,014	1,421,014	15,000
Accumulated depreciation	(4,762,465)	(4,527,028)	(235,437)
Total Capital Assets	\$ 6,139,487	\$ 6,205,536	\$ (66,049)

Long-Term Debt

At year-end, the District had \$5,649,148 in long-term debt, an increase of 891,943 from last year – as shown in the table below. (More detailed information about the District's long-term liabilities is presented in footnotes to the financial statements.)

	Governmental Activities		
	2016	2015	Net Change
LONG-TERM LIABILITIES			
Total general obligation bonds	\$ 1,155,000	\$ 1,235,000	\$ (80,000)
Capital leases	87,200	120,535	(33,335)
Early retirement incentive	249,526	208,948	40,578
Compensated absences	24,495	27,704	(3,209)
Class size reduction payback	61,581	76,977	(15,396)
Net pension liability	4,277,953	3,290,194	987,759
Less: current portion of long-term debt	(206,607)	(202,153)	(4,454)
Total Long-term Liabilities	\$ 5,649,148	\$ 4,757,205	\$ 891,943

**GOLD TRAIL UNION SCHOOL DISTRICT
MANAGEMENT'S DISCUSSION AND ANALYSIS, continued
FOR THE YEAR ENDED JUNE 30, 2016**

ECONOMIC FACTORS AND NEXT YEAR'S BUDGET

At the time these financial statements were prepared and audited, the District was aware of several circumstances that could affect its future financial health.

Landmark legislation passed in Year 2013 reformed California school district finance by creating the Local Control Funding Formula (LCFF). The District continues to analyze the impact of the LCFF on funding for our program offerings and services. The LCFF is designed to provide a flexible funding mechanism that links student achievement to state funding levels. The LCFF provides a per pupil base grant amount, by grade span, that is augmented by supplemental funding for targeted student groups in low income brackets, those that are English language learners and foster youth. The State anticipates all school districts to reach the statewide targeted base funding levels by 2020-21 but the annual amount funded to meet the target is uncertain.

Factors related to LCFF that the District is monitoring includes: (1) estimates of funding in the next budget year and beyond; (2) the Local Control and Accountability Plan (LCAP) that aims to link student accountability measurements to funding allocations; (3) ensuring the integrity of reporting student data through the California Longitudinal Pupil Achievement Data System (CALPADS); and, (4) meeting annual compliance and audit requirements.

The State's economy is expected to grow faster than the national economy with unemployment dropping. Personal income is expected to grow 3.6%; according to the UCLA Anderson Economic Forecast, April 2016. The ability of the State to fund the LCFF and other programs is largely dependent on the strength of the State's economy and while positive remains uncertain.

The District participates in state employee pensions plans, PERS and STRS, and both are underfunded. The District's proportionate share of the liability is reported in the Statement of Financial Position as of June 30, 2016. The amount of the liability is material to the financial position of the District. To address the underfunding issues, the pension plans continue to raise employer rates in future years and the increased costs are significant.

Enrollment can fluctuate due to factors such as population growth, competition from private, parochial, inter-district transfers in or out, economic conditions and housing values. Losses in enrollment will cause a school district to lose operating revenues without necessarily permitting the district to make adjustments in fixed operating costs.

All of these factors were considered in preparing the District's budget for the 2016-17 fiscal year.

CONTACTING THE DISTRICT'S FINANCIAL MANAGEMENT

This financial report is designed to provide our citizens, taxpayers, students, and investors and creditors with a general overview of the District's finances and to show the District's accountability for the money it receives. If you have questions about this report or need any additional financial information, contact Wendy Scarlett, Chief Financial Officer at 530-626-3194 extension 235 or wscarlett@gtusd.org.

GOLD TRAIL UNION SCHOOL DISTRICT
STATEMENT OF NET POSITION
JUNE 30, 2016

	Governmental Activities
ASSETS	
Cash and investments	\$ 741,485
Accounts receivable	98,698
Inventory	2,007
Capital assets, not depreciated	271,706
Capital assets, net of accumulated depreciation	5,867,781
Total Assets	6,981,677
DEFERRED OUTFLOWS OF RESOURCES	
Deferred outflows related to pensions	464,196
Deferred amount on refunding	13,785
Total Deferred Outflows of Resources	477,981
LIABILITIES	
Deficit cash	671
Accrued liabilities	74,215
Long-term liabilities, current portion	206,607
Long-term liabilities, non-current portion	5,649,148
Total Liabilities	5,930,641
DEFERRED INFLOWS OF RESOURCES	
Deferred inflows related to pensions	815,244
Total Deferred Inflows of Resources	815,244
NET POSITION	
Net investment in capital assets	4,911,072
Restricted:	
Capital projects	106,672
Debt service	17,832
Educational programs	95,718
All others	12,925
Unrestricted	(4,430,446)
Total Net Position	\$ 713,773

GOLD TRAIL UNION SCHOOL DISTRICT
STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2016

Function/Programs	Program Revenues			Net (Expenses) Revenues and Changes in Net Position	
	Expenses	Operating		Governmental Activities	
		Charges for Services	Grants and Contributions		
GOVERNMENTAL ACTIVITIES					
Instruction	\$ 4,562,115	\$ 14,788	\$ 498,641	\$ (4,048,686)	
Instruction-related services					
Instructional supervision and administration	37,119	-	1,320	(35,799)	
Instructional library, media, and technology	23,442	-	521	(22,921)	
School site administration	482,547	-	27,227	(455,320)	
Pupil services					
Home-to-school transportation	325,463	1,261	425	(323,777)	
Food services	215,610	70,177	117,744	(27,689)	
All other pupil services	136,564	-	3,633	(132,931)	
General administration					
All other general administration	391,668	4,010	15,520	(372,138)	
Plant services	573,830	-	8,729	(565,101)	
Ancillary services	42,264	-	1,239	(41,025)	
Interest on long-term debt	37,423	-	-	(37,423)	
Other Outgo	19,218	26,134	9,566	16,482	
Depreciation (unallocated)	235,437	-	-	(235,437)	
Total Governmental Activities	\$ 7,082,700	\$ 116,370	\$ 684,565	\$ (6,281,765)	
General revenues					
Taxes and subventions					
Property taxes, levied for general purposes				1,760,316	
Property taxes, levied for debt service				97,541	
Property taxes, levied for other specific purposes				23	
Federal and state aid not restricted for specific purposes				3,395,610	
Interest and investment earnings				2,640	
Interagency revenues				8,028	
Miscellaneous				235,256	
Subtotal, General Revenue				5,499,414	
CHANGE IN NET POSITION				(782,351)	
Net Position - Beginning				1,496,124	
Net Position - Ending				\$ 713,773	

The accompanying notes are an integral part of these financial statements.

GOLD TRAIL UNION SCHOOL DISTRICT
GOVERNMENTAL FUNDS
BALANCE SHEET
JUNE 30, 2016

	General Fund	Non-Major Governmental Funds	Total Governmental Funds
ASSETS			
Cash and investments	\$ 614,411	\$ 127,074	\$ 741,485
Accounts receivable	82,659	16,039	98,698
Stores inventory	-	2,007	2,007
Total Assets	\$ 697,070	\$ 145,120	\$ 842,190
LIABILITIES			
Deficit cash	\$ -	\$ 671	\$ 671
Accrued liabilities	69,202	2,443	71,645
Total Liabilities	69,202	3,114	72,316
FUND BALANCES			
Nonspendable	100	2,007	2,107
Restricted	95,718	139,999	235,717
Assigned	295,243	-	295,243
Unassigned	236,807	-	236,807
Total Fund Balances	627,868	142,006	769,874
Total Liabilities and Fund Balances	\$ 697,070	\$ 145,120	\$ 842,190

The accompanying notes are an integral part of these financial statements.

GOLD TRAIL UNION SCHOOL DISTRICT
RECONCILIATION OF THE GOVERNMENTAL FUNDS BALANCE SHEET TO THE STATEMENT
OF NET POSITION
JUNE 30, 2016

Total Fund Balance - Governmental Funds \$ 769,874

Amounts reported for assets and liabilities for governmental activities in the statement of net position are different from amounts reported in governmental funds because:

Capital assets:

In governmental funds, only current assets are reported. In the statement of net position, all assets are reported, including capital assets and accumulated depreciation:

Capital assets	\$ 10,901,952
Accumulated depreciation	<u>(4,762,465)</u>
	6,139,487

Deferred amount on refunding:

In governmental funds, the net effect of refunding bonds is recognized when debt is issued, whereas this amount is deferred and amortized in the government-wide financial statements:

13,785

Unmatured interest on long-term debt:

In governmental funds, interest on long-term debt is not recognized until the period in which it matures and is paid. In the government-wide statement of activities, it is recognized in the period that it is incurred. The additional liability for unmatured interest owing at the end of the period was:

(2,570)

Long-term liabilities:

In governmental funds, only current liabilities are reported. In the statement of net position, all liabilities, including long-term liabilities, are reported. Long-term liabilities relating to governmental activities consist of:

Total general obligation bonds	\$ 1,155,000
Capital leases	87,200
Early retirement incentive	249,526
Compensated absences	24,495
Class size reduction payback	61,581
Net pension liability	<u>4,277,953</u>
	(5,855,755)

Deferred outflows and inflows of resources relating to pensions:

In governmental funds, deferred outflows and inflows of resources relating to pensions are not reported because they are applicable to future periods.

In the statement of net position, deferred outflows and inflows of resources relating to pensions are reported.

Deferred outflows of resources related to pensions	\$ 464,196
Deferred inflows of resources related to pensions	<u>(815,244)</u>
	(351,048)

Total Net Position - Governmental Activities \$ 713,773

GOLD TRAIL UNION SCHOOL DISTRICT
GOVERNMENTAL FUNDS
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
FOR THE YEAR ENDED JUNE 30, 2016

	General Fund	Non-Major Governmental Funds	Total Governmental Funds
REVENUES			
LCFF sources	\$ 4,702,604	\$ -	\$ 4,702,604
Federal sources	174,092	113,275	287,367
Other state sources	676,386	9,471	685,857
Other local sources	417,675	212,173	629,848
Total Revenues	5,970,757	334,919	6,305,676
EXPENDITURES			
Current			
Instruction	3,836,047	-	3,836,047
Instruction-related services			
Instructional supervision and administration	29,752	-	29,752
Instructional library, media, and technology	22,303	-	22,303
School site administration	435,250	-	435,250
Pupil services			
Home-to-school transportation	323,365	-	323,365
Food services	-	208,006	208,006
All other pupil services	124,773	-	124,773
General administration			
All other general administration	361,181	10,125	371,306
Plant services	552,106	-	552,106
Facilities acquisition and maintenance	154,390	-	154,390
Ancillary services	37,555	-	37,555
Transfers to other agencies	18,069	-	18,069
Debt service			
Principal	5,250	108,085	113,335
Interest and other	-	37,601	37,601
Total Expenditures	5,900,041	363,817	6,263,858
Excess (Deficiency) of Revenues			
Over Expenditures	70,716	(28,898)	41,818
Other Financing Sources (Uses)			
Transfers in	-	40,000	40,000
Transfers out	(40,000)	-	(40,000)
Net Financing Sources (Uses)	(40,000)	40,000	-
NET CHANGE IN FUND BALANCE			
Fund Balance - Beginning	30,716	11,102	41,818
Fund Balance - Ending	597,152	130,904	728,056
	\$ 627,868	\$ 142,006	\$ 769,874

The accompanying notes are an integral part of these financial statements.

GOLD TRAIL UNION SCHOOL DISTRICT
RECONCILIATION OF THE GOVERNMENTAL FUNDS STATEMENT OF REVENUES,
EXPENDITURES, AND CHANGES IN FUND BALANCES TO THE STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2016

Net Change in Fund Balances - Governmental Funds \$ 41,818

Amounts reported for governmental activities in the statement of activities are different from amounts reported in governmental funds because:

Capital outlay:

In governmental funds, the costs of capital assets are reported as expenditures in the period when the assets are acquired. In the statement of activities, costs of capital assets are allocated over their estimated useful lives as depreciation expense. The difference between capital outlay expenditures and depreciation expense for the period is:

Expenditures for capital outlay:	\$ 169,388	
Depreciation expense:	<u>(235,437)</u>	(66,049)

Debt service:

In governmental funds, repayments of long-term debt are reported as expenditures. In the government-wide statements, repayments of long-term debt are reported as reductions of liabilities. Expenditures for repayment of the principal portion of long-term debt were:

113,335

Deferred amounts on refunding:

In governmental funds, deferred amounts on refunding are recognized in the period they are incurred. In the government-wide statements, the deferred amounts on refunding are amortized over the life of the debt. The net effect of the deferred amounts on refunding during the period was:

(1,149)

Unmatured interest on long-term debt:

In governmental funds, interest on long-term debt is recognized in the period that it becomes due. In the government-wide statement of activities, it is recognized in the period it is incurred. Unmatured interest owing at the end of the period, less matured interest paid during the period but owing from the prior period, was:

178

Compensated absences:

In governmental funds, compensated absences are measured by the amounts paid during the period. In the statement of activities, compensated absences are measured by the amount earned. The difference between compensated absences paid and compensated absences earned, was:

3,209

GOLD TRAIL UNION SCHOOL DISTRICT
RECONCILIATION OF THE GOVERNMENTAL FUNDS STATEMENT OF REVENUES,
EXPENDITURES, AND CHANGES IN FUND BALANCES TO THE STATEMENT OF
ACTIVITIES, continued
FOR THE YEAR ENDED JUNE 30, 2016

Other expenditures relating to prior periods:

Certain expenditures recognized in governmental funds relate to prior periods.

Typical examples are payments on structured legal settlements or retirement incentives paid over time. These expenditures are recognized in the government-wide statement of activities in the period in which the obligations were first incurred, so they must not be recognized again in the current period.

Expenditures relating to prior periods (describe below) were:

88,818

Pensions:

In governmental funds, pension costs are recognized when employer contributions are made, in the government-wide statement of activities, pension costs are recognized on the accrual basis. This year, the difference between accrual-basis pension costs and employer contributions was:

(848,511)

Other liabilities not normally liquidated with current financial resources:

In the government-wide statements, expenses must be accrued in connection with any liabilities incurred during the period that are not expected to be liquidated with current financial resources. Examples include special termination benefits such as retirement incentives financed over time, and structured legal settlements. This year, expenses incurred for such obligations were:

(114,000)

Change in Net Position of Governmental Activities	<hr/> <hr/> <hr/>	\$	(782,351)
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**GOLD TRAIL UNION SCHOOL DISTRICT
FIDUCIARY FUNDS
STATEMENT OF NET POSITION
JUNE 30, 2016**

	<u>Agency Funds</u>	
	<u>Student Body</u>	
	<u>Fund</u>	
ASSETS		
Cash and investments	\$ 21,020	
Total Assets	<u>\$ 21,020</u>	
LIABILITIES		
Due to student groups	\$ 21,020	
Total Liabilities	<u>\$ 21,020</u>	

The accompanying notes are an integral part of these financial statements.

GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2016

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Financial Reporting Entity

The Gold Trail Union School District (the “District”) accounts for its financial transactions in accordance with the policies and procedures of the Department of Education’s *California School Accounting Manual*. The accounting policies of the District conform to generally accepted accounting principles as prescribed by the Governmental Accounting Standards Board (GASB) and the American Institute of Certified Public Accountants (AICPA).

The District operates under a locally elected Board form of government and provides educational services to grades K-8 as mandated by the state. A reporting entity is comprised of the primary government, component units, and other organizations that are included to ensure the financial statements are not misleading. The primary government of the District consists of all funds, departments and agencies that are not legally separate from the District. For the District, this includes general operations, food service, and student-related activities.

B. Component Units

Component units are legally separate organizations for which the District is financially accountable. Component units may also include organizations that are fiscally dependent on the District in that the District approves their budget, the issuance of their debt or the levying of their taxes. In addition, component units are other legally separate organizations for which the District is not financially accountable but the nature and significance of the organization’s relationship with the District is such that exclusion would cause the District’s financial statements to be misleading or incomplete. The District has no such component units.

C. Basis of Presentation

Government-Wide Statements. The statement of net position and the statement of activities display information about the primary government (the District). These statements include the financial activities of the overall government, except for fiduciary activities. Eliminations have been made to minimize the double-counting of internal activities. Governmental activities generally are financed through taxes, intergovernmental revenue, and other non-exchange transactions.

The statement of activities presents a comparison between direct expenses and program revenue for each function of the District’s governmental activities. Direct expenses are those that are specifically associated with a program or function and, therefore, are clearly identifiable to a particular function. Indirect expense allocations that have been made in the funds have been reserved for the statement of activities. Program revenues include charges paid by the recipients of the goods or services offered by the programs and grants and contributions that are restricted to meeting of operational or capital requirements of a particular program. Revenues that are not classified as program revenues are presented as general revenues. The comparison of program revenues and expenses identifies the extent to which each program or business segment is self-financing or draws from the general revenues of the District.

GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2016

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

C. Basis of Presentation (continued)

Fund Financial Statements. The fund financial statements provide information about the District's funds, including its fiduciary funds. Separate statements for each fund category – governmental and fiduciary – are presented. The emphasis of fund financial statements is on major governmental funds, each displayed in a separate column. All remaining governmental funds are aggregated and reported as non-major funds.

Governmental funds are used to account for activities that are governmental in nature. Governmental activities are typically tax-supported and include education of pupils, operation of food service and child development programs, construction and maintenance of school facilities, and repayment of long-term debt.

Fiduciary funds are used to account for assets held by the District in a trustee or agency capacity for others that cannot be used to support the District's own programs.

Major Governmental Funds

General Fund: The General Fund is the main operating fund of the District. It is used to account for all activities except those that are required to be accounted for in another fund. In keeping with the minimum number of funds principle, all of the District's activities are reported in the General Fund unless there is a compelling reason to account for an activity in another fund. A District may have only one General Fund.

Non-Major Governmental Funds

Special Revenue Funds: Special revenue funds are used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditures for specified purposes other than debt service or capital projects. The District maintains the following special revenue funds:

Cafeteria Special Revenue Fund: This fund is used to account separately for federal, state, and local resources to operate the food service program (*Education Code Sections 38090–38093*). The Cafeteria Special Revenue Fund shall be used only for those expenditures authorized by the governing board as necessary for the operation of the District's food service program (*Education Code Sections 38091 and 38100*).

Capital Project Funds: Capital project funds are established to account for financial resources to be used for the acquisition or construction of major capital facilities (other than those financed by proprietary funds and trust funds).

Capital Facilities Fund: This fund is used primarily to account separately for moneys received from fees levied on developers or other agencies as a condition of approving a development (*Education Code Sections 17620–17626*). The authority for these levies may be county/city ordinances (*Government Code Sections 65970–65981*) or private agreements between the District and the developer. Interest earned in the Capital Facilities Fund is restricted to that fund (*Government Code Section 66006*).

GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2016

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

C. Basis of Presentation (continued)

Non-Major Governmental Funds (continued)

Capital Project Funds (continued):

County School Facilities Fund: This fund is established pursuant to *Education Code Section 17070.43* to receive apportionments from the 1998 State School Facilities Fund (Proposition 1A), the 2002 State School Facilities Fund (Proposition 47), or the 2004 State School Facilities Fund (Proposition 55) authorized by the State Allocation Board for new school facility construction, modernization projects, and facility hardship grants, as provided in the Leroy F. Greene School Facilities Act of 1998 (*Education Code Section 17070 et seq.*).

Special Reserve Fund for Capital Outlay Projects: This fund exists primarily to provide for the accumulation of General Fund moneys for capital outlay purposes (*Education Code Section 42840*).

Debt Service Funds: Debt service funds are established to account for the accumulation of resources for and the payment of principal and interest on general long-term debt.

Bond Interest and Redemption Fund: This fund is used for the repayment of bonds issued for the District (*Education Code Sections 15125–15262*). The board of supervisors of the county issues the bonds. The proceeds from the sale of the bonds are deposited in the county treasury to the Building Fund of the District. Any premiums or accrued interest received from the sale of the bonds must be deposited in the Bond Interest and Redemption Fund of the District. The county auditor maintains control over the District's Bond Interest and Redemption Fund. The principal and interest on the bonds must be paid by the county treasurer from taxes levied by the county auditor-controller.

Fiduciary Funds

Trust and Agency Funds: Trust and agency funds are used to account for assets held in a trustee or agent capacity for others that cannot be used to support the District's own programs. The key distinction between trust and agency funds is that trust funds are subject to a trust agreement that affects the degree of management involvement and the length of time that the resources are held.

Student Body Fund: The Student Body Fund is an agency fund and, therefore, consists only of accounts such as cash and balancing liability accounts, such as due to student groups. The student body itself maintains its own general fund, which accounts for the transactions of that entity in raising and expending money to promote the general welfare, morale, and educational experiences of the student body (*Education Code Sections 48930–48938*).

**GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2016**

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

D. Basis of Accounting – Measurement Focus

Government-Wide and Fiduciary Financial Statements

The government-wide and fiduciary fund financial statements are reported using the economic resources measurement focus. The government-wide and fiduciary fund financial statements are reported using the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded at the time liabilities are incurred, regardless of when the related cash flows take place.

Net Position equals assets and deferred outflows of resources minus liabilities and deferred inflows of resources. Net investment in capital assets consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any borrowings used for the acquisition, construction or improvement of those assets. The net position should be reported as restricted when constraints placed on its use are either externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments or imposed by law through constitutional provisions or enabling legislation. The net position restricted for other activities results from special revenue funds and the restrictions on their use.

Governmental Funds

Basis of accounting refers to when revenues and expenditures are recognized in the accounts and reported in the financial statements. Governmental funds use the modified accrual basis of accounting.

Revenues – Exchange and Non-Exchange Transactions

Revenue resulting from exchange transactions, in which each party gives and receives essentially equal value, is recorded under the accrual basis when the exchange takes place. On a modified accrual basis, revenue is recorded in the fiscal year in which the resources are measurable and become available. “Available” means the resources will be collected within the current fiscal year or are expected to be collected soon enough thereafter to be used to pay liabilities of the current fiscal year. Generally, “available” means collectible within the current period or within 60 days after year-end. However, to achieve comparability of reporting among California school districts and so as not to distort normal revenue patterns, with specific respect to reimbursement grants and corrections to State-aid apportionments, the California Department of Education has defined available for school districts as collectible within one year.

Non-exchange transactions, in which the District receives value without directly giving equal value in return, include property taxes, grants, and entitlements. Under the accrual basis, revenue from property taxes is recognized in the fiscal year for which the taxes are levied. Revenue from the grants and entitlements is recognized in the fiscal year in which all eligibility requirements have been satisfied.

Eligibility requirements include timing requirements, which specify the year when the resources are to be used or the fiscal year when use is first permitted; matching requirements, in which the District must provide local resources to be used for a specific purpose; and expenditure requirements, in which the resources are provided to the District on a reimbursement basis. Under the modified accrual basis, revenue from non-exchange transactions must also be available before it can be recognized.

**GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2016**

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

D. Basis of Accounting – Measurement Focus (continued)

Expenses/Expenditures

On the accrual basis of accounting, expenses are recognized at the time a liability is incurred. On the modified accrual basis of accounting, expenditures are generally recognized in the accounting period in which the related fund liability is incurred, as under the accrual basis of accounting. However, under the modified accrual basis of accounting, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due. Allocations of cost, such as depreciation and amortization, are not recognized in the governmental funds. When both restricted and unrestricted resources are available for use, it is the District's policy to use restricted resources first, then unrestricted resources as they are needed.

E. Assets, Deferred Outflows of Resources, Liabilities, Deferred Inflows of Resources, Fund Balance and Net Position

Cash and Cash Equivalents

The District's cash and cash equivalents consist of cash on hand, demand deposits and short-term investments with original maturities of three months or less from the date of acquisition.

Inventories

Inventories are recorded as expenditures when consumed rather than when purchased. Inventories are valued at historical cost and consist of expendable supplies held for consumption.

Capital Assets

The accounting and reporting treatment applied to the capital assets associated with a fund is determined by its measurement focus. Capital assets are reported in the governmental activities column of the government-wide statement of net position, but are not reported in the fund financial statements.

Capital assets are capitalized at cost (or estimated historical cost) and updated for additions and retirements during the year. Donated fixed assets are recorded at their acquisition value as of the date received. The District maintains a capitalization threshold of \$5,000. The District does not own any infrastructure as defined in GASB Statement No. 34. Improvements are capitalized; the costs of normal maintenance and repairs that do not add to the value of the asset or materially extend an asset's life are not capitalized. All reported capital assets, except for land and construction in progress, are depreciated. Improvements are depreciated over the remaining useful lives of the related capital assets. Depreciation is computed using the straight-line method over the following estimated useful lives:

<u>Asset Class</u>	<u>Estimated Useful Life</u>
Buildings	15-50 years
Site Improvements	20 years
Equipment	5-25 years

GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2016

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

E. Assets, Deferred Outflows of Resources, Liabilities, Deferred Inflows of Resources, Fund Balance and Net Position (continued)

Compensated Absences

Accumulated unpaid employee vacation benefits are accrued as a liability as the benefits are earned. The entire compensated absence liability is reported on the government-wide financial statements. For governmental funds, the current portion of unpaid compensated absences is recognized upon the occurrence of relevant events such as employee resignations and retirements that occur prior to year-end that have not yet been paid with expendable available financial resource. These amounts are recorded in the fund from which the employees who have accumulated leave are paid.

Accumulated sick leave benefits are not recognized as liabilities of the District. The District's policy is to record sick leave as an operating expense in the period taken because such benefits do not vest, nor is payment probable; however, unused sick leave is added to the creditable service period for calculation of retirement benefits when the employee retires.

Accrued Liabilities and Long-Term Obligations

All payables, accrued liabilities, and long-term obligations are reported in the government-wide financial statements. In general, governmental fund payables and accrued liabilities that, once incurred, are paid in a timely manner and in full from current financial resources are reported as obligations of the funds.

Premiums and Discounts

In the government-wide financial statements, long-term obligations are reported as liabilities in the statement of net position. Bond premiums and discounts are deferred and amortized over the life of the bonds using the straight line method.

Deferred Outflows/Deferred Inflows of Resources

In addition to assets, the District will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to a future period and so will not be recognized as an outflow of resources (expense/expenditure) until then.

In addition to liabilities, the District will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period and so will not be recognized as an inflow of resources (revenue) until that time.

Pensions

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the defined benefit pension plans (the Plans) of the California State Teachers' Retirement System (CalSTRS) and the California Public Employees' Retirement System (CalPERS) and additions to/deductions from the Plans' fiduciary net position have been determined on the same basis as they are reported by the Plans. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2016

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

E. Assets, Deferred Outflows of Resources, Liabilities, Deferred Inflows of Resources, Fund Balance and Net Position (continued)

Fund Balance

Fund balance is divided into five classifications based primarily on the extent to which the District is bound to observe constraints imposed upon the use of the resources in the governmental funds. The classifications are as follows:

Nonspendable - The nonspendable fund balance classification reflects amounts that are not in spendable form. Examples include inventory, prepaid items, the long-term portion of loans receivable, and nonfinancial assets held for resale. This classification also reflects amounts that are in spendable form but that are legally or contractually required to remain intact, such as the principal of a permanent endowment.

Restricted - The restricted fund balance classification reflects amounts subject to externally imposed and legally enforceable constraints. Such constraints may be imposed by creditors, grantors, contributors, or laws or regulations of other governments, or may be imposed by law through constitutional provisions or enabling legislation.

Committed - The committed fund balance classification reflects amounts subject to internal constraints self-imposed by formal action of the Governing Board. The constraints giving rise to committed fund balance must be imposed no later than the end of the reporting period. The actual amounts may be determined subsequent to that date but prior to the issuance of the financial statements. In contrast to restricted fund balance, committed fund balance may be redirected by the government to other purposes as long as the original constraints are removed or modified in the same manner, in which they were imposed, that is, by the same formal action of the Governing Board.

Assigned - The assigned fund balance classification reflects amounts that the government *intends* to be used for specific purposes. Assignments may be established either by the Governing Board or by a designee of the governing body, and are subject to neither the restricted nor committed levels of constraint. In contrast to the constraints giving rise to committed fund balance, constraints giving rise to assigned fund balance are not required to be imposed, modified, or removed by formal action of the Governing Board. The action does not require the same level of formality and may be delegated to another body or official. Additionally, the assignment need not be made before the end of the reporting period, but rather may be made any time prior to the issuance of the financial statements.

Unassigned - In the General Fund only, the unassigned fund balance classification reflects the residual balance that has not been assigned to other funds and that is not restricted, committed, or assigned to specific purposes. However, deficits in any fund, including the General Fund that cannot be eliminated by reducing or eliminating amounts assigned to other purposes are reported as negative unassigned fund balance.

The District applies restricted resources first when expenditures are incurred for purposes for which either restricted or unrestricted (committed, assigned and unassigned) amounts are available. Similarly, within unrestricted fund balance, committed amounts are reduced first followed by assigned, and then unassigned amounts when expenditures are incurred for purposes for which amounts in any of the unrestricted fund balance classifications could be used.

**GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2016**

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

F. Interfund Activity

Exchange transactions between funds are reported as revenues in the seller funds and as expenditures/expenses in the purchaser funds. Flows of cash or goods from one fund to another without a requirement for repayment are reported as interfund transfers. Interfund transfers are reported as other financing sources/uses in governmental funds. Repayments from funds responsible for particular expenditures/expenses to the funds that initially paid for them are not presented in the financial statements. Interfund transfers are eliminated in the governmental activities columns of the statement of activities.

G. Estimates

The preparation of the financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying notes. Actual results may differ from those estimates.

H. Budgetary Data

The budgetary process is prescribed by provisions of the California Education Code and requires the governing board to hold a public hearing and adopt an operating budget no later than July 1 of each year. The District governing board satisfied these requirements. The adopted budget is subject to amendment throughout the year to give consideration to unanticipated revenue and expenditures primarily resulting from events unknown at the time of budget adoption with the legal restriction that expenditures cannot exceed appropriations by major object account.

The amounts reported as the original budgeted amounts in the budgetary statements reflect the amounts when the original appropriations were adopted. The amounts reported as the final budgeted amounts in the budgetary statements reflect the amounts after all budget amendments have been accounted for. For purposes of the budget, on-behalf payments have not been included as revenue and expenditures as required under generally accepted accounting principles.

I. Property Tax

Secured property taxes attach as an enforceable lien on property as of January 1. Taxes are payable in two installments on November 1 and February 1 and become delinquent on December 10 and April 10, respectively. Unsecured property taxes are payable in one installment on or before August 31. The County Auditor-Controller bills and collects the taxes on behalf of the District. Local property tax revenues are recorded when received.

GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2016

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

J. New Accounting Pronouncements

GASB Statement No. 72 – In February 2015, GASB issued Statement No. 72, *Fair Value Measurement and Application*. This standard addresses accounting and financial reporting issues related to fair value measurements. The Statement is effective for periods beginning after June 15, 2015. The District has implemented GASB Statement No. 72 for the year ended June 30, 2016.

GASB Statement No. 73 – In June 2015, GASB issued Statement No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That are Not within the Scope of GASB Statement 68, and Amendments to Certain Provisions of GASB Statements 67 and 68*. This standard establishes requirements for defined benefit pensions that are not within the scope of GASB Statement 68 and amends certain provisions of GASB Statements 67 and 68. A portion of this Statement is effective for periods beginning after June 15, 2015. The District has implemented GASB Statement No. 73 for the year ended June 30, 2016.

GASB Statement No. 75 – In June 2015, GASB issued Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions*. This standard's primary objective is to improve accounting and financial reporting by state and local governments for postemployment benefits other than pensions. The Statement is effective for periods beginning after June 15, 2017. The District has not yet determined the impact on the financial statements.

GASB Statement No. 80 – In January 2016, GASB issued Statement No. 80, *Blending Requirements for Certain Component Units – an Amendment of GASB Statement No. 14*. This standard's primary objective is to improve financial reporting by clarifying the financial statement presentation requirements for certain component units. The Statement is effective for periods beginning after June 15, 2016. The District has not yet determined the impact on the financial statements.

GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2016

NOTE 2 – CASH AND INVESTMENTS

A. Summary of Cash and Investments

	Governmental	Fiduciary
	Funds	Funds
Investment in county treasury	\$ 741,183	\$ -
Cash on hand and in banks	202	21,020
Cash in revolving fund	100	-
Total cash and investments	\$ 741,485	\$ 21,020

B. Policies and Practices

The District is authorized under California Government Code to make direct investments in local agency bonds, notes, or warrants within the state; U.S. Treasury instruments; registered state warrants or treasury notes; securities of the U.S. Government, or its agencies; bankers acceptances; commercial paper; certificates of deposit placed with commercial banks and/or savings and loan companies; repurchase or reverse repurchase agreements; medium term corporate notes; shares of beneficial interest issued by diversified management companies, certificates of participation, obligations with first priority security; collateralized mortgage obligations; and the County Investment Pool.

Investment in County Treasury – The District maintains substantially all of its cash in the County Treasury in accordance with *Education Code Section 41001*. The El Dorado County Treasurer's pooled investments are managed by the County Treasurer who reports on a monthly basis to the board of supervisors. In addition, the function of the County Treasury Oversight Committee is to review and monitor the County's investment policy. The committee membership includes the Treasurer and Tax Collector, the Auditor-Controller, Chief Administrative Officer, Superintendent of Schools Representative, and a public member. The fair value of the District's investment in the pool is based upon the District's pro-rata share of the fair value provided by the County Treasurer for the entire portfolio (in relation to the amortized cost of that portfolio). The balance available for withdrawal is based on the accounting records maintained by the County Treasurer, which is recorded on the amortized cost basis.

GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2016

NOTE 2 – CASH AND INVESTMENTS (continued)

C. General Authorizations

Except for investments by trustees of debt proceeds, the authority to invest District funds deposited with the county treasury is delegated to the County Treasurer and Tax Collector. Additional information about the investment policy of the County Treasurer and Tax Collector may be obtained from its website. The table below identifies the investment types permitted by California Government Code.

Authorized Investment Type	Maximum Remaining Maturity	Maximum Percentage of Portfolio	Maximum Investment in One Issuer
Local Agency Bonds, Notes, Warrants	5 years	None	None
Registered State Bonds, Notes, Warrants	5 years	None	None
U. S. Treasury Obligations	5 years	None	None
U. S. Agency Securities	5 years	None	None
Banker's Acceptance	180 days	40%	30%
Commercial Paper	270 days	25%	10%
Negotiable Certificates of Deposit	5 years	30%	None
Repurchase Agreements	1 year	None	None
Reverse Repurchase Agreements	92 days	20% of base	None
Medium-Term Corporate Notes	5 years	30%	None
Mutual Funds	N/A	20%	10%
Money Market Mutual Funds	N/A	20%	10%
Mortgage Pass-Through Securities	5 years	20%	None
County Pooled Investment Funds	N/A	None	None
Local Agency Investment Fund (LAIF)	N/A	None	None
Joint Powers Authority Pools	N/A	None	None

D. Interest Rate Risk

Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. Generally, the longer the maturity of an investment, the greater the sensitivity of its fair value to changes in market interest rates. The District manages its exposure to interest rate risk by investing in the County Treasury. The District maintains a pooled investment with the County Treasury with a fair value of approximately \$741,239 and an amortized book value of \$741,183. The average weighted maturity for this pool is 277 days.

E. Credit Risk

Credit risk is the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization. The investments in the County Treasury are not required to be rated. As of June 30, 2016, the pooled investments in the County Treasury were not rated.

**GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2016**

NOTE 2 – CASH AND INVESTMENTS (continued)

F. Custodial Credit Risk – Deposits

This is the risk that in the event of a bank failure, the District's deposits may not be returned to it. The District does not have a policy for custodial credit risk for deposits. However, the California Government Code requires that a financial institution secure deposits made by state or local governmental units by pledging securities in an undivided collateral pool held by a depository regulated under state law. The market value of the pledged securities in the collateral pool must equal at least 110 percent of the total amount deposited by the public agencies. California law also allows financial institutions to secure public deposits by pledging first trust deed mortgage notes having a value of 150 percent of the secured public deposits and letters of credit issued by the Federal Home Loan Bank of San Francisco having a value of 105 percent of the secured deposits. As of June 30, 2016, the District's bank balance was not exposed to custodial credit risk.

G. Fair Value

The District categorizes the fair value measurements of its investments based on the hierarchy established by generally accepted accounting principles. The fair value hierarchy is based on the valuation inputs used to measure an asset's fair value. The following provides a summary of the hierarchy used to measure fair value:

Level 1 - Quoted prices (unadjusted) in active markets for identical assets.

Level 2 - Observable inputs other than Level 1 prices such as quoted prices for similar assets in active markets, quoted prices for identical or similar assets in markets that are not active, or other inputs that are observable, either directly or indirectly.

Level 3 - Unobservable inputs should be developed using the best information available under the circumstances, which might include the District's own data. The District should adjust that data if reasonable available information indicates that other market participants would use different data or certain circumstances specific to the District are not available to other market participants.

Uncategorized - Investments in the El Dorado County Treasury Investment Pool are not measured using the input levels above because the District's transactions are based on a stable net asset value per share. All contributions and redemptions are transacted at \$1.00 net asset value per share.

The District's fair value measurements at June 30, 2016 were as follows:

Fair Market Value of Investments	
Uncategorized	
Investment in county treasury	\$ 741,239
Total fair market value of investments	\$ 741,239

GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2016

NOTE 3 – ACCOUNTS RECEIVABLE

Accounts receivable at June 30, 2016 consisted of the following:

	General Fund	Non-Major Governmental Funds	Total Governmental Activities	
Federal Government				
Categorical aid	\$ 38,514	\$ 14,650	\$	53,164
State Government				
Categorical aid	7,770	1,229		8,999
Lottery	27,916	-		27,916
Local Government				
Other local sources	8,459	160		8,619
Total	\$ 82,659	\$ 16,039	\$	98,698

NOTE 4 – CAPITAL ASSETS

Capital asset activity for the year ended June 30, 2016 was as follows:

	Balance July 01, 2015	Additions	Deletions	Balance June 30, 2016
Governmental Activities				
Capital assets not being depreciated				
Land	\$ 271,706	\$ -	\$ -	\$ 271,706
Construction in progress	12,893	-	12,893	-
Total Capital Assets not Being Depreciated	284,599	-	12,893	271,706
Capital assets being depreciated				
Land improvements	361,252	126,617	-	487,869
Buildings & improvements	8,665,699	40,664	-	8,706,363
Furniture & equipment	1,421,014	15,000	-	1,436,014
Total Capital Assets Being Depreciated	10,447,965	182,281	-	10,630,246
Less Accumulated Depreciation				
Land improvements	266,453	12,343	-	278,796
Buildings & improvements	3,498,143	160,143	-	3,658,286
Furniture & equipment	762,432	62,951	-	825,383
Total Accumulated Depreciation	4,527,028	235,437	-	4,762,465
Governmental Activities				
Capital Assets, net	\$ 6,205,536	\$ (53,156)	\$ 12,893	\$ 6,139,487

**GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2016**

NOTE 5 – INTERFUND TRANSACTIONS

Operating Transfers

Interfund transfers for the year ended June 30, 2016 consisted of the following:

	Interfund Transfers In		
	Non-Major Governmental Funds	Total	
Interfund Transfers Out			
General Fund	\$ 40,000	\$ 40,000	
Total Interfund Transfers	\$ 40,000	\$ 40,000	
Transfer from the General Fund to the Cafeteria Fund to cover the cafeteria deficit		\$ 30,000	
Transfer from the General Fund to the Special Reserve Fund for Capital Outlay Projects Fund for the development of the facilities master plan towards capital equipment and transportation purchases		10,000	
Total	\$ 40,000		

NOTE 6 – ACCRUED LIABILITIES

Accrued liabilities at June 30, 2016 consisted of the following:

	General Fund	Non-Major Governmental Funds	District-Wide	Total Governmental Activities
Payroll	\$ 14,407	\$ 52	-	\$ 14,459
Vendors payable	54,795	2,391	-	57,186
Unmatured interest	-	-	2,570	2,570
Total	\$ 69,202	\$ 2,443	\$ 2,570	\$ 74,215

GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2016

NOTE 7 – LONG-TERM DEBT

A schedule of changes in long-term debt for the year ended June 30, 2016 consisted of the following:

	Balance		Balance		Balance Due	
	July 01, 2015	Additions	Deductions	June 30, 2016	In One Year	
Governmental Activities						
General obligation bonds	\$ 1,235,000	\$ -	\$ 80,000	\$ 1,155,000	\$ 85,000	
Capital leases	120,535	-	33,335	87,200	34,685	
Early retirement incentive	208,948	114,000	73,422	249,526	71,526	
Compensated absences	27,704	-	3,209	24,495	-	
Class size reduction payback	76,977	-	15,396	61,581	15,396	
Net pension liability	3,290,194	987,759	-	4,277,953	-	
Total	\$ 4,959,358	\$ 1,101,759	\$ 205,362	\$ 5,855,755	\$ 206,607	

Payments for general obligation bonds are made in the Bond Interest and Redemption Fund.

Payments for capital lease obligations are made in the General Fund.

Payments for early retirement incentive are made in the General Fund.

Payments for class size reduction payback are made in the General Fund.

Payments for compensated absences are typically liquidated in the General Fund and the Non-Major Governmental Funds.

A. Compensated Absences

Total unpaid employee compensated absences as of June 30, 2016 amounted to \$24,495. This amount is included as part of long-term liabilities in the government-wide financial statements.

B. General Obligation Bonds

The annual requirements to amortize general obligation bonds payable outstanding as of June 30, 2016, are as follows:

Series	Issue Date	Maturity Date	Interest Rate	Original Issue	Bonds			Bonds Outstanding June 30, 2016
					Outstanding July 01, 2015	Additions	Deductions	
2014 GO Refunding Bond	2014	2028	2.67%	\$ 1,320,000	\$ 1,235,000	\$ -	\$ 80,000	\$ 1,155,000

GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2016

NOTE 7 – LONG-TERM DEBT (continued)

B. General Obligation Bonds (continued)

2014 General Obligation Refunding Bonds

The 2014 General Obligation Refunding Bonds were issued on September 23, 2014 for \$1,320,000. This issuance consisted of current interest serial bonds. The principal balance outstanding on June 30, 2016 amounted to \$1,155,000. These bonds were issued to refund the Election 2002 current interest bond maturities December 1, 2014 – June 1, 2028.

The bonds mature through 2028 as follows:

Year Ended June 30,	Principal	Interest	Total
2017	\$ 85,000	\$ 30,839	\$ 115,839
2018	85,000	28,569	113,569
2019	90,000	26,300	116,300
2020	85,000	23,897	108,897
2021	90,000	21,627	111,627
2022 - 2026	505,000	69,821	574,821
2027 - 2028	215,000	8,678	223,678
Total	\$ 1,155,000	\$ 209,731	\$ 1,364,731

C. Capital Leases

In 2004, the District financed an Energy Retrofit valued at \$314,586. In August 2013, the District financed copier leases. These two capital leases have minimum lease payments as follows:

Year Ended June 30,	Lease Payment
2017	\$ 37,962
2018	37,962
2019	16,794
Total minimum lease payments	92,718
Less amount representing interest	(5,518)
Present value of minimum lease payments	\$ 87,200

**GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2016**

NOTE 7 – LONG-TERM DEBT (continued)

D. Early Retirement Incentive

The District offered early retirement incentives to qualified certificated employees. The retirees receive annual benefit payments ranging from \$692 to \$1,000 per month for a term of five or seven years. This benefit is paid out monthly in equal installments. Currently, there are nine employees participating in the plan. The District's obligation to those retirees as of June 30, 2016 is:

Year Ended June 30,	Payment
2017	\$ 71,526
2018	57,000
2019	57,000
2020	46,000
2021	18,000
Total	\$ 249,526

E. Class Size Reduction Payback

In February of 2012, the District settled with the Education Audit Appeals Panel regarding an audit finding in 2007-08 about a disallowance of the Class Size Reduction claim. The terms of the settlement are such that the State of California will withhold \$15,396 per year, for eight years, out of the District's revenue limit/LCFF until the liability is satisfied.

The payment schedule as of June 30, 2016 is as follows:

Year Ended June 30,	Payment
2017	\$ 15,396
2018	15,396
2019	15,396
2020	15,393
Total	\$ 61,581

F. Net Pension Liability

The District's beginning net pension liability was \$3,290,194 and increased by \$987,759 during the year ended June 30, 2016. The ending net pension liability at June 30, 2016 was \$4,277,953. See Note 9 for additional information regarding the net pension liability.

GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2016

NOTE 8 – FUND BALANCES

Fund balances were composed of the following elements at June 30, 2016:

	General Fund	Non-Major Governmental Funds	Total Governmental Funds
Non-spendable			
Revolving cash	\$ 100	\$ -	\$ 100
Stores inventory	- -	2,007	2,007
Total non-spendable	<hr/> 100	<hr/> 2,007	<hr/> 2,107
Restricted			
Educational programs	95,718	- -	95,718
Capital projects	- -	106,672	106,672
Debt service	- -	20,402	20,402
All others	- -	12,925	12,925
Total restricted	<hr/> 95,718	<hr/> 139,999	<hr/> 235,717
Assigned			
Other assignments	295,243	- -	295,243
Total assigned	<hr/> 295,243	<hr/> - -	<hr/> 295,243
Unassigned			
Reserve for economic uncertainties	240,000	- -	240,000
Remaining unassigned	(3,193)	- -	(3,193)
Total unassigned	<hr/> 236,807	<hr/> - -	<hr/> 236,807
Total	\$ 627,868	\$ 142,006	\$ 769,874

The District is committed to maintaining a prudent level of financial resources to protect against the need to reduce service levels because of temporary revenue shortfalls or unpredicted expenditures. The District's Minimum Fund Balance Policy requires a Reserve for Economic Uncertainties, consisting of unassigned amounts that meet or exceed the requirements of law.

GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2016

NOTE 9 – PENSION PLANS

Qualified employees are covered under multiple-employer contributory retirement plans maintained by agencies of the State of California. Certificated employees are members of the California State Teachers' Retirement System (CalSTRS), and classified employees are members of the California Public Employees' Retirement System (CalPERS). The District reported its proportionate share of the net pension liabilities, pension expense, deferred outflow of resources, and deferred inflow of resources for each of the above plans as follows:

	Net pension liability	Deferred outflows related to pensions	Deferred inflows related to pensions	Pension expense
STRS Pension	\$ 3,014,127	\$ 240,862	\$ 633,688	\$ 964,928
PERS Pension	1,263,826	223,334	181,556	263,212
Total	\$ 4,277,953	\$ 464,196	\$ 815,244	\$ 1,228,140

California State Teachers' Retirement System (CalSTRS)

Plan Description

The District contributes to the California State Teachers' Retirement System (CalSTRS); a cost-sharing multiple employer public employee retirement system defined benefit pension plan administered by CalSTRS. The plan provides retirement and disability benefits and survivor benefits to beneficiaries. Benefit provisions are established by state statutes, as legislatively amended, within the State Teachers' Retirement Law. CalSTRS issues a separate comprehensive annual financial report that includes financial statements and required supplementary information. Copies of the CalSTRS annual financial report may be obtained from CalSTRS, 7919 Folsom Blvd., Sacramento, CA 95826.

Benefits provided

The CalSTRS defined benefit plan has two benefit formulas:

CalSTRS 2% at 60: Members first hired on or before December 31, 2012, to perform service that could be creditable to CalSTRS

CalSTRS 2% at 62: Members first hired on or after January 1, 2013, to perform service that could be creditable to CalSTRS

CalSTRS 2% at 60

CalSTRS 2% at 60 members are eligible for normal retirement at age 60, with a minimum of five years of credited service. The normal retirement benefit is equal to 2.0 percent of final compensation for each year of credited service. Early retirement options are available at age 55 with five years of credited service or as early as age 50 with 30 years of credited service. The age factor for retirements after age 60 increases with each quarter year of age to 2.4 percent at age 63 or older. Members who have 30 years or more of credited service receive an additional increase of up to 0.2 percent to the age factor, known as the career factor. The maximum benefit with the career factor is 2.4 percent of final compensation.

GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2016

NOTE 9 – PENSION PLANS (continued)

California State Teachers' Retirement System (CalSTRS) (continued)

Benefits provided, continued

CalSTRS 2% at 62

CalSTRS 2% at 62 members are eligible for normal retirement at age 62, with a minimum of five years of credited service. The normal retirement benefit is equal to 2.0 percent of final compensation for each year of credited service. An early retirement option is available at age 55. The age factor for retirement after age 62 increases with each quarter year of age to 2.4 percent at age 65 or older.

Contributions

Active plan CalSTRS 2% at 60 and 2% at 62 members are required to contribute 9.20% and 8.56% of their salary for fiscal year 2016, respectively, and the District is required to contribute an actuarially determined rate. The actuarial methods and assumptions used for determining the rate are those adopted by CalSTRS Teachers' Retirement Board. The required employer contribution rate for fiscal year 2016 was 10.73% of annual payroll. The contribution requirements of the plan members are established by state statute. Contributions to the plan from the District were \$240,862 for the year ended June 30, 2016.

On-Behalf Payments

The District was the recipient of on-behalf payments made by the State of California to CalSTRS for K-12 education. These payments consist of state general fund contributions of approximately \$128,778 to CalSTRS (7.126% of 2013-14 creditable compensation subject to CalSTRS).

Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

At June 30, 2016, the District reported a liability for its proportionate share of the net pension liability that reflected a reduction for State pension support provided to the District. The amount recognized by the District as its proportionate share of the net pension liability, the related State support, and the total portion of the net pension liability that was associated with the District were as follows:

District's proportionate share of the net pension liability	\$ 3,014,127
States's proportionate share of the net pension liability associated with the District	1,594,136
Total	\$ 4,608,263

The net pension liability was measured as of June 30, 2015, and the total pension liability used to calculate the net pension liability was determined by applying update procedures to an actuarial valuation as of June 30, 2014, and rolling forward the total pension liability to June 30, 2015. The District's proportion of the net pension liability was based on a projection of the District's long-term share of contributions to the pension plan relative to the projected contributions of all participating school districts, actuarially determined. At June 30, 2015, the District's proportion was 0.004 percent, which was no change from its proportion measured as of June 30, 2014.

GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2016

NOTE 9 – PENSION PLANS (continued)

California State Teachers' Retirement System (CalSTRS) (continued)

Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions, continued

For the year ended June 30, 2016, the District recognized pension expense of \$964,928. In addition, the District recognized pension expense and revenue of \$123,451 for support provided by the State. At June 30, 2016, the District reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between projected and actual earnings on plan investments	\$ -	\$ 245,700
Differences between expected and actual experience	- -	50,367
Changes in proportion and differences between District contributions and proportionate share of contributions	- -	337,621
District contributions subsequent to the measurement date	<u>240,862</u>	- -
	<u>\$ 240,862</u>	<u>\$ 633,688</u>

The \$240,862 reported as deferred outflows of resources related to pensions resulting from District contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability in the year ended June 30, 2017. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

Year Ended June 30,	Deferred Inflows of Resources	
2017	\$ 126,090	
2018		126,090
2019		126,090
2020		126,090
2021		64,665
2022		64,663
	<u>\$ 633,688</u>	

GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2016

NOTE 9 – PENSION PLANS (continued)

California State Teachers' Retirement System (CalSTRS) (continued)

Actuarial assumptions

The total pension liability was determined by applying update procedures to an actuarial valuation as of June 30, 2014, and rolling forward the total pension liability to June 30, 2015 using the following actuarial assumptions, applied to all periods included in the measurement:

Consumer Price Inflation	3.00%
Investment Yield*	7.60%
Wage Inflation	3.75%

* Net of investment expenses, but gross of administrative expenses.

CalSTRS uses custom mortality tables to best fit the patterns of mortality among its members. These custom tables are based on RP2000 series tables adjusted to fit CalSTRS experience.

The actuarial assumptions used in the June 30, 2014 valuation were based on the results of an actuarial experience study for the period July 1, 2006–June 30, 2010.

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. The best-estimate ranges were developed using capital market assumptions from CalSTRS general investment consultant (Pension Consulting Alliance - PCA) as an input to the process. Based on the model from CalSTRS consulting actuary's (Milliman) investment practice, a best estimate range was determined by assuming the portfolio is re-balanced annually and that annual returns are lognormally distributed and independent from year to year to develop expected percentiles for the long-term distribution of annualized returns. The assumed asset allocation by PCA is based on board policy for target asset allocation in effect on February 2, 2012, the date the current experience study was approved by the board. Best estimates of 10-year geometric real rates of return and the assumed asset allocation for each major asset class used as input to develop the actuarial investment rate of return are summarized in the following table:

Asset Class	Assumed Asset Allocation	Long-Term*	
		Expected Real Rate of Return	
Global Equity	47%	4.50%	
Private Equity	12%	6.20%	
Real Estate	15%	4.35%	
Inflation Sensitive	5%	3.20%	
Fixed Income	20%	0.20%	
Cash/Liquidity	1%	0.00%	
	100%		

* 10-year geometric average

GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2016

NOTE 9 – PENSION PLANS (continued)

California State Teachers' Retirement System (CalSTRS) (continued)

Discount rate

The discount rate used to measure the total pension liability was 7.60 percent. The projection of cash flows used to determine the discount rate assumed that contributions from plan members and employers will be made at statutory contribution rates in accordance with the rate increases per AB 1469. Projected inflows from investment earnings were calculated using the long-term assumed investment rate of return (7.60 percent) and assuming that contributions, benefit payments, and administrative expense occur midyear. Based on those assumptions, the Plan's fiduciary net position was projected to be available to make all projected future benefit payments to current plan members. Therefore, the long-term assumed investment rate of return was applied to all periods of projected benefit payments to determine the total pension liability.

Sensitivity of the District's proportionate share of the net pension liability to changes in the discount rate

The following presents the District's proportionate share of the net pension liability calculated using the discount rate of 7.60 percent, as well as what the District's proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (6.60 percent) or 1-percentage-point higher (8.60 percent) than the current rate:

	1% Decrease (6.60%)	Current Discount Rate (7.60%)	1% Increase (8.60%)
District's proportionate share of the net pension liability	\$ 4,551,097	\$ 3,014,127	\$ 1,736,781

Pension plan fiduciary net position

Detailed information about the pension plan's fiduciary net position is available in the separately issued CalSTRS financial report.

GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2016

NOTE 9 – PENSION PLANS (continued)

California Public Employees' Retirement System (CalPERS)

Plan Description

The District contributes to the School Employer Pool under the California Public Employees' Retirement System (CalPERS); a cost-sharing multiple-employer public employee retirement system defined benefit pension plan administered by CalPERS. The plan provides retirement and disability benefits, annual cost-of-living adjustments, and death benefits to plan members and beneficiaries. Benefit provisions are established by state statutes, as legislatively amended, within the Public Employees' Retirement Laws. CalPERS issues a separate comprehensive annual financial report that includes financial statements and required supplementary information. Copies of the CalPERS annual financial report may be obtained from the CalPERS Executive Office, 400 P Street, Sacramento, CA 95811.

Benefits provided

The benefits for the defined benefit plan are based on members' years of service, age, final compensation, and benefit formula. Benefits are provided for disability, death, and survivors of eligible members or beneficiaries. Members become fully vested in their retirement benefits earned to date after five years of credited service.

Contributions

Active plan members who entered into the plan prior to January 1, 2013, are required to contribute 7.0% of their salary. The California Public Employees' Pension Reform Act (PEPRA) specifies that new members entering into the plan on or after January 1, 2013, shall pay the higher of fifty percent of normal costs or 6.0% of their salary. Additionally, for new members entering the plan on or after January 1, 2013, the employer is prohibited from paying any of the employee contribution to CalPERS unless the employer payment of the member's contribution is specified in an employment agreement or collective bargaining agreement that expires after January 1, 2013.

The District is required to contribute an actuarially determined rate. The actuarial methods and assumptions used for determining the rate are those adopted by the CalPERS Board of Administration. The required employer contribution rate for fiscal year 2016 was 11.847% of annual payroll. Contributions to the plan from the District were \$138,767 for the year ended June 30, 2016.

Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

At June 30, 2016, the District reported a liability of \$1,263,826 for its proportionate share of the net pension liability. The net pension liability was measured as of June 30, 2015, and the total pension liability used to calculate the net pension liability was determined by applying update procedures to an actuarial valuation as of June 30, 2014, and rolling forward the total pension liability to June 30, 2015. The District's proportion of the net pension liability was based on a projection of the District's long-term share of contributions to the pension plan relative to the projected contributions of all participating school districts, actuarially determined. At June 30, 2015, the District's proportion was 0.009 percent, which was an increase of 0.001 percent from its proportion measured as of June 30, 2014.

GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2016

NOTE 9 – PENSION PLANS (continued)

California Public Employees' Retirement System (CalPERS) (continued)

Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions, continued

For the year ended June 30, 2016, the District recognized pension expense of \$263,212. At June 30, 2016, the District reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between projected and actual earnings on plan investments	\$ -	\$ 43,274
Differences between expected and actual experience	72,229	-
Changes in assumptions	-	77,653
Changes in proportion and differences between District contributions and proportionate share of contributions	12,338	60,629
District contributions subsequent to the measurement date	138,767	-
	<hr/> <u>\$ 223,334</u>	<hr/> <u>\$ 181,556</u>

The \$138,767 reported as deferred outflows of resources related to pensions resulting from District contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability in the year ended June 30, 2017. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

Year Ended June 30,	Deferred Outflows of Resources	Deferred Inflows of Resources
2017	\$ 29,019	\$ 58,502
2018	29,019	58,502
2019	26,529	53,734
2020	-	10,818
	<hr/> <u>\$ 84,567</u>	<hr/> <u>\$ 181,556</u>

GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2016

NOTE 9 – PENSION PLANS (continued)

California Public Employees' Retirement System (CalPERS) (continued)

Actuarial assumptions

The total pension liability was determined by applying update procedures to an actuarial valuation as of June 30, 2014, and rolling forward the total pension liability to June 30, 2015 using the following actuarial assumptions, applied to all periods included in the measurement:

Consumer Price Inflation	2.75%
Investment Yield*	7.65%
Wage Inflation	Varies by Entry Age and Service

* Net of investment expenses, but gross of administrative expenses.

CalPERS uses custom mortality tables to best fit the patterns of mortality among its members. These custom tables are derived using CalPERS' membership data for all funds. The table includes 20 years of mortality improvements using Society of Actuaries Scale BB.

The actuarial assumptions used in the June 30, 2014, valuation were based on the results of an actuarial experience study for the period from 1997 to 2011.

The long-term expected rate of return on pension plan investments was determined using a building block method in which best estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. In determining the long-term expected rate of return, both short-term and long-term market return expectations as well as the expected pension fund cash flows were taken into account. Such cash flows were developed assuming that both members and employers will make their required contributions on time and as scheduled in all future years. Using historical returns of all the funds' asset classes, expected compound (geometric) returns were calculated over the short-term (first 10 years) and the long-term (11-60 years) using a building block approach. Using the expected nominal returns for both short-term and long-term, the present value of benefits was calculated for each fund. The expected rate of return was set by calculating the single equivalent expected return that arrived at the same present value of benefits for cash flows as the one calculated using both short-term and long-term returns. The expected rate of return was then set equivalent to the single equivalent rate calculated above and rounded down to the nearest one quarter of one percent.

GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2016

NOTE 9 – PENSION PLANS (continued)

California Public Employees' Retirement System (CalPERS) (continued)

Actuarial assumptions, continued

The table below reflects long-term expected real rate of return by asset class. The rate of return was calculated using the capital market assumptions applied to determine the discount rate and asset allocation. These geometric rates of return are net of administrative expenses.

Asset Class	Assumed Asset Allocation	Real Return Years 1-10*	Real Return Years 11+**
Global Equity	51%	5.25%	5.71%
Global Fixed Income	19%	0.99%	2.43%
Inflation Sensitive	6%	0.45%	3.36%
Private Equity	10%	6.83%	6.95%
Real Estate	10%	4.50%	5.13%
Infrastructure and Forestland	2%	4.50%	5.09%
Liquidity	2%	-0.55%	-1.05%
	100%		

* An expected inflation of 2.5% used for this period

** An expected inflation of 3.0% used for this period

Discount rate

The discount rate used to measure the total pension liability was 7.65 percent. A projection of the expected benefit payments and contributions was performed to determine if assets would run out. The test revealed the assets would not run out. Therefore the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability for the Schools Pool. The results of the crossover testing for the Schools Pool are presented in a detailed report that can be obtained at CalPERS' website.

Sensitivity of the District's proportionate share of the net pension liability to changes in the discount rate

The following presents the District's proportionate share of the net pension liability calculated using the discount rate of 7.65 percent, as well as what the District's proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (6.65 percent) or 1-percentage-point higher (8.65 percent) than the current rate:

	1%	Current	1%
	Decrease (6.65%)	Discount Rate (7.65%)	Increase (8.65%)
District's proportionate share of the net pension liability	\$ 2,056,983	\$ 1,263,826	\$ 604,264

Pension plan fiduciary net position

Detailed information about the pension plan's fiduciary net position is available in the separately issued CalPERS financial report.

**GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2016**

NOTE 10 – COMMITMENTS AND CONTINGENCIES

A. Grants

The District received financial assistance from federal and state agencies in the form of grants. The disbursement of funds received under these programs generally requires compliance with terms and conditions specified in the grant agreements and are subject to audit by the grantor agencies. Any disallowed claims resulting from such audits could become a liability of the General Fund or other applicable funds. However, in the opinion of management, any such disallowed claims will not have a material adverse effect on the overall financial position of the District at June 30, 2016.

B. Litigation

The District is involved in various litigation arising from the normal course of business. In the opinion of management and legal counsel, the disposition of all litigation pending is not expected to have a material adverse effect on the overall financial position of the District at June 30, 2016.

C. Construction Commitments

As of June 30, 2016, the District had no commitments with respect to unfinished capital projects.

NOTE 11 – PARTICIPATION IN JOINT POWERS AUTHORITIES

The District participates in two joint ventures under joint powers authorities (JPAs), the Schools Insurance Authority to provide property and liability, excess liability, workers' compensation and vision insurance, and the Self-Insured Schools for California for health and welfare benefits. The relationships between the District and the JPAs are such that the JPAs are not component units of the District for financial reporting purposes.

The JPAs have budgeting and financial reporting requirements independent of member units, and their financial statements are not presented in these financial statements. However, fund transactions between the JPAs and the District are included in these statements. The audited financial statements are generally available from the respective entities.

NOTE 12 – DEFERRED OUTFLOWS/INFLOWS OF RESOURCES

Refunded Debt

Pursuant to GASB Statement No. 63, *Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position* and GASB Statement No. 65, *Items Previously Reported as Assets and Liabilities*, the District recognized deferred outflows of resources in the District-wide financial statements. The deferred outflow of resources pertains to the difference in the carrying value of the refunded debt and its reacquisition price (deferred amount on refunding). Previous financial reporting standards require this to be presented as part of the District's long-term debt. This deferred outflow of resources is recognized as a component of interest expense in a systematic and rational manner over the remaining life of the old debt or the new debt, whichever is shorter. At June 30, 2016, the deferred amount on refunding was \$13,785.

REQUIRED SUPPLEMENTARY INFORMATION

**GOLD TRAIL UNION SCHOOL DISTRICT
GENERAL FUND – BUDGETARY COMPARISON SCHEDULE
FOR THE YEAR ENDED JUNE 30, 2016**

	Budgeted Amounts		Actual*	Variances -
	Original	Final	(Budgetary Basis)	Final to Actual
REVENUES				
LCFF sources	\$ 4,699,810	\$ 4,693,028	\$ 4,702,604	\$ 9,576
Federal sources	159,699	157,668	174,092	16,424
Other state sources	514,634	531,730	676,386	144,656
Other local sources	264,152	312,429	417,163	104,734
Total Revenues	5,638,295	5,694,855	5,970,245	275,390
EXPENDITURES				
Certificated salaries	2,292,050	2,291,745	2,373,222	(81,477)
Classified salaries	1,068,489	1,122,253	1,141,064	(18,811)
Employee benefits	1,016,967	1,046,665	1,208,789	(162,124)
Books and supplies	284,901	328,363	392,313	(63,950)
Services and other operating expenditures	549,852	640,718	600,781	39,937
Capital outlay	155,000	170,000	169,390	610
Other outgo				
Excluding transfers of indirect costs	13,638	13,623	23,319	(9,696)
Transfers of indirect costs	(8,300)	(8,300)	(8,837)	537
Total Expenditures	5,372,597	5,605,067	5,900,041	(294,974)
Excess (Deficiency) of Revenues				
Over Expenditures	265,698	89,788	70,204	(19,584)
Other Financing Sources (Uses)				
Transfers out	(105,000)	(50,000)	(60,000)	(10,000)
Net Financing Sources (Uses)	(105,000)	(50,000)	(60,000)	(10,000)
NET CHANGE IN FUND BALANCE				
Fund Balance - Beginning	160,698	39,788	10,204	(29,584)
Fund Balance - Ending	\$ 466,809	466,809	466,809	-
	\$ 627,507	\$ 506,597	\$ 477,013	\$ (29,584)

* The actual amounts reported on this schedule do not agree with the amounts reported on the Statement of Revenues, Expenditures, and Changes in Fund Balance for the following reasons:

- Actual amounts reported in this schedule are for the General Fund only, and do not agree with the amounts reported on the Statement of Revenues, Expenditures, and Changes in Fund Balances because the amounts on that schedule include the financial activity of the Deferred Maintenance Fund and the Special Reserve Fund for Other than Capital Outlay Projects, in accordance with the fund type definitions promulgated by GASB Statement No. 54.

GOLD TRAIL UNION SCHOOL DISTRICT
SCHEDULE OF THE DISTRICT'S PROPORTIONATE SHARE OF THE NET PENSION LIABILITY -
CALSTRS
FOR THE YEAR ENDED JUNE 30, 2016

	<u>June 30, 2016</u>	<u>June 30, 2015</u>
District's proportion of the net pension liability	0.004%	0.004%
District's proportionate share of the net pension liability	\$ 3,014,127	\$ 2,378,511
States's proportionate share of the net pension liability associated with the District	1,594,136	1,436,248
Total	<u>\$ 4,608,263</u>	<u>\$ 3,814,759</u>
District's covered-employee payroll	\$ 2,242,611	\$ 2,071,673
District's proportionate share of the net pension liability as a percentage of its covered-employee payroll	134.4%	114.8%
Plan fiduciary net position as a percentage of the total pension liability.	76.5%	76.5%

See accompanying note to required supplementary information.

GOLD TRAIL UNION SCHOOL DISTRICT
SCHEDULE OF THE DISTRICT'S PROPORTIONATE SHARE OF THE NET PENSION LIABILITY -
CALPERS
FOR THE YEAR ENDED JUNE 30, 2016

	<u>June 30, 2016</u>	<u>June 30, 2015</u>
District's proportion of the net pension liability	0.009%	0.008%
District's proportionate share of the net pension liability	\$ 1,263,826	\$ 911,683
District's covered-employee payroll	\$ 1,160,153	\$ 945,851
District's proportionate share of the net pension liability as a percentage of its covered-employee payroll	108.9%	96.4%
Plan fiduciary net position as a percentage of the total pension liability.	83.4%	83.4%

See accompanying note to required supplementary information.

**GOLD TRAIL UNION SCHOOL DISTRICT
SCHEDULE OF DISTRICT CONTRIBUTIONS - CALSTRS
FOR THE YEAR ENDED JUNE 30, 2016**

	<u>June 30, 2016</u>	<u>June 30, 2015</u>
Contractually required contribution	\$ 240,862	\$ 184,925
Contributions in relation to the contractually required contribution*	(240,862)	(184,925)
Contribution deficiency (excess)	<hr/> \$ -	<hr/> \$ -
District's covered-employee payroll	\$ 2,242,611	\$ 2,071,673
Contributions as a percentage of covered-employee payroll	10.74%	8.93%

*Amounts do not include on behalf contributions

GOLD TRAIL UNION SCHOOL DISTRICT
SCHEDULE OF DISTRICT CONTRIBUTIONS - CALPERS
FOR THE YEAR ENDED JUNE 30, 2016

	<u>June 30, 2016</u>	<u>June 30, 2015</u>
Contractually required contribution	\$ 138,767	\$ 110,893
Contributions in relation to the contractually required contribution	(138,767)	(110,893)
Contribution deficiency (excess)	<hr/> \$ -	<hr/> \$ -
District's covered-employee payroll	\$ 1,160,153	\$ 945,851
Contributions as a percentage of covered-employee payroll	11.96%	11.72%

See accompanying note to required supplementary information.

GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO REQUIRED SUPPLEMENTARY INFORMATION
FOR THE YEAR ENDED JUNE 30, 2016

NOTE 1 – PURPOSE OF SCHEDULES

Budgetary Comparison Schedule

This schedule is required by GASB Statement No. 34 as required supplementary information (RSI) for the General Fund and for each major special revenue fund that has a legally adopted annual budget. The budgetary comparison schedule presents both (a) the original and (b) the final appropriated budgets for the reporting period as well as (c) actual inflows, outflows, and balances, stated on the District's budgetary basis. A separate column to report the variance between the final budget and actual amounts is also presented, although not required.

Schedule of the District's Proportionate Share of the Net Pension Liability

This 10-year schedule is required by GASB Statement No. 68 for each cost-sharing pension plan. Until a full 10-year trend is compiled, the schedule will only show those years under which GASB Statement No. 68 was applicable. The schedule presents the District's proportion (percentage) of the collective net pension liability, the District's proportionate share (amount) of the collective net pension liability, the District's covered-employee payroll, the District's proportionate share (amount) of the collective net pension liability as a percentage of the employer's covered-employee payroll, and the pension plan's fiduciary net position as a percentage of the total pension liability.

Schedule of District Contributions

This 10-year schedule is required by GASB Statement No. 68 for each cost-sharing pension plan. Until a full 10-year trend is compiled, the schedule will only show those years under which GASB Statement No. 68 was applicable. The schedule presents the District's statutorily or contractually required employer contribution, the amount of contributions recognized by the pension plan in relation to the statutorily or contractually required employer contribution, the difference between the statutorily or contractually required employer contribution and the amount of contributions recognized by the pension plan in relation to the statutorily or contractually required employer contribution, the District's covered-employee payroll, and the amount of contributions recognized by the pension plan in relation to the statutorily or contractually required employer contribution as a percentage of the District's covered-employee payroll.

NOTE 2 – EXCESS OF EXPENDITURES OVER APPROPRIATIONS

For the year ended June 30, 2016, the District incurred an excess of expenditures over appropriations in individual major funds presented in the Budgetary Comparison Schedule by major object code as follows:

	Expenditures and Other Uses				
	Budget	Actual	Excess		
General Fund					
Certificated salaries	\$ 2,291,745	\$ 2,373,222	\$	81,477	
Classified salaries	\$ 1,122,253	\$ 1,141,064	\$	18,811	
Employee benefits	\$ 1,046,665	\$ 1,208,789	\$	162,124	
Books and supplies	\$ 328,363	\$ 392,313	\$	63,950	
Other outgo					
Excluding transfers of indirect costs	\$ 13,623	\$ 23,319	\$	9,696	

SUPPLEMENTARY INFORMATION

**GOLD TRAIL UNION SCHOOL DISTRICT
SCHEDULE OF AVERAGE DAILY ATTENDANCE (ADA)
FOR THE YEAR ENDED JUNE 30, 2016**

	Second Period Report	Annual Report
SCHOOL DISTRICT		
TK/K through Third		
Regular ADA	274.53	277.10
Total TK/K through Third	274.53	277.10
Fourth through Sixth		
Regular ADA	212.13	212.47
Total Fourth through Sixth	212.13	212.47
Seventh through Eighth		
Regular ADA	126.61	126.99
Total Seventh through Eighth	126.61	126.99
TOTAL SCHOOL DISTRICT	613.27	616.56

See accompanying note to supplementary information.

**GOLD TRAIL UNION SCHOOL DISTRICT
SCHEDULE OF INSTRUCTIONAL TIME
FOR THE YEAR ENDED JUNE 30, 2016**

Grade Level	Minutes Requirement	2015-16		
		Actual Minutes	Number of Days	Status
Kindergarten	36,000	58,650	180	Complied
Grade 1	50,400	52,350	180	Complied
Grade 2	50,400	52,350	180	Complied
Grade 3	50,400	52,350	180	Complied
Grade 4	54,000	58,800	180	Complied
Grade 5	54,000	58,800	180	Complied
Grade 6	54,000	58,800	180	Complied
Grade 7	54,000	58,800	180	Complied
Grade 8	54,000	58,800	180	Complied

See accompanying note to supplementary information.

GOLD TRAIL UNION SCHOOL DISTRICT
SCHEDULE OF FINANCIAL TRENDS AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

	2017 (Budget)	2016	2015	2014
General Fund - Budgetary Basis**				
Revenues And Other Financing Sources	\$ 6,230,067	\$ 5,970,245	\$ 5,281,928	\$ 4,549,613
Expenditures And Other Financing Uses	6,210,162	5,960,041	5,365,418	4,468,491
Net change in Fund Balance	\$ 19,905	\$ 10,204	\$ (83,490)	\$ 81,122
Ending Fund Balance	\$ 496,918	\$ 477,013	\$ 466,809	\$ 550,299
Available Reserves*	\$ 243,397	\$ 236,807	\$ 388,851	\$ 292,973
Available Reserves As A Percentage Of Outgo	3.92%	3.97%	7.25%	6.56%
Long-term Debt	\$ 5,649,148	\$ 5,855,755	\$ 4,959,358	\$ 1,667,909
Average Daily Attendance At P-2	651	613	615	576

The General Fund balance has decreased by \$73,286 over the past two years. The fiscal year 2016-17 budget projects an increase of \$19,905. For a District this size, the State recommends available reserves of at least 4% of General Fund expenditures, transfers out, and other uses (total outgo).

The District has incurred operating deficits in one of the past three years and anticipates incurring an operating surplus during the 2016-17 fiscal year. Total long term obligations have increased by \$4.2 million over the past two years.

Average daily attendance has increased by 37 ADA over the past two years. An increase of 38 ADA is anticipated during the 2016-17 fiscal year.

*Available reserves consist of all unassigned fund balance within the General Fund.

**The actual amounts reported in this schedule are for the General Fund only, and do not agree with the amounts reported on the Statement of Revenues, Expenditures, and Changes in Fund Balances because the amounts on that schedule include the financial activity of the Deferred Maintenance Fund and Special Reserve Fund for Other than Capital Outlay Projects, in accordance with the fund type definitions promulgated by GASB Statement No. 54.

**GOLD TRAIL UNION SCHOOL DISTRICT
RECONCILIATION OF ANNUAL FINANCIAL AND BUDGET REPORT WITH AUDITED
FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2016**

	General Fund	Deferred Maintenance Fund	Special Reserve Fund for Other than Capital Projects Fund
June 30, 2016, annual financial and budget report fund balance	\$ 477,013	\$ 151	\$ 150,704
Adjustments and reclassifications:			
Increase (decrease) in total fund balances:			
Fund balance transfer (GASB 54)	150,855	(151)	(150,704)
Net adjustments and reclassifications	150,855	(151)	(150,704)
June 30, 2016, audited financial statement fund balance	\$ 627,868	\$ -	\$ -

See accompanying note to supplementary information.

GOLD TRAIL UNION SCHOOL DISTRICT
COMBINING BALANCE SHEET
JUNE 30, 2016

	Cafeteria Fund	Capital Facilities Fund	County School Facilities Fund	Special Reserve Fund for Capital Outlay Projects	Bond Interest & Redemption Fund	Non-Major Governmental Funds
ASSETS						
Cash and investments	\$ -	\$ 56,595	\$ 1	\$ 50,076	\$ 20,402	\$ 127,074
Accounts receivable	16,039	-	-	-	-	16,039
Stores inventory	2,007	-	-	-	-	2,007
Total Assets	\$ 18,046	\$ 56,595	\$ 1	\$ 50,076	\$ 20,402	\$ 145,120
LIABILITIES						
Deficit cash	\$ 671	\$ -	\$ -	\$ -	\$ -	\$ 671
Accrued liabilities	2,443	-	-	-	-	2,443
Total Liabilities	3,114	-	-	-	-	3,114
FUND BALANCES						
Non-spendable	2,007	-	-	-	-	2,007
Restricted	12,925	56,595	1	50,076	20,402	139,999
Total Fund Balances	14,932	56,595	1	50,076	20,402	142,006
Total Liabilities and Fund Balance	\$ 18,046	\$ 56,595	\$ 1	\$ 50,076	\$ 20,402	\$ 145,120

See accompanying note to supplementary information.

GOLD TRAIL UNION SCHOOL DISTRICT
COMBINING STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND
BALANCES
FOR THE YEAR ENDED JUNE 30, 2016

	Cafeteria Fund	Capital Facilities Fund	County School Facilities Fund	Special Reserve Fund for Capital Outlay Projects	Bond Interest & Redemption Fund	Non-Major Governmental Funds
REVENUES						
Federal sources	\$ 113,275	\$ -	\$ -	\$ -	\$ -	\$ 113,275
Other state sources	9,471	-	-	-	-	9,471
Other local sources	73,157	41,126	-	76	97,814	212,173
Total Revenues	195,903	41,126	-	76	97,814	334,919
EXPENDITURES						
Current						
Pupil services						
Food services	208,006	-	-	-	-	208,006
General administration						
All other general administration	8,837	1,288	-	-	-	10,125
Debt service						
Principal	-	28,085	-	-	80,000	108,085
Interest and other	-	4,627	-	-	32,974	37,601
Total Expenditures	216,843	34,000	-	76	112,974	363,817
Excess (Deficiency) of Revenues						
Over Expenditures	(20,940)	7,126	-	76	(15,160)	(28,898)
Other Financing Sources (Uses)						
Transfers in	30,000	-	-	10,000	-	40,000
Net Financing Sources (Uses)	30,000	-	-	10,000	-	40,000
NET CHANGE IN FUND BALANCE						
Fund Balance - Beginning	9,060	7,126	-	10,076	(15,160)	11,102
Fund Balance - Ending	5,872	49,469	1	40,000	35,562	130,904
	\$ 14,932	\$ 56,595	\$ 1	\$ 50,076	\$ 20,402	\$ 142,006

See accompanying note to supplementary information.

**GOLD TRAIL UNION SCHOOL DISTRICT
LOCAL EDUCATION AGENCY ORGANIZATION STRUCTURE
JUNE 30, 2016**

The Gold Trail Union School District is a political subdivision of the State of California and was organized in 1956 from the combination of seven one-room schools. The District provides elementary education to the general public residing within the District, which is generally the area surrounding the City of Placerville, located within the County of El Dorado. There were no changes in the boundaries of the District during the current year. The District is operating two elementary schools within its boundaries.

GOVERNING BOARD

Member	Office	Term Expires
Daryl Lander	President	December 2018
Sue Hennike	Clerk	December 2018
Janet Barbieri	Member	December 2016
Julie Bauer	Member	December 2018
Gary Ritz	Member	December 2016

DISTRICT ADMINISTRATORS

Joe Murchison
Superintendent

Wendy Scarlett
Chief Financial Officer

See accompanying note to supplementary information.

**GOLD TRAIL UNION SCHOOL DISTRICT
NOTES TO SUPPLEMENTARY INFORMATION
JUNE 30, 2016**

NOTE 1 – PURPOSE OF SCHEDULES

Schedule of Average Daily Attendance (ADA)

Average daily attendance (ADA) is a measurement of the number of pupils attending classes of the District. The purpose of attendance accounting from a fiscal standpoint is to provide the basis on which apportionments of state funds are made to school districts. This schedule provides information regarding the attendance of students at various grade levels and in different programs.

Schedule of Instructional Time

This schedule presents information on the amount of instructional time offered by the District and whether the District complied with the provisions of *Education Code Sections* 46200 through 46208. During the year ended June 30, 2016, the District participated in the Longer Day incentive funding program. As of June 30, 2016, the District had not yet met its target funding.

Schedule of Financial Trends and Analysis

This schedule discloses the District's financial trends by displaying past years' data along with current year budget information. These financial trend disclosures are used to evaluate the District's ability to continue as a going concern for a reasonable period of time.

Reconciliation of Annual Financial and Budget Report with Audited Financial Statements

This schedule provides the information necessary to reconcile the fund balance of all funds reported on the Annual Financial and Budget Report Unaudited Actuals to the audited financial statements.

Combining Statements – Non-Major Funds

These statements provide information on the District's non-major funds.

Local Education Agency Organization Structure

This schedule provides information about the District's boundaries and schools operated, members of the governing board, and members of the administration.

OTHER INDEPENDENT AUDITORS' REPORTS

**REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON
COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL
STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT
AUDITING STANDARDS**

Christy White, CPA

Michael Ash, CPA

Heather Rubio

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Licensed by the California
State Board of Accountancy

Governing Board
Gold Trail Union School District
Placerville, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the major fund, and the aggregate remaining fund information of Gold Trail Union School District, as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the Gold Trail Union School District's basic financial statements, and have issued our report thereon dated October 25, 2016.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered Gold Trail Union School District's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Gold Trail Union School District's internal control. Accordingly, we do not express an opinion on the effectiveness of Gold Trail Union School District's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether Gold Trail Union School District's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Christy White Associates

San Diego, California
October 25, 2016

REPORT ON STATE COMPLIANCE

Independent Auditors' Report

Christy White, CPA

Michael Ash, CPA

Heather Rubio

SAN DIEGO
LOS ANGELES

SAN FRANCISCO/BAY AREA

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Governing Board
Gold Trail Union School District
Placerville, California

Report on State Compliance

We have audited Gold Trail Union School District's compliance with the types of compliance requirements described in the *2015-16 Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting*, issued by the California Education Audit Appeals Panel that could have a direct and material effect on each of Gold Trail Union School District's state programs for the fiscal year ended June 30, 2016, as identified below.

Management's Responsibility

Management is responsible for compliance with the requirements of laws, regulations, contracts, and grants applicable to its state programs.

Auditor's Responsibility

Our responsibility is to express an opinion on compliance for each of Gold Trail Union School District's state programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the *2015-16 Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting*, issued by the California Education Audit Appeals Panel as regulations. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on the state programs noted below occurred. An audit includes examining, on a test basis, evidence about Gold Trail Union School District's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance with the requirements referred to above. However, our audit does not provide a legal determination of Gold Trail Union School District's compliance with those requirements.

Opinion on State Compliance

In our opinion, Gold Trail Union School District complied, in all material respects, with the types of compliance requirements referred to above that are applicable to the state programs noted in the table below for the year ended June 30, 2016.

Procedures Performed

In connection with the audit referred to above, we selected and tested transactions and records to determine Gold Trail Union School District's compliance with the state laws and regulations applicable to the following items:

PROGRAM NAME	PROCEDURES PERFORMED
Attendance	Yes
Teacher Certification and Misassignments	Yes
Kindergarten Continuance	Yes
Independent Study	No
Continuation Education	Not Applicable
Instructional Time	Yes
Instructional Materials	Yes
Ratios of Administrative Employees to Teachers	Yes
Classroom Teacher Salaries	Yes
Early Retirement Incentive	Not Applicable
Gann Limit Calculation	Yes
School Accountability Report Card	Yes
Juvenile Court Schools	Not Applicable
Middle or Early College High Schools	Not Applicable
K-3 Grade Span Adjustment	Yes
Transportation Maintenance of Effort	Yes
Educator Effectiveness	Yes
California Clean Energy Jobs Act	Yes

PROGRAM NAME	PROCEDURES PERFORMED
After School Education and Safety Program	Not Applicable
Proper Expenditure of Education Protection Account Funds	Yes
Unduplicated Local Control Funding Formula Pupil Counts	Yes
Local Control and Accountability Plan	Yes
Independent Study-Course Based	Not Applicable
Immunizations	Yes
Attendance; for charter schools	Not Applicable
Mode of Instruction; for charter schools	Not Applicable
Nonclassroom-Based Instruction/Independent Study; for charter schools	Not Applicable
Determination of Funding for Nonclassroom-Based Instruction; for charter schools	Not Applicable
Annual Instructional Minutes – Classroom Based; for charter schools	Not Applicable
Charter School Facility Grant Program	Not Applicable

We did not perform testing for independent study because it was immaterial.

Christy White Associates

San Diego, California
October 25, 2016

SCHEDULE OF FINDINGS AND QUESTIONED COSTS

**GOLD TRAIL UNION SCHOOL DISTRICT
SUMMARY OF AUDITORS' RESULTS
FOR THE YEAR ENDED JUNE 30, 2016**

FINANCIAL STATEMENTS

Type of auditors' report issued:	<u>Unmodified</u>
Internal control over financial reporting:	
Material weakness(es) identified?	<u>No</u>
Significant deficiency(ies) identified?	<u>None Reported</u>
Non-compliance material to financial statements noted?	<u>No</u>

FEDERAL AWARDS

The District was not subject to Uniform Guidance Single Audit for the year ended June 30, 2016 because federal award expenditures did not exceed \$750,000.

STATE AWARDS

Internal control over state programs:	
Material weaknesses identified?	<u>No</u>
Significant deficiency(ies) identified?	<u>None Reported</u>
Type of auditors' report issued on compliance for state programs:	<u>Unmodified</u>

**GOLD TRAIL UNION SCHOOL DISTRICT
FINANCIAL STATEMENT FINDINGS
FOR THE YEAR ENDED JUNE 30, 2016**

FIVE DIGIT CODE

20000
30000

AB 3627 FINDING TYPE

Inventory of Equipment
Internal Control

No financial statement findings were noted in fiscal year 2015-16.

**GOLD TRAIL UNION SCHOOL DISTRICT
STATE AWARD FINDINGS AND QUESTIONED COSTS
FOR THE YEAR ENDED JUNE 30, 2016**

<u>FIVE DIGIT CODE</u>	<u>AB 3627 FINDING TYPE</u>
10000	Attendance
40000	State Compliance
42000	Charter School Facilities Programs
60000	Miscellaneous
61000	Classroom Teacher Salaries
62000	Local Control Accountability Plan
70000	Instructional Materials
71000	Teacher Misassignments
72000	School Accountability Report Card

No state award findings were noted in fiscal year 2015-16.

**GOLD TRAIL UNION SCHOOL DISTRICT
SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS
FOR THE YEAR ENDED JUNE 30, 2016**

FINDING 2015-1: UNDUPPLICATED LOCAL CONTROL FUNDING FORMULA PUPIL COUNTS (40000)

Criteria: Students classified as free or reduced price meal eligible (FRPM) and who are not directly certified on the CALPADS 1.18 FRPM/English Learner/Foster Youth – Student List Report must have supporting documentation that indicates the student was eligible for the determination. Auditors are required to verify compliance with Education Code Section 42238.02(b)(3)(b) in Section W of the *2014-15 Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting*.

Condition: 1 of 6 students tested from the CALPADS 1.18 FRPM/English Learner/Foster Youth – Student List Report who was classified as FRPM did not have proper supporting documentation to support their designation. Upon further testing of 100% of the FRPM eligible population, we identified an additional 3 students without proper supporting documentation for a total of 4 ineligible students.

Cause: The District had previously implemented an automated process that would allow the student information system and the food service system to automatically update for status changes. A glitch in the system allowed the 4 identified students' statuses to update erroneously.

Effect: The District is not in compliance with State requirements.

Context: 4 of 356 (191 for 2014-15 and 165 for 2013-14) students reported in the District's Unduplicated Pupil Count did not have proper supporting documentation to support their FRPM designation.

GOLD TRAIL UNION SCHOOL DISTRICT
SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS, continued
FOR THE YEAR ENDED JUNE 30, 2016

Questioned Costs:

LCFF Target Base Grant Amount and Pupil Counts		
1) Total Base Grant Amount		4,581,798
	Section 1: UPP	Section 2: UPP
2) Total Enrollment Count from Unduplicated Pupil Percentage Exhibit	1,276	1,241
3) Unduplicated Pupil Count from Unduplicated Pupil Percentage Exhibit	382	356
Unduplicated Pupil Percentage Adjustment		
4) Unduplicated Pupil Count	382	356
5) Number of Unduplicated Pupil Count Adjustment (plus or minus)	(4)	(4)
6) Adjusted Unduplicated Pupil Count	378	352
7) Unduplicated Pupil Percentage calculated at P-2	0.2994	0.2869
8) Adjusted Unduplicated Pupil Percentage	0.2962	0.2836
9) Funded UPP (Greater of Section 1 or 2)	0.2962	
Target Supplemental Audit Adjustment		
10) Target supplemental grant funding calculated at P-2	274,358	-
11) Adjusted target supplemental grant funding	271,426	-
12) Target supplemental audit adjustment	(2,932)	-
Target Concentration Audit Adjustment		
13) Target Concentration grant funding calculated at P-2	-	-
14) Adjusted target concentration grant funding	-	-
15) Target concentration audit adjustment	-	-
Value of Adjustment in Current Year		
16) Total target supplemental and concentration audit adjustment	(2,932)	-
17) Statewide gap funding rate	0.3016000000	0.3016000000
18) Estimated value of unduplicated pupil count audit adjustment for 2014-15	(884)	-

Recommendation: We recommend that the District ensure that all students listed as FRPM in the CALPADS 1.18 FRPM/English Learner/Foster Youth – Student List Report have proper documentation to support their CALPADS designation.

District Response: In June 2015, after the 14/15 school year ended we became aware of the potential for an audit finding related to the FRMP eligibility. The Cafeteria Director, Human Resources Director, and CFO met to identify how and where the error occurred. These personnel then discussed the responsibilities of each individual towards preparing and certifying CALPADS 1.18 report. The district established detailed checks and balances for this process to insure the proper preparing and certifying of the data.

Current Status: Implemented.

AGENDA ITEM 12.0**ACTION ITEM: Local Educational Agency Plan (LEAP) Amendment****BACKGROUND**

Local Education Agency Plans (LEAP) were developed in spring 2003 as five year plans, to be implemented from July 1, 2003 – June 30, 2008, in response to requirement in the 2001 reauthorization of the Elementary and Secondary Education Act (ESEA). While the Elementary and Secondary Education Act has been reauthorized as the Every Student Succeeds Act (ESSA) and signed into law on December 10, 2015, most of the provisions of the ESSA will not take effect until the 2017-18 school year. Absent new guidance, this document provides an update on GTUSD's progress towards the 4 performance goals as defined in ESEA and describes LEA level plans. Considerably more detail about school performance and planned activities can be found in the Single Plan for Student Achievement (SPSA) for each school. Also, the Local Control Accountability Plan, while not a requirement of ESEA, supports eight state priorities and provides additional funding sources to develop similar programs to assist students. These various plans provide programs and supplemental services for Gold Trail Union School District students and are reviewed annually and approved by the board.

Wendy Scarlett, CFO, will review and update the District's LEAP.

ATTACHMENTS

- **2016-17 LEAP Amendment**

BUDGETED

NA Yes No Cost Analysis Follows

RECOMMENDATION

Accept the Amendment.

NOTES

<i>ACTION</i>	<i>Moved</i>	<i>Seconded</i>		
<input type="checkbox"/> <i>Approved as is</i> <input type="checkbox"/> <i>Not approved</i> <input type="checkbox"/> <i>Amended to read:</i>				
<i>Vote</i>	<i>Ayes</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>

Gold Trail Union School District (GTUSD)

LEA Plan Update

2016-17

Local Education Agency Plans (LEA Plans) were developed in spring 2003 as five year plans, to be implemented from July 1, 2003 – June 30, 2008, in response to requirement in the 2001 reauthorization of the Elementary and Secondary Education Act (ESEA). While the Elementary and Secondary Education Act has been reauthorized as the Every Student Succeeds Act (ESSA) and signed into law on December 10, 2015, most of the provisions of the ESSA will not take effect until the 2017-18 school year. Absent new guidance, this document provides an update on GTUSD's progress towards the 4 performance goals as defined in ESEA and describes LEA level plans. Considerably more detail about school performance and planned activities can be found in the Single Plan for Student Achievement (SPSA) for each school. Also, the Local Control Accountability Plan, while not a requirement of ESEA, supports eight state priorities and provides additional funding sources to develop similar programs to assist students. These various plans provide programs and supplemental services for Gold Trail Union School District students and are reviewed annually and approved by the board.

In August 2010, California adopted the Common Core State Standards with full implementation in 2013-14. In addition to the change in curriculum delivery the state is transitioning to a new assessment system called California Assessment of Student Performance and Progress (CAASPP). This transition creates challenges for plan development and monitoring success. The test results from last year's Smarter Balance assessments will be compared to the baseline set in 2014-15. We will use the results of these tests to adjust our curriculum to better align with the Common Core Standards. Since CAASPP testing begins with 3rd grade students – there is no state provided assessment tool to monitor student academic performance at the earlier grades. State provided interim assessment tools for grades 3 through 8 are limited and insufficient. With this in mind, and to provide opportunities during the year to provide intervention and re-teaching where needed, we have determined to focus our attention on locally developed assessments measured periodically during the year at all grade levels. It is with these challenges that the LEA and SPSA plans are crafted.

Along with the state testing results the district will consider other factors that may contribute to student success. Effective training, sufficient materials, class sizes, safe and adequate facilities, student engagement and parent involvement are all important to student success.

The LEA Plan is organized around 4 performance goals.

Goal 1: All students will make satisfactory progress or better, in language arts and math in the 2016-17 school year.

The 15-16 CAASPP provides our first year of measurement of student academic performance using this assessment methodology. The district continues the process of developing and implementing local assessments to monitor academic growth for students at all grade levels.

Currently we are using teacher made assessments, adopted textbook assessments and programmatic assessments such as Systematic Instruction in Phonological Awareness, Phonics, and Sight Words (SIPPS), Reading Lions and Raz Kids for language arts, and IXL Math, Moby and ALEKS for math.

Students with behavior issues can impede their own and others' academic success. The district employs a full-time behaviorist whose responsibilities are to observe the teacher and the student interaction to identify student triggers. The behaviorist provides teacher coaching to develop strategies designed to diffuse inappropriate student behavior responses. The behaviorist also works directly with the student to help them learn skills to more positively manage their classroom and playground behavior.

Teacher aides provide Title 1 support for students struggling academically in grades TK/K through 3 by re-teaching missing skills, tutoring, keeping them focused and on task in the classroom.

Prior to the start of the year in-coming kindergarten students are assessed using the Gessell Development Observation Tool that assesses school readiness for placement in K1 a one-year program or K2 a two year transitional program.

During the first four weeks of school or upon student enrollment teachers evaluate first through eighth grade students for grade level readiness in language arts and math.

Teachers meet in both grade level teams and across grade level groups to discuss effective teaching strategies, model lessons, develop pacing guides and coordinate student transition to the next grade level.

Goal 2: All limited English proficient, educationally and socioeconomically disadvantaged youth will make satisfactory progress or better, in language arts and math in the 2016-17 school year.

Students are continually assessed using SIPPS screening tests, district assessments in the areas of fluency, accuracy, and comprehension, as well as other standardized tests in the areas of language arts and math. All underperforming students are referred to the Student Success Team process. Team participants can be the classroom teacher, principal, resource specialist, behaviorist, and the parent(s). The team is configured based on the specific needs of the child who may be invited to attend if appropriate.

The team meets to discuss, in-depth, the individual concerns and needs of the student. Specific measurable interventions are planned and a follow up meeting is scheduled if necessary. Interventions include Title I and SIPPS small group instruction, translator aides and web based software programs like Read Naturally, Raz Kids, IXL and ALEKS Math. Student progress is monitored for success. Where interventions are determined not successful the team meets to revise interventions or discuss the possible need for Special Education assessment.

The district continues to improve the English Learner outreach program to more effectively assist English Learners and their families. Our goal is to make the students and their families more comfortable in the school environment which will invariably lead to student academic success. We accomplish this by providing translator services, English Learners parent nights, frequent contact with parents, and periodic contact with students who are bilingual with the CELDT coordinator. In addition, we translate bulletins and emails sent home to parents of English Learner students.

Goal 3: All teachers are highly trained with specialized professional development using common core standards and continue to increase student use of technology to support academic success.

GTUSD's current staff is highly trained and 97% of staff are credentialed to teach English Learner (EL) students. The teacher not EL credentialed does not have EL students in her class and will complete her training in 2016/17. All teachers on staff have been trained in the Common Core Standards curriculum delivery. The adopted calendar provides three staff days for in-service and training as well as ten early release days and prep periods for all staff to train, review and plan.

Goal 4: All students will be educated in learning environments that are safe, drug free and conducive to learning.

The District participates in Tobacco Use and Prevention Education and conducts the California Healthy Kids Survey. We have expanded our survey to include grades 5 through 8 and will conduct the survey annually. The results of this survey are shared with the School Board and the community.

Student Behavior

Promoting kindness and respect for all students and staff is a priority. Character education to learn how to replace negative behavior with positive action will increase well being for all. Staff members are encouraged to model positive behavior to enhance the learning environment and improve student ability to practice these concepts.

Introducing these important concepts at an early age is critical. The Second Step early learning program for grades TK to 3 teaches young students social-emotional and self-regulation skills that help them manage their feelings, make friends and solve problems.

In grades 4 through 8, the Gold Trail student council governance is based on the program Where Everybody Belongs. This structure fosters a physically, emotionally and culturally responsive environment which engages students, develops leadership and creates a positive campus atmosphere. Gold Trail students also participate in the Teens Educating Against Classmate Harassment program, a bullying prevention program that empowers students to create a positive and respectful environment on our campuses.

Both school Principals have as a priority to be visible on campus and to have an open door policy for parent conferences.

Safety Plan

The District annually updates the comprehensive safety plan. The management team/school safety committee meets every trimester to review the safety plan in order to vigilantly increase safety awareness. Systems are evaluated for effectiveness and improvements are made where necessary. Fire drills are conducted monthly, and earthquake and lockdown drills are practiced three times a year. A district wide bus evacuation for all persons on campus is planned and conducted annually with a debrief meeting following the drill to evaluate and improve the process.

Attendance and Truancy

The district has developed and implemented a Truancy Policy and common truancy letters to address students who are classified as truant. All schools use the El Dorado County School Attendance Review Board (SARB) to help with issues of truancy that cannot be resolved at the school level. Training was provided to the school administrators regarding attendance, attendance accounting, truancy and Average Daily Attendance. Attendance for each school is monitored and discussed at the site level on a monthly basis.

McKinney-Vento

The Superintendent is the district McKinney-Vento Liaison for homeless families. The district currently has 57 students who are classified as “homeless” and has increased by 11 students since last year. Staff at the schools have been trained regarding the McKinney-Vento requirements and provided with resources to discreetly assist homeless families. Eligible students receive free lunch and transportation, school supplies and other needed services and supplies to help them be successful in school.

Additional Mandatory Title I Descriptions

1. Planned School Allocations

The district meets the small district criteria as there is only one school per grade span and there are fewer than 1000 students in the district. Title I funding is allocated to Sutter's Mill Elementary School.

2. Section 1115 Targeted Assistance Schools.

See Goal 2 for student identification and services provided.

3. Not in Program Improvement

4. Coordinate Title I and Title II.

All teachers are highly qualified. Title I and Title II funds are used to focus professional development for the principal and teachers on instructional strategies that research shows are most effective. Developing Common Core Standard curriculum delivery, BTSA and administrator training are the particular areas of focus.

Funding used to support these goals in the various school plans

ESSA - Title I, Disadvantaged

ESSA - Title II, Teacher and Principal

ESSA - Title III Limited English Proficient and Immigrant (thru local consortium)

ESSA - Rural Education Achievement Program

ESSA - McKinney-Vento Homeless

State - Local Control Funding Formula Base and Concentration Funding

State - Common Core Standards Funding

State - Lottery

Mental Health - Prevention Early Intervention funding

Approved by the District Advisory committee – November 29, 2016

AGENDA ITEM 13.0**ACTION ITEM: Annual Review of Board Bylaw 9270: Conflict of Interest****BACKGROUND**

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. Accordingly, no Board member, district employee, or other person in a designated position shall participate in the making of any decision for the district when the decision will or may be affected by his/her financial, family, or other personal interest or consideration.

ATTACHMENTS

- **BB 9270, Conflict of Interest**

BUDGETED

NA Yes No Cost Analysis Follows

RECOMMENDATION

Conduct the annual review of the subject Bylaw.

NOTES

<i>ACTION</i>	<i>Moved</i>	<i>Seconded</i>
<input type="checkbox"/> <i>Approved as is</i>		
<input type="checkbox"/> <i>Not approved</i>		
<input type="checkbox"/> <i>Amended to read:</i>		

<i>Vote</i>	<i>Ayes</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>

CONFLICT OF INTEREST

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. Accordingly, no Board member, district employee, or other person in a designated position shall participate in the making of any decision for the district when the decision will or may be affected by his/her financial, family, or other personal interest or consideration.

(cf. 9005 - Governance Standards)

Even if a prohibited conflict of interest does not exist, a Board member shall abstain from voting on personnel matters that uniquely affect his/her relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which his/her relative belongs. *Relative* means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

The Board shall adopt for the district a conflict of interest code that incorporates the provisions of 2 CCR 18730 by reference, specifies the district's designated positions, and provides the disclosure categories required for each position. The conflict of interest code shall be submitted to the district's code reviewing body for approval, in accordance with Government Code 87303 and within the deadline for submission established by the code reviewing body. (Government Code 87303)

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code and submit any changes to the code reviewing body or, if no change is required, the Board shall submit a written statement to that effect. (Government Code 87306.5)

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent. (Government Code 87306)

When reviewing and preparing the district's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

(cf. 9320 - Meetings and Notices)

CONFLICT OF INTEREST (continued)

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last required statement and the date of leaving office or district employment. (Government Code 87302, 87302.6)

(cf. 4117.2/4217.2/4317.2 - Resignation)

(cf. 9222 - Resignation)

Conflict of Interest under the Political Reform Act

A Board member, designated employee, or other person in a designated position shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A disqualifying conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect," which is distinguishable from the effect on the public generally, on the Board member, designated employee, or other person in a designated position, his/her immediate family, or any financial interest described in 2 CCR 18700. (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)

A Board member, designated employee, or other person in a designated position makes a governmental decision when he/she, acting within the authority of his/her office or position, authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before a district official for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.

However, a Board member shall participate in the making of a contract in which he/she has a financial interest if his/her participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705.

Additional Requirements for Boards that Manage Public Investments

Any Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18707)

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.

CONFLICT OF INTEREST (continued)

2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.

However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion and deliberations of the matter with members of the public.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during consideration of the consent calendar.

4. If the Board's decision is made during closed session, disclose his/her interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government Code 87100. He/she shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision.

(cf. 3430 - Investing)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

Conflict of Interest under Government Code 1090 - Financial Interest in a Contract

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest in a contract made by the Board, the contract is void. (Government Code 1090)

A Board member shall not be considered to be financially interested in a contract in which he/she has only a "remote interest," as specified in Government Code 1091, if the interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member or district official to enter into the contract. (Government Code 1091)

In addition, a Board member shall not be considered to be financially interested in a contract in which his/her interest is a "noninterest" as defined in Government Code 1091.5. Noninterest includes a Board member's interest in being reimbursed for his/her actual and

CONFLICT OF INTEREST (continued)

necessary expenses incurred in the performance of his/her official duties, in the employment of his/her spouse/registered domestic partner who has been a district employee for at least one year prior to the Board member's election or appointment, or in any other applicable circumstance specified in Government Code 1091.5.

Common Law Doctrine Against Conflict of Interest

A Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties.

Incompatible Offices and Activities

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the district. (Government Code 1099, 1126)

(cf. 4136/4236/4336 - Nonschool Employment)

Gifts

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

In addition, the limitation on gifts does not apply to informational materials such as books, reports, pamphlets, calendars, and periodicals. (Government Code 82028)

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation, except when: (Government Code 89506)

1. The travel is in connection with a speech given by a Board member or designated employee, provided the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech and the travel is within the United States.
2. The travel is provided by a person or agency specified in Government Code 89506, including a government, governmental agency or authority, bona fide public or private educational institution, as defined in Revenue and Taxation Code 203, or nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

CONFLICT OF INTEREST (continued)

Gifts of travel exempted from the gift limitation, as described in items #1 and 2 above, shall nevertheless be reportable on the recipient's Statement of Economic Interest/Form 700 as required by law.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

Honoraria

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering. (Government Code 89501, 89502)

The term *honorarium* does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession, unless the sole or predominant activity of the business, trade, or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

Legal Reference: (see next page)

CONFLICT OF INTEREST (continued)

Legal Reference:

EDUCATION CODE

1006 Qualifications for holding office

35107 School district employees

35230-35240 Corrupt practices, especially:

35233 Prohibitions applicable to members of governing boards

41000-41003 Moneys received by school districts

41015 Investments

FAMILY CODE

297.5 Rights, protections, and benefits of registered domestic partners

GOVERNMENT CODE

1090-1099 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

81000-91014 Political Reform Act of 1974, especially:

82011 Code reviewing body

82019 Definition, designated employee

82028 Definition, gift

82030 Definition, income

82033 Definition, interest in real property

82034 Definition, investment

87100-87103.6 General prohibitions

87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

89501-89503 Honoraria and gifts

89506 Ethics; travel

91000-91014 Enforcement

PENAL CODE

85-88 Bribes

REVENUE AND TAXATION CODE

203 Taxable and exempt property - colleges

CODE OF REGULATIONS, TITLE 2

18110-18997 Regulations of the Fair Political Practices Commission, especially:

18700-18707 General prohibitions

18722-18740 Disclosure of interests

18750.1-18756 Conflict of interest codes

COURT DECISIONS

McGee v. Balfour Beatty Construction, LLC, et al. (4/12/16, No. B262850)

Davis v. Fresno Unified School District (2015) 237 Cal.App.4th 261

Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469

Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th 655

Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

Legal Reference continued: (see next page)

CONFLICT OF INTEREST (continued)

Legal Reference: (continued)

ATTORNEY GENERAL OPINIONS
92 Ops.Cal.Atty.Gen. 26 (2009)
92 Ops.Cal.Atty.Gen. 19 (2009)
89 Ops.Cal.Atty.Gen. 217 (2006)
86 Ops.Cal.Atty.Gen. 138(2003)
85 Ops.Cal.Atty.Gen. 60 (2002)
82 Ops.Cal.Atty.Gen. 83 (1999)
81 Ops.Cal.Atty.Gen. 327 (1998)
80 Ops.Cal.Atty.Gen. 320 (1997)
69 Ops.Cal.Atty.Gen. 255 (1986)
68 Ops.Cal.Atty.Gen. 171 (1985)
65 Ops.Cal.Atty.Gen. 606 (1982)
63 Ops.Cal.Atty.Gen. 868 (1980)

Management Resources:

CSBA PUBLICATIONS

Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010

FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS

Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009

Understanding the Basics of Public Service Ethics: Transparency Laws, 2009

WEB SITES

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

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Institute of Local Government: <http://www.ca-ilg.org>

AGENDA ITEM 14.0**ACTION ITEM: Annual Review of Board Policy and Administrative Regulation 6154: Homework/Makeup Work****BACKGROUND**

The District receives from the California School Boards Association periodic updates of Policies, Regulations and Bylaws that reflect current law and court decisions. The following policy and regulation is brought forward with the California School Board Association's recommendations.

BP/AR 6154 - Homework/Makeup Work

(BP revised; AR deleted)

Policy updated for consistency with BP 5121 - Grades/Evaluation of Student Achievement and research on effective grading practices, as summarized in recent CSBA governance brief, including optional language providing for full credit to be given for makeup work satisfactorily completed within a reasonable time, regardless of whether the absence is due to an excused or unexcused absence. Policy also addresses guidelines for the assignment of homework, communication of homework expectations to students and parents/guardians, and resources to assist students in completing homework and developing good study habits. Regulation deleted and key concepts moved to BP.

ATTACHMENTS

- **BP 6154, Homework/Makeup Work (Revised)**
- **AR 6154, Homework/Makeup Work (to be deleted)**

BUDGETED

NA Yes No Cost Analysis Follows

RECOMMENDATION

Approve the policy for first reading.

NOTES

<i>ACTION</i>	<i>Moved</i>	<i>Seconded</i>
<input type="checkbox"/> <i>Approved as is</i>		
<input type="checkbox"/> <i>Not approved</i>		
<input type="checkbox"/> <i>Amended to read:</i>		

<i>Vote</i>	<i>Ayes</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>

CSBA Sample Board Policy

Instruction

BP 6154(a)

HOMEWORK/MAKEUP WORK

Note: In its policy statement on homework, the State Board of Education encourages every Board to establish a strong homework policy to serve as the foundation for school-based homework plans. The SBE's parent involvement policy further urges schools to give parents/guardians techniques for assisting children in learning at home. The following optional policy and regulation may be revised as desired to reflect district practice.

The Governing Board recognizes that homework contributes toward building responsibility, self-discipline, and life long learning habits, and that time spent on homework directly influences students' ability to meet the district's academic standards. The Board expects students, parents/guardians and staff to view homework as a routine and important part of students' daily lives. The Governing Board recognizes that meaningful homework assignments can be a valuable extension of student learning time and assist students in developing good study habits. Homework shall be assigned when necessary to support classroom lessons, enable students to complete unfinished assignments, or review and apply academic content for better understanding.

(cf. 6011 - Academic Standards)

The principal and staff at each school Superintendent or designee shall collaborate with school administrators and teachers to develop and regularly review a school site homework plan which includes guidelines for the assignment of homework and describes the related responsibilities of students, staff, and parents/guardians.

Note: The following optional paragraph may be revised to specify the average number of minutes of homework that may be expected per day at each grade level, or the district may adopt an administrative regulation that contains such guidelines.

Homework assignments shall be reasonable in length and appropriate to the grade level and course. The Board expects that the number, frequency, and degree of difficulty of homework assignments will increase with the grade level and the maturity of students. Teachers shall assign homework only as necessary to fulfill academic goals and reinforce current instruction.

(cf. 6011 - Academic Standards)

The Superintendent or designee shall ensure that administrators and teachers develop and implement an effective homework plan at each school site. As needed, teachers may receive training in designing relevant, challenging and meaningful homework assignments that reinforce classroom learning objectives. Teachers' expectations related to homework may be addressed in their evaluations.

HOMEWORK/MAKEUP WORK (continued)

(cf. 4115 - Evaluation/Supervision)

(cf. 4131 - Staff Development)

Note: The following optional paragraph may be revised to reflect district practice.

Although on-time completion of homework is important to maintain academic progress, the Board recognizes that students learn at different rates. Students shall receive credit for work that is completed late in order to encourage their continued learning.

Age-appropriate instruction may be given to help students allocate their time wisely, meet their deadlines, and develop good personal study habits.

At the beginning of the school year, teachers shall communicate homework expectations to students and their parents/guardians. Homework guidelines also shall be included in student and/or parent handbooks. These communications shall include the manner in which homework relates to achievement of academic standards and course content, the impact of homework assignments on students' grades, any school resources and programs that are available to provide homework support, and ways in which parents/guardians may appropriately assist their children.

Although it is the student's responsibility to ~~do most undertake~~ assignments independently, the Board expects teachers at all grade levels to use parents/guardians as a contributing resource. parents/guardians may serve as a resource and are encouraged to ensure that their child's homework assignments are completed. When a student repeatedly fails to ~~do~~ their complete his/her homework, the teacher shall notify the student's parents/guardians as soon as possible so that corrective action can be taken prior to the release of any final grades or report cards. shall be notified and asked to contact the teacher.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

Note: The following paragraph should be revised to reflect local district practice. In some communities, the city or county helps to fund after school centers that provide diverse activities for students, including homework assistance. Districts should also be aware that by implementing an after school tutoring and homework assistance program pursuant to Education Code 58700-58702, they may credit program hours of homework and tutorial assistance towards their summer school apportionments. Pursuant to Education Code 8482.3, before-school and after-school programs operated under the After School Education and Safety Program (Education Code 8482-8484.65) and/or the federal 21st Century Community Learning Center program (Education Code 8484.7-8484.9; 20 USC 7171-7176) are required to include an educational and literacy component in which tutoring or homework assistance is provided in language arts, mathematics, history-social science, computer training, and/or science. If the district offers a before-school or after-school program under the 21st Century High School After School Safety and Enrichment for Teens program for grades 9-12 (Education Code 8420-8428; 20 USC 7171-7176), the program must include an academic assistance program, which may include homework assistance. See AR 5148.2 - Before/After School Programs. In addition, some districts offer a supervised study hall elective which high school students can take instead of other electives.

HOMEWORK/MAKEUP WORK (continued)

To further support students' homework efforts, the Superintendent or designee may establish and maintain telephone help lines, **provide access to school library media centers and technological resources**, and/or **provide before-school and after-school centers programs** where students can receive **encouragement and clarification about homework assignments assistance** from teachers, volunteers, and/or **student tutors**~~more advanced students who are performing community service~~. The Board encourages the Superintendent or designee to design class and transportation schedules that will enable students to make use of homework support services.

(cf. 1240 - Volunteer Assistance)

(cf. 1700 - Relations between Private Industry and the Schools)

(cf. 3541 - Transportation Routes and Services)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 6112 - School Day)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6163.1 - Library Media Centers)

Teachers shall review all completed homework to assess the student's understanding of academic content and shall provide timely feedback to the student.

Makeup Work

Note: Pursuant to Education Code 48205, students who miss school work because of an excused absence must be given full credit for makeup work satisfactorily completed within a reasonable period of time. State law does not require districts to give full credit for makeup work following an unexcused absence. However, CSBA's governance brief Research-Supported Strategies to Improve the Accuracy and Fairness of Grades recommends that student absence be dealt with separately from determining students' academic understanding and progress. Thus, the following paragraph provides for full credit to be awarded for satisfactory completion of makeup work regardless of the reason for the absence, an approach which is consistent with BP/AR 5121 - Grades/Evaluation for Student Achievement. Also see BP/AR 5113.1 - Chronic Absence and Truancy for strategies to address excessive excused and/or unexcused absences. The district may revise the following paragraph to reflect district practice, provided that it ensures compliance with Education Code 48205.

Students who miss school work **because of an excused absence** shall be given the opportunity to complete all assignments and tests that can be reasonably provided. As determined by the teacher, the assignments and tests shall be reasonably equivalent to, but not necessarily identical to, the assignments and tests missed during the absence. Students shall receive full credit for work satisfactorily completed within a reasonable period of time. **(Education Code 48205)**

(cf. 5113 - Absences and Excuses)

HOMEWORK/MAKEUP WORK (continued)

The Superintendent or designee shall notify parents/guardians that no student may have his/her grade reduced or lose academic credit for any excused absence when missed assignments and tests are satisfactorily completed within a reasonable period of time. Such notification shall include the full text of Education Code 48205. (Education Code 48980)

*(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5145.6 - Parental Notifications)*

Note: Either of the following options regarding unexcused absences may be selected and/or modified as desired.

OPTION 1: Students who miss school work because of unexcused absences shall be given the opportunity to make up missed work. Teachers shall assign such makeup work as necessary to ensure academic progress, not as a punitive measure.

OPTION 2: Students who miss school work because of unexcused absences may be given the opportunity to make up missed work for full or reduced credit. Teachers shall assign such makeup work as necessary to ensure academic progress, not as a punitive measure.

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the suspension. (Education Code 48913)

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

Legal Reference: (see next page)

HOMEWORK/MAKEUP WORK (continued)

Legal Reference:

EDUCATION CODE

8420-8428 21st Century High School After School Safety and Enrichment for Teens

8482-8484.65 After School Education and Safety Program

8484.7-8484.9 21st Century Community Learning Centers

48205 Absences for personal reasons

48913 Completion of work missed by suspended student

48980 Parental notifications

58700-58702 Tutoring and homework assistance program; summer school apportionment credit

UNITED STATES CODE, TITLE 20

7171-7176 21st Century Community Learning Centers

Management Resources:

SBE POLICIES

Parent Involvement in the Education of Their Children, 1994

Policy Statement on Homework, 1995

CSBA PUBLICATIONS

Research-Supported Strategies to Improve the Accuracy and Fairness of Grades, Governance Brief, July 2016

WEB SITES

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

California State PTA: <http://www.captapta.org>

(2/97 2/99) 12/16

Policy Reference UPDATE Service

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Gold Trail Union SD

Administrative Regulation

Homework/Makeup Work

AR 6154
Instruction

School-Site Homework Plan

The principal and staff at each school shall develop and semi-annually review a school-site homework plan which includes guidelines for the assignment of homework and describes the responsibilities of students, staff and parents/guardians.

The plan will be crafted following these prescribed guidelines:

1. Homework is only assigned when there is a reasonable likelihood that a particular assignment will be beneficial to most of the students. The guideline for assigning homework for any grade is that homework is only assigned when the teacher determines that a particular homework assignment will foster a child's interest in learning; their desire to keep reading, thinking and exploring. The teacher may determine on occasion that an exception to this policy is made when students need to practice a particular skill or study for a test. In other words, homework is not assigned as busy work.
2. The amount of homework will be determined by the teacher taking into account the ages and maturity of students, the time of year, other activities that students are doing after school and the day of the week. Homework should never be so excessive that it allows little or no time for other family activities. The school understands that children should have time in the evening to eat with their families, have time for recreation, and that students and their families are involved in valuable outside activities like sports, clubs, and church.
3. Flexibility and choice is encouraged when teachers assign homework. For example, giving a week or more to finish a homework packet is a good option.
4. It is important that teachers carefully review each homework assignment checking for mistakes and confusing directions.
5. Before teachers assign homework they will determine if they can get the assignment corrected and/or make comments on the assignment before assigning the work. Homework will be looked at, graded, and returned in a timely manner.
6. At grade levels where students have more than one academic teacher the teachers will make a plan to coordinate assignments, tests, and projects so that students are not burdened with an excessive amount of homework on any one night. Teachers are encouraged to use on-line calendars to schedule homework.

7. When students bring home assignments the parents are not expected to explain how to do the work.

8. Parents will be encouraged to contact teachers if there are issues related to homework. Parents can also ask for additional homework if they feel it would be of benefit to their children.

9. The teachers will write homework plans with the guidelines that are in concert with this Administrative Regulation, that:

- a. Will be distributed to parents at Back-to-School Night, and sent home to parents who are not in attendance.
- b. Will be reviewed and distributed to families at least one more time during the year (specifically the week after winter break.)
- c. Will be reviewed by Site Administration before distribution to parents and students.

The plan shall identify all of the following:

1. For each grade level, the amount of time that students shall be expected to spend on homework
2. For each grade level, the extent to which homework assignments shall systematically involve participation by parents/guardians
3. The means by which parents/guardians shall be informed about:
 - a. Homework expectations
 - b. How homework relates to the student's grades
 - c. How best to help their children
4. Techniques that will be taught to help students allocate their time wisely, meet their deadlines and develop good personal study habits
5. The access that students shall have to obtain:
 - a. Resource materials from the library media center
 - b. Assistance and/or tutoring through telephone help lines and/or after-school centers
6. The means by which teachers shall coordinate assignments across grade levels so that students do not receive an overload of homework one day and very little the next

7. For each grade level, the extent to which homework assignments shall emphasize independent research, reports, special reading and problem-solving activities

Makeup Work

The Superintendent or designee shall notify parents/guardians that no student may have his/her grade reduced or lose academic credit for any excused absence when missed assignments and tests are satisfactorily completed within a reasonable period of time. Such notification shall include the full text of Education Code 48205. (Education Code 48980)

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 5145.6 - Parental Notifications)

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the suspension. (Education Code 48913)

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

Regulation GOLD TRAIL UNION SCHOOL DISTRICT
approved: March 11, 2010 Placerville, California

AGENDA ITEM 15.0**ACTION ITEM: First Reading of Board Policies, Administrative Regulations and Board Bylaws****BACKGROUND**

The District receives from the California School Boards Association periodic updates of Policies, Regulations and Bylaws that reflect current law and court decisions. The following roster is brought forward with the California School Board Association's recommendations.

ATTACHMENTS

- **AR 1340, Access to District Records (AR Revised)**
- **BP/AR 3311, Bids (BP/AR Revised)**
- **BP/AR 3311.1, Uniform Public Construction Cost Accounting Procedures (BP/AR Added)**
- **AR 3311.2, Lease-Leaseback Contracts (AR Added)**
- **AR 3311.3, Design-Build Contracts (AR Added)**
- **AR 3311.4, Procurement of Technological Equipment (AR Added)**
- **BP 3470, Debt Issuance and Management (BP Added)**
- **AR 3543, Transportation Safety and Emergencies (AR Revised)**
- **BP/AR 4030, Nondiscrimination in Employment (BP/AR Revised)**
- **BP/AR 4119.11/4219.11/4319.11, Sexual Harassment (BP/AR Revised)**
- **BP 5030, Student Wellness (BP Revised)**
- **AR 5111.1, District Residency (AR Revised)**
- **BP 5116.2, Involuntary Student Transfers (BP Added)**
- **BP/AR 5141.21, Administering Medication and Monitoring Health Conditions (BP/AR Revised)**
- **BP/AR 6164.6, Identification and Education Under Section 504 (BP/AR Revised)**
- **BB 9240, Board Training (BB Revised)**
- **BB 9323, Meeting Conduct (BB Revised)**

BUDGETED

NA Yes No Cost Analysis Follows

RECOMMENDATION

Approve the roster for first reading.

NOTES

<i>ACTION</i>	<i>Moved</i>	<i>Seconded</i>
<input type="checkbox"/> <i>Approved as is</i>		
<input type="checkbox"/> <i>Not approved</i>		
<input type="checkbox"/> <i>Amended to read:</i>		

<i>Vote</i>	<i>Ayes</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>

CSBA Sample Administrative Regulation

Community Relations

AR 1340(a)

ACCESS TO DISTRICT RECORDS

Note: Article I, Section 3 of the California Constitution grants any person the right to access information concerning meetings and writings of state and local government bodies, officials, and agencies as long as the constitutional rights of privacy and due process are protected. Courts broadly interpret rules or laws granting access and narrowly interpret those denying access; thus, the burden is on the district to demonstrate the need for restricting access to public records.

The following **optional** administrative regulation lists those records defined as public and, **in contrast, those defined and as confidential to which there is no public access.** **and It** is not intended to provide an all-inclusive list of **all of the records that may be defined as either public and/or confidential.**

Definitions

Note: Pursuant to Government Code 6252, a "public record" includes any writing that relates to district business as defined below.

Emails discussing district business are considered public records. However, the law is unclear as to whether emails discussing district business sent from an employee's or Governing Board member's home computer or personal digital assistant would be considered a public record that is "retained in the normal course of business" and thus subject to disclosure. **Although an appellate court ruled that the California Public Records Act does not require public access to communications by public officials using exclusively private cell phones or email accounts, the case has been appealed to the California Supreme Court.** If a district receives a request for such records, legal counsel should be consulted, as appropriate. See BB 9012 - Board Member Electronic Communications.

Public records include any writing containing information relating to the conduct of the district's business prepared, owned, used, or retained by the district regardless of physical form or characteristics. (Government Code 6252)

(cf. 3580 - District Records)

(cf. 9012 - Board Member Electronic Communications)

Writing means any handwriting, typewriting, printing, photostating, photographing, **photocopying**, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (Government Code 6252)

Member of the public means any person, except a member, agent, officer, or employee of the district or a federal, state, or other local agency acting within the scope of his/her membership, agency, office, or employment. **(Government Code 6252)**

ACCESS TO DISTRICT RECORDS (continued)

Public Records

Note: While not specifically enumerated in Government Code 6252, items #1-**1415** below are items which fall within the definition of "public records."

Public records to which members of the public shall have access include, but are not limited to:

1. Proposed and approved district budgets and annual audits (Education Code 41020, 42103)

(cf. 3100 - Budget)

(cf. 3460 - Financial Reports and Accountability)

2. Statistical compilations
3. Reports and memoranda
4. Notices and bulletins
5. Minutes of public meetings (Education Code 35145)

(cf. 9324 - Minutes and Recordings)

6. Meeting agendas (Government Code 54957.5)

(cf. 9322 - Agenda/Meeting Materials)

7. Official communications between the district and other government agencies
8. School-based program plans (Education Code 52850)

(cf. 0420 - School Plans/Site Councils)

9. Information and data relevant to the evaluation and modification of district plans

(cf. 0440 - District Technology Plan)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 0520.3 - Title I Program Improvement Districts)

10. Initial proposals of exclusive employee representatives and of the district (Government Code 3547)

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

ACCESS TO DISTRICT RECORDS (continued)

Note: Although Government Code 6254 exempts from disclosure those records pertaining to pending litigation, the Attorney General opined in 71 Ops.Cal.Atty.Gen. 235 (1988) that records predating the filing of **the lawsuit** **are subject to the documents initiating the lawsuit are not exempt from** disclosure. In Fairley v. Superior Court, a California Court of Appeal concurred and **further held** that documents were exempted only if **they were** prepared for use in litigation. **(See item #2 in the section "Confidential Records" below.)** The following item reflects the opinion of the court and the Attorney General. The Board should consult legal counsel if it believes that **any tort claim or other** document related to litigation should not be disclosed.

11. **Records pertaining to claims and litigation against the district which have been adjudicated or settled** **Claims filed against the district and records pertaining to pending litigation** (Government Code **6254**, 6254.25; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1988))

(cf. 3320 - Claims and Actions Against the District)

12. Statements of economic interests required by the Conflict of Interest Code (Government Code 81008)

(cf. 9270 - Conflict of Interest)

Note: Generally, the names and salaries of public employees are subject to disclosure **under the Public Records Act. However, in International Federation of Professional and Technical Engineers v. The Superior Court of Alameda County, the California Supreme Court held that the salaries of public employees, linked to individual employee names (including peace officers), must be disclosed.** **the California Supreme Court** The court recognized that, in some **circumstances instances**, the salaries of certain employees might be exempt from disclosure, depending on the facts and circumstances **of the particular individual (e.g., anonymity of an undercover police officer); however, the presumption is that salary records are open and the burden is on the district maintaining the record to demonstrate why the particular record would be exempt from disclosure.** Additionally, in Sacramento County Employees Retirement System v. Superior Court, a California Court of Appeal held that the names and corresponding pension benefits of members of a county retirement system are subject to disclosure and are not considered "individual records of members" protected by Government Code 31532.

13. **Documents containing names, salaries, and pension benefits of district employees**

- 1314.** Employment contracts and settlement agreements (Government Code 53262)

(cf. 2121 - Superintendent's Contract)

(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

(cf. 4141/4241 - Collective Bargaining Agreement)

Note: The following item reflects an Attorney General Opinion (64 Ops.Cal.Atty.Gen. 186 (1981)) which opined that, a person must, upon request, be provided a copy of a textbook or other written instructional material unless the provision would result in a copyright infringement or unreasonable burden to the district. In addition, pursuant to Education Code 49091.10, parents/guardians must be allowed to inspect all instructional materials. See BP/AR 5020 Parent Rights and Responsibilities.

ACCESS TO DISTRICT RECORDS (continued)

1415. Instructional materials including, but not limited to, textbooks (**Education Code 49091.10 64 Ops.Cal.Atty.Gen. 186 (1981)**)

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

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

Note: In accordance with Government Code 6252.5, Board members have the same access to public records of the district as do members of the public. When Board members are authorized to access public records, Government Code 6252.7 prohibits the district from discriminating between Board members as to when and which record, or portion of the record, will be made available. See BB 9322 *Agenda/Meeting Materials*.

Governing Board members shall have the ability to access public records permitted by law in the administration of their duties or open to inspection by members of the public. Access to public records of the district shall be granted to Governing Board members on the same basis as any other member of the public. When Board members are authorized to access public records in the administration of their duties, the Superintendent or designee shall not discriminate among any of the Board members as to which record, or portion of the record, will be made available, or when it will be made available. (Government Code 6252.5, **6252.7**)

Note: Government Code 6254.29 specifies that the Public Records Act does not require a district to disclose an employee's social security number and states the Legislature's intent that districts redact social security numbers from any records being disclosed to the public. **In addition, Government Code 6254.3, as amended by AB 2843 (Ch. 830, Statutes of 2016), prohibits disclosure of an employee's personal cell phone number and birth date.**

The Superintendent or designee shall ensure that any public record containing personal information is redacted to ensure that such information is not disclosed to the public. When disclosing to a member of the public any record that contains personal information, including, but not limited to, an employee's home address, home telephone number, or social security number, personal cell phone number, or birth date, the Superintendent or designee shall ensure that such personal information is redacted from that record and is not disclosed to the public. (Government Code 6254.29, **6254.3**)

Confidential Public Records

Records to which the members of the public shall not have access include, but are not limited to:

1. Preliminary drafts, notes, interagency or intradistrict memoranda that are not retained by the district in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure (Government Code 6254)

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

ACCESS TO DISTRICT RECORDS (continued)

(cf. 9011 - *Disclosure of Confidential/Privileged Information*)

2. Records specifically generated in connection with or prepared for use in litigation to which the district is a party or to respond to claims made against the district pursuant to the Tort Claims Act, until the litigation or claim has been finally adjudicated or otherwise settled, or beyond, if the records are protected by some other provision of law (Government Code 6254, 6254.25; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1988))
3. Personnel records, medical records, **student records**, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code 6254)

(cf. 4112.5/4212.5/4312.5) - *Criminal Record Check*

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

(cf. 5125 - *Student Records*)

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

The home addresses, home telephone numbers, personal cell phone numbers, or birthdate of employees may only be disclosed as follows: (Government Code 6254.3)

- a. To an agent or a family member of the employee
- b. To an officer or employee of a state agency or another school district or county office of education when necessary for the performance of official duties
- c. To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, **except that the home address and any telephone number for an employee unless the employee who performs law enforcement-related functions, or the birth date of any employee, or requests in writing that the information shall** not be disclosed

Upon written request of any employee, the district shall not disclose the employee's home address, home telephone number, personal cell phone number, or birth date, and the district shall remove this information from any mailing list of the district except a list used exclusively to contact the employee.

(cf. 4140/4240/4340 - *Bargaining Units*)

ACCESS TO DISTRICT RECORDS (continued)

d. To an agent or employee of a health benefit plan providing health services or administering claims for health services to district employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents

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

4. Student records, except directory information and other records to the extent permitted under the law, when disclosure is authorized by law

(cf. 5125 - *Student Records*)

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

(cf. 5125.3 - *Challenging Student Records*)

4.5. Test questions, scoring keys, and other examination data except as provided by law (Government Code 6254)

(cf. 6162.51 - *State Academic Achievement Tests*)

(cf. 6162.52 - *High School Exit Examination*)

5.6. Without affecting the law of eminent domain, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the district relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained (Government Code 6254)

6.7. Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying the information (Government Code 6254)

Note: SB 445 (Ch. 80, Statutes of 2011) added Government Code 6267 to make the written and electronic records of library patrons confidential, except with regard to any person who is acting within the scope of his/her duties in the administration of the library, authorized in writing by the patron, or responding to an order of a court.

7.8. Library circulation and patron use records of a borrower or patron including, but not limited to, his/her name, address, telephone number, email address, borrowing information, or use of library information resources, except when disclosure is to a person acting within the scope of his/her duties in the administration of the library, to a person authorized in writing by the individual to whom the records pertain, or by court order (Government Code 6254, 6267)

(cf. 6163.1 - *Library Media Centers*)

ACCESS TO DISTRICT RECORDS (continued)

Note: The following exemption protects attorney-client privileged communications and attorney work product, as well as other work product prepared for use in pending litigation or claims. Pursuant to the Rules of Professional Conduct of the State Bar of California, when an attorney has been hired to represent the district as a whole, this privilege may only be waived by the Board.

8.9. Records for which the disclosure is exempted or prohibited pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege (Government Code 6254)

(cf. 9124 - Attorney)

9.10. Documents prepared by or for the district to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt district operations and that are for distribution or consideration in closed session (Government Code 6254)

(cf. 0450 - Comprehensive Safety Plan)

10.11. Recall petitions, petitions for special elections to fill Board vacancies, or petitions for the reorganization of the school district (Government Code 6253.5)

(cf. 9223 - Filling Vacancies)

11.12. Minutes of Board meetings held in closed session (Government Code 54957.2)

(cf. 9321 - Closed Session Purposes and Agendas)

12.13. Computer software developed by the district (Government Code 6254.9)

13.14. Information security records, the disclosure of which would reveal vulnerabilities to, or otherwise increase potential for an attack on, the district's information technology system (Government Code 6254.19)

14.15. Records that contain individually identifiable health information, including records that may be exempt pursuant to physician-patient privilege, the Confidentiality of Medical Information Act, and the Health Insurance Portability and Accountability Act (Government Code 6254, 6255)

(cf. 5141.6 - School Health Services)

15.16. Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes

ACCESS TO DISTRICT RECORDS (continued)

Note: Item #16 below reflects an exemption often referred to as the "catch-all" or "public interest" exemption pursuant to Government Code 6255. This exemption allows a district to withhold a record based on analysis of the specific facts of the situation and in light of the competing public interests. This exemption also includes the "deliberative process privilege" which is designed to protect a district's decision-making process in order to encourage candid discussions within the district. Legal counsel should be consulted to determine whether a request for a record falls under this exemption.

16. **Any other records** for which the district can demonstrate that, based on the particular facts of the case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record (Government Code 6255)

Inspection of Records and Requests for Copies

Note: Court decisions have held that a public record request may be made orally, by phone, or in writing, including by email, fax, or hand delivery. The district may ask, but not require, that the person put an oral request in writing.

Any person may request a copy or inspection of any district record that is open to the public and not exempt from disclosure. (Government Code 6253)

Within 10 days of receiving any request to inspect or copy a district record, the Superintendent or designee shall determine whether the request seeks release of a disclosable public record in the district's possession. The Superintendent or designee shall promptly inform the person making the request of his/her determination and the reasons for the decision. (Government Code 6253)

In unusual circumstances, the Superintendent or designee may extend the 10-day limit for up to 14 days by providing written notice to the requester and setting forth the reasons for the extension and the date on which a determination is expected to be made. Unusual circumstances include the following, but only to the extent reasonably necessary to properly process the request: (Government Code 6253)

1. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request
2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request
3. The need for consultation, which shall be conducted with all practicable speed, with another agency (e.g., a state agency or city) having a substantial interest in the determination of the request or among two or more components of the district (e.g., two different school sites) with substantial interest in the request

ACCESS TO DISTRICT RECORDS (continued)

4. In the case of electronic records, the need to compile data, write programming language or a computer program, or construct a computer report to extract data

If the Superintendent or designee determines that the request seeks disclosable public records, the determination shall state the estimated date and time when the records will be made available. (Government Code 6253)

Public records shall be open to inspection at all times during district office hours. Any reasonably segregable portion of a record shall be made available for inspection by any person requesting the record after deletion of the portions that are exempted by law. (Government Code 6253)

Note: Government Code 6253 states that copies of records must be provided "promptly." The term "promptly" is not defined in law, but Government Code 6253 also states that a district may not delay or obstruct the copying of records. Thus, if the records are held in a manner that allows for prompt disclosure, the records generally should not be withheld because of the 10-day response period or the 14-day extension detailed above.

Upon request for a copy that reasonably describes an identifiable record, an exact copy shall be promptly provided unless it is impracticable to do so. (Government Code 6253)

Note: The following **optional** paragraph is for use by districts that charge for copies. See the accompanying Board policy.

The Superintendent or designee shall charge an amount for copies that reflects the direct costs of duplication. Written requests to waive the fee shall be submitted to the Superintendent or designee.

Note: Pursuant to Government Code 6253, as amended by AB 2853 (Ch. 275, Statutes of 2016), in addition to having public records available for inspection during office hours, the district may, in response to a public records request, post public records on its web site and refer the requesting member of the public to the location on the web site where the public record is posted, as provided below.

In addition to maintaining public records for public inspection during district office hours, the district may comply with public records requests by posting any public record on the district's web site and, in response to a public records request, directing the member of the public to the location on the web site where the record can be found. However, if the member of the public is unable to access or reproduce the record from the web site, the district shall promptly provide an exact copy of the public record upon payment of duplication fees, if applicable, unless it is impracticable to provide an exact copy. (Government Code 6253)

ACCESS TO DISTRICT RECORDS (continued)

If any person requests that a public record be provided in an electronic format, the district shall make that record available in any electronic format in which it holds the information. The district shall provide a copy of the electronic record in the format requested as long as the requested format is one that has been used by the district to create copies for its own use or for use by other agencies. (Government Code 6253.9)

The cost of duplicating an electronic record shall be limited to the direct cost of producing a copy of the record in electronic format. However, the requester shall bear the cost of producing the copy of the electronic record, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy, under the following circumstances: (Government Code 6253.9)

1. The electronic record is one that is produced only at otherwise regularly scheduled intervals.
2. The request would require data compilation, extraction, or programming to produce the record.

Assistance in Identifying Requested Records

Note: Government Code 6253.1 requires the district to assist a person requesting to inspect or obtain a copy of a public record as specified below. This assistance is not required if the district grants the request and the records are made available or if the request is denied on the grounds that the records are confidential.

If the Superintendent or designee denies a request for disclosable records, he/she shall assist the requester in making a focused and effective request that reasonably describes an identifiable record. To the extent reasonable under the circumstances, the Superintendent or designee shall do all of the following: (Government Code 6253.1)

1. Assist in identifying records and information responsive to the request or the purpose of the request, if specified

If, after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the Superintendent or designee is still unable to identify the information, this requirement shall be deemed satisfied.

2. Describe the information technology and physical location in which the records exist
3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought

AR 1340(k)

ACCESS TO DISTRICT RECORDS (continued)

Provisions of the Public Records Act shall not be construed so as to delay or obstruct the inspection or copying of public records. Any notification denying a request for public records shall state the name and title of each person responsible for the denial. (Government Code 6253)

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Policy Reference UPDATE Service

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CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3311(a)

BIDS

Note: Pursuant to Public Contract Code 20111 ~~and 22002~~, public contracts for the lease or purchase of equipment, materials, supplies, or services or for "public projects," as defined, are required to be competitively bid when they involve expenditure of specified amounts.

An alternative procedure for public works projects is provided pursuant to the Uniform Public Construction Cost Accounting Act (UPCCA) (Public Contract Code ~~2203022000~~-22045), as described below; see **BP/AR 3311.1 - Uniform Public Construction Cost Accounting Procedures**. Also see **AR 3311.2 - Lease-Leaseback Contracts**, **AR 3311.3 - Design-Build Contracts**, and **AR 3311.4 - Procurement of Technological Equipment** for procedures applicable to those contracts.

The Governing Board is committed to promoting public accountability and ensuring prudent use of public funds. When leasing, purchasing, or contracting for equipment, materials, supplies, or services for the district, including when contracting for public projects involving district facilities, the Board shall explore lawful opportunities to obtain the greatest possible value for its expenditure of public funds. When required by law, or if the Board determines that it is in the best interest of the district, such contracts shall be made using competitive bidding.

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

(cf. 3000 - *Concepts and Roles*)

(cf. 3230 - *Federal Grant Funds*)

(cf. 3300 - *Expenditures and Purchases*)

(cf. 3311.1 - *Uniform Public Construction Cost Accounting Procedures*)

(cf. 3311.2 - *Lease-Leaseback Contracts*)

(cf. 3311.3 - *Design-Build Contracts*)

(cf. 3311.4 - *Procurement of Technological Equipment*)

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading legal requirements ~~regarding contracting after for~~ competitive bidding. (Public Contract Code 20116, ~~22033~~)

Note: Requirements for competitive bidding, including notice and advertising, are specified in Public Contract Code 20110-20118.4. See the accompanying administrative regulation.

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

Note: Pursuant to Public Contract Code 20111.5, the district is permitted, but not required, to establish prequalification procedures for any contract for which bids are legally required; see the accompanying administrative regulation. However, pursuant to Public Contract Code 20111.6, a district with average daily attendance of 2,500 or greater is required to prequalify all general contractors and electrical, mechanical, and

BIDS (continued)

plumbing subcontractors for public projects of \$1 million or more ~~awarded on or after January 1, 2014~~, if School Facilities Program funds (Education Code 17070.10-17079.30) or other future state school bonds are used. ~~In addition, the Governing Board is required to adopt a uniform system of rating bidders based on completed questionnaires and financial statements which must address, at a minimum, the issues covered by the standardized questionnaire and model guidelines developed by the Department of Industrial Relations for such purpose.~~

For award of contracts which, by law or Board policy, require prequalification, the procedures shall identify a uniform system for rating bidders ~~and shall address the issues covered by the standardized questionnaire and model guidelines developed by the Department of Industrial Relations pursuant to Public Contract Code 20101 on the basis of a completed questionnaire and financial statements.~~

(cf. 9270 - Conflict of Interest)

Note: Districts should be careful in crafting bid specifications, as a misleading specification that results in a lower bid than might have been made may make the district liable for the extra work done or expenses incurred by the contractor. In Los Angeles Unified School District v. Great American Insurance Co., the California Supreme Court held in favor of a contractor who was misled by the district's nondisclosure of material information that would have affected the contractor's bid.

When calling for bids, the Superintendent or designee shall ensure that the bid specifications clearly describes in appropriate detail the quality, delivery, and service required, and includes all information which the district knows, or has in its possession, that is relevant to the work to be performed or that may impact the cost of performing the work.

Note: Pursuant to Public Contract Code 20111, a contract required to be put out to bid must be awarded to the lowest responsible bidder. ~~As defined in Public Contract Code 1103, a~~ "responsible bidder" is one who possesses the quality, fitness, and capacity, and experience to satisfactorily perform the proposed work. (City of Inglewood Los Angeles County Civic Center Authority v. Superior Court)

However, a bid may be awarded to other than the lowest responsible bidder when conditions specified in law exist. ~~For example, a district is permitted to give preference to minorities, women, veterans, and small businesses in accordance with Public Contract Code 2000-2002. In addition, Education Code 17250.10-17250.55, as added by AB 1358 (Ch. 752, Statutes of 2015), authorize the district to award a design-build contract for a public works project in excess of \$1 million on the basis of either low bid or "best value," as defined. See "Award of Contract" section in the accompanying administrative regulation.~~

Except as authorized by law ~~and specified in the administrative regulation~~, contracts shall be let to the lowest responsible bidder who shall give such security as the Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

Note: Pursuant to Public Contract Code 20118, districts may be exempt from the bidding requirements and may "piggyback" onto the bid of any public corporation or agency for specific items when the Board determines it is in the best interest of the district. See the accompanying administrative regulation for a list of those items that may be leased or purchased using this procedure.

BIDS (continued)

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 any personal property** to the extent authorized by law. (Public Contract Code 20118)

~~Note: The following **optional** paragraph is for use by districts that have elected to use the alternative contracting procedure for public works pursuant to the UPCCAA (Public Contract Code 22030-22045) and should be deleted by districts that have not elected to use such alternative procedure. Pursuant to Public Contract Code 22030, the district may participate in the UPCCAA only if the Board adopts a resolution requiring the use of the UPCCAA in district contracting and notifies the State Controller of that action. In the event of a conflict with any other provision of law relative to bidding procedures, the UPCCAA shall apply to any district that has adopted a resolution and so notified the Controller. According to the California Uniform Construction Cost Accounting Commission's "Frequently Asked Questions," available on its web site, withdrawal from the UPCCAA requires the Board to file a resolution of the election to withdraw with the State Controller.~~

~~In electing to be subject to the UPCCAA, a district thereby agrees to follow the cost accounting procedures set forth in the Cost Accounting Policies and Procedures Manual of the California Uniform Construction Cost Accounting Commission. According to the "Frequently Asked Questions" on the Commission's web site, school districts may use the statewide Standardized Account Code Structure to comply with tracking requirements.~~

~~Pursuant to Public Contract Code 22032, projects of \$45,000 or less may be performed by the district's own work force; projects of \$175,000 or less may use a more informal bidding procedure as specified; and projects over \$175,000 require formal bidding procedures. See the accompanying administrative regulation for related requirements.~~

~~In circumstances where the informal bidding procedure is authorized, Public Contract Code 22034 allows the Board to delegate the authority to award contracts to an appropriate district administrator. Public Contract Code 22039 allows the Board to delegate the adoption of plans, specifications, and working details for projects subject to formal bidding procedures. The following paragraph may be revised to reflect district practice.~~

~~For use in contracting for public works projects, the Board has, by resolution, adopted the procedures set forth in the Uniform Public Construction Cost Accounting Act pursuant to Public Contract Code 22030-22045, including the required cost accounting procedures and the informal bidding procedures when allowed by law. The Board delegates to the Superintendent or designee the responsibilities to award any contract eligible for informal bidding procedures and to develop plans, specifications, and working details for all public projects requiring formal bidding procedures. [MOVED TO BP 3111.1 - UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES]~~

Legal Reference: (see next page)

BIDS (continued)

Legal Reference:

EDUCATION CODE

17070.10-17079.30 *Leroy F. Greene School Facilities Act*
17250.10-17250.55 *Design-build contracts*
17406 *Lease-leaseback contracts*
17595 *Purchase of supplies through Department of General Services*
17602 *Purchase of surplus property from federal agencies*
38083 *Purchase of perishable foodstuffs and seasonable commodities*
38110-38120 *Apparatus and supplies*
39802 *Transportation services*

BUSINESS AND PROFESSIONS CODE

7056 *General engineering contractor*
7057 *General building contractor*

CODE OF CIVIL PROCEDURE

446 *Verification of pleadings*

GOVERNMENT CODE

4217.10-4217.18 *Energy conservation contracts*
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*

1103 Definition, responsible bidder

2000-2002 *Responsive bidders*
3000-3010 *Roofing projects*
3400 *Bids, specifications by brand or trade name not permitted*
3410 *United States produce and processed foods*

4113 Prime contractor; subcontractor

6610 *Bid visits*
12200 *Definitions, recycled goods, materials and supplies*
20101-20103.7 *Public construction projects, requirements for bidding*
20103.8 *Award of contracts*

20107 Bidder's security

20110-20118.4 *Contracting by school districts Local Agency Public Construction Act; school districts*
20189 *Bidder's security, earthquake relief*

22002 Definition of public project

2203022000-22045 Alternative procedures for public projects (UPCCAA)

22050 Alternative emergency procedures

22152 *Recycled product procurement*

COURT DECISIONS

McGee v. Balfour Beatty Construction, LLC, et al. (4/12/16, No. B262850)

Davis v. Fresno Unified School District, (2015) 237 Cal.App.4th 261

Los Angeles Unified School District v. Great American Insurance Co., (2010) 49 Cal.4th 739

Great West Contractors Inc. v. Irvine Unified School District, (2010) 187 Cal.App.4th 1425

Marshall v. Pasadena Unified School District, (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)*

BIDS (continued)

Management Resources:

[CALIFORNIA UNIFORM CONSTRUCTION COST ACCOUNTING COMMISSION PUBLICATIONS](#)

[Cost Accounting Policies and Procedures Manual](#)

[Frequently Asked Questions](#)

[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](#)

[California Department of General Services: https://www.dgs.ca.gov](#)

[California Uniform Construction Cost Accounting Commission: http://www.seo.ca.gov/ard_cuuccac.html](#)

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Policy Reference UPDATE Service

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CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3311(a)

BIDS

Note: Pursuant to Government Code 54202, districts are **mandated** to establish bidding procedures governing the purchase of equipment and supplies, ~~as specified in~~ The following administrative regulation **reflects the competitive bidding procedures applicable to these purchases, as well as contracts for certain services, public works projects, and repairs and maintenance, when the contract exceeds the amount specified in law.**

An alternative procedure for public works projects is provided pursuant to the Uniform Public Construction Cost Accounting Act (UPCCAA) (Public Contract Code 22000-22045), which allows public projects of \$45,000 or less to be performed by district employees and public projects of \$175,000 or less to be awarded through an informal bidding process. See BP/AR 3311.1 - Uniform Public Construction Cost Accounting Procedures. Districts that have adopted the UPCCAA procedures should modify the following regulation to delete or revise conflicting provisions related to contracts for public works. Also see AR 3311.2 - Lease-Leaseback Contracts, AR 3311.3 - Design-Build Contracts, and AR 3311.4 - Procurement of Technological Equipment for procedures applicable to those contracts.

Advertised/Competitive Bids

The district shall advertise for ~~competitive bids~~ any of the following: (Public Contract Code 20111)

1. ~~when any A~~ public project contract **that** involves an expenditure of \$15,000 or more, **including a contract for construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition, or repair work involving a district owned, leased, or operated facility**

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)

(cf. 3311.1 - Uniform Public Construction Cost Accounting Procedures)

(cf. 3311.2 - Lease-Leaseback Contracts)

(cf. 3311.3 - Design-Build Contracts)

Note: For ~~items #1-3 the contracts specified in item #2a-c~~ below, Public Contract Code 20111 requires the Superintendent of Public Instruction (SPI) to annually establish a bid limit that reflects U.S. Department of Commerce data. The following **optional** paragraph allows the amount to escalate automatically once the SPI has made the annual determination. For 2016, the bid limit is \$87,800.

2. ~~The district shall also advertise for competitive bids when a~~ A contract **that** exceeds the amount specified in law, as annually adjusted by the Superintendent of Public Instruction, for any of the following: (Public Contract Code 20111)

BIDS (continued)

1.a. The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district

(cf. 3230 - Federal Grant Funds)

(cf. 3311.4 - Procurement of Technological Equipment)

2.b. Services, not including construction services or special services and advice in accounting, financial, legal, or administrative matters

3.c. Repairs that are not a public project, including maintenance

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. Maintenance does not include painting, repainting, or decorating other than touchup, or among other types of work, janitorial or custodial services and protection provided by security forces. (Public Contract Code 20115)

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 that is 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)

(cf. 1113 - District and School Web Sites)

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

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

BIDS (continued)

1. All bidders shall certify **in writing** 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. **The district may accept a bid that has been submitted electronically or on paper. (Public Contract Code 20111, 20112)**

The bid and shall be accompanied by **one of the following a** forms of bidder's security, including either cash, a cashier's check payable to the district, a certified check made payable to the district, or a bidder's bond executed by an admitted surety insurer and made payable to the district. **The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event later than 60 days after the bid is awarded.** (Public Contract Code 20107, 20111, 20112)

- 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**

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 Governing Board may determine by lot which bid shall be accepted. (Public Contract Code 20117)

BIDS (continued)

Note: Public Contract Code 20103.8 specifies that, in those cases when the bid includes items that may be added to or deducted from the scope of the work in the contract, the bid solicitation must specify the method to be used to determine the lowest bid, as detailed below. Districts should consult with legal counsel, as appropriate, **if they have questions regarding as to the applicability of this law to school districts and other unclear provisions of this law.**

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 #6a 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)

Note: For a bid to be successful, it must conform to specifications (i.e., it must be "responsive") and the bidder must be determined to be able to perform the work (i.e., he/she must be "responsible" **as defined in Public Contract Code 1103**). **There is no right to a due process hearing when the district has merely found the bid to be nonresponsive. However, A the** district must be careful in making a determination on the "nonresponsiveness" of a bid based on **anything other than the documents submitted, investigation or information outside of the submitted bid.** In addition, when relying on outside investigation or information to disqualify a bidder, the district must follow the hearing procedures applicable for a finding of "non-responsibility." (Great West Contractors Inc. v. Irvine Unified School District) To avoid any confusion, the district should provide clear and comprehensive bid specifications to bidders.

When rejecting the lowest responsive bid on the basis that the bidder is nonresponsible, the district must inform the bidder of the evidence used when making the determination and afford him/her a hearing with the right to present evidence that he/she is responsible. (City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court and Great West Contractors Inc. v. Irvine Unified School District)

BIDS (continued)

7. **In determining the lowest bid, the district shall consider only responsive bids that conform to bid specifications and are submitted by responsible bidders who have demonstrated trustworthiness, quality, fitness, capacity, and experience to satisfactorily perform the public works contract. in determining the lowest bid.**
 - a. When a bid is ~~disqualified as determined to be nonresponsive based on district investigation or other information not obtained from the submitted bid~~, the Superintendent or designee shall notify the bidder and give him/her an opportunity to respond to the ~~information determination~~.
 - b. **When the lowest bidder is determined to be nonresponsive, the Superintendent or designee shall notify the bidder of his/her right to present evidence of his/her responsibility at a hearing before the Board.**
8. **Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4.**
- 9.8. After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for public review pursuant to law, Board policy, and administrative regulation.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

10. **When a bid is ~~disqualified as nonresponsive based on district investigation or other information not obtained from the submitted bid~~, the Superintendent or designee shall notify the bidder and give him/her an opportunity to respond to the ~~information~~.**

Prequalification Procedure

Note: The following section is **optional**. Pursuant to Public Contract Code 20111.6, ~~as amended by AB 566 (Ch. 214, Statutes of 2015)~~, a district with average daily attendance (ADA) of 2,500 or greater is required to prequalify all general contractors and electrical, mechanical, and plumbing subcontractors for any public project of \$1 million or more ~~awarded on or after January 1, 2015~~, when the project uses or is reimbursed from School Facilities Program funds (Education Code 17070.10-17079.30) or other future state school bonds.

Additionally, pursuant to Public Contract Code 20111.5, districts are permitted, but not required, to establish prequalification procedures for other contracts which, by law, require competitive bidding.

When required by law or the Board, the Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. For this purpose, the Superintendent or designee shall furnish prospective bidders a standardized

BIDS (continued)

proposal form prequalification questionnaire and financial record which, when completed, shall indicate a bidder's statement of financial ability and experience in performing public works. The bidder's information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Code of Civil Procedure 446; Public Contract Code 20111.5, 20111.6)

Note: Pursuant to Public Contract Code 20111.6, districts' authority to set timelines for bid submittal and opening as specified in the following paragraph apply to contracts awarded on or after January 1, 2015 and will be in effect only until January 1, 2019. In addition, Public Contract Code 20111.6, as amended by AB 566 (Ch. 214, Statutes of 2015), clarifies that the requirement for prequalification applies to projects that will be reimbursed from future state school bonds, not just those that use funds "received" from state construction bonds.

When any public project involves an expenditure of \$1,000,000 or more and is funded or reimbursed wholly or partly by the School Facilities Program funds or other future state school bond, the district shall prequalify prospective bidders either quarterly or annually. The prequalification shall be valid for one year and the following requirements shall apply: (Education Code 17406, 17407; Public Contract Code 20111.6)

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

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

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

BIDS (continued)**Award of Contract**

~~Note: The following **optional** section may be revised to reflect district practice. Pursuant to Public Contract Code 20111, the district is required to award a contract to the lowest responsible bidder except in the circumstances specified in items #1-3 below. In addition, Education Code 17250.15 and 17250.25, as added by AB 1358 (Ch. 752, Statutes of 2015), authorize the district to award a design-build contract for a public works project in excess of \$1 million to either the low bid or best value, as provided in item #4 below.~~

The district shall award each contract to the lowest responsible bidder, except in the following circumstances:

1. When the contract is for the procurement and/or maintenance of electronic data processing systems and supporting software, in which case the Board may contract with any one of the three lowest responsible bidders (Public Contract Code 20118.1)
2. When the contract is for any transportation service which involves an expenditure of more than \$10,000 and which will be made with any person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of **a** students who **are is** to be transported, in which case the Board may contract with other than the lowest bidder (Education Code 39802)

~~Note: Pursuant to Public Contract Code 2000-2002, a district is permitted to establish bidding requirements that facilitate the participation of minority, women, disabled veteran, and small business enterprises in contracts. Though minorities and women are included in Public Contract Code 2000, Article 1, Section 31(a) of the California Constitution prohibits the granting of preferences based on race, sex, color, ethnicity, etc., in state employment and contracting. The district should consult legal counsel if there is any question about the granting of preferences to any such business.~~

3. When the contract is one for which the Board has established goals and requirements relating to participation of disabled veteran or small business enterprises in accordance with Public Contract Code 2000-2002, in which case the Board may contract with the lowest responsible bidder who submits a responsive bid and complies or makes a good faith effort to comply with the goals and requirements (Public Contract Code 2000-2002)
4. **When procuring a lease-leaseback contract, in which case the Board shall award the contract based on objective criteria for determining the best combination of price and qualifications in accordance with Education Code 17400 and 17406**

(cf. 3311.2 - Lease-Leaseback Contracts)

- 4.5. When procuring a design-build contract for a public works project in excess of \$1,000,000 in accordance with **the section "Design-Build Contracts" below Education Code 17250.20**, in which case the Board may award the contract to either

BIDS (continued)

the low bid or the best value to the district, taking into consideration, at a minimum, price, technical design and construction expertise, and life-cycle costs (Education Code 17250.20, 17250.25)

(cf. 3311.3 - Design-Build Contracts)

Protests by Bidders

Note: The law does not specify a procedure for handling protests by bidders. The following **optional** section provides one such procedure and should be modified to reflect district practice.

A bidder may protest a bid award if he/she believes that the award is not in compliance with law, Board policy, or the bid specification. A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award and shall include 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.

Note: The following paragraph provides a process for appealing a bid award to the Board. Although the law does not specify the notice to be given in this circumstance, CSBA recommends at least three business days which may be modified to reflect district practice.

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide notice to the bidder of the date and time for Board consideration of the protest at least three business days before the Board meeting. The Board's decision shall be final.

Alternative Bid Procedures for Technological Supplies and Equipment [SECTION MOVED TO NEW AR 3311.4]

Design-Build Contracts [SECTION MOVED TO NEW AR 3311.3]

Limitation on Use of Sole Sourcing

Note: "Sole sourcing" is the practice by which one brand name product is specified, although comparable, competitive products are available. Public Contract Code 3400 allows sole sourcing in limited circumstances and requires that the specification of the designated product be followed by the words "or equal," so that bidders for such a contract are able to base their bids on the use of other products of equal functionality that may result in cost savings for the district. The following section is **optional**.

BIDS (continued)

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

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

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

Note: The following **optional** paragraph is for use by districts with ADA of more than 2,500. For the repair or replacement of the roof of a public facility, a material must meet the requirements specified below to be considered "equal" pursuant to Public Contract Code 3000-3010.

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

However, the Superintendent or designee may designate a specific material, product, thing, or service by brand or trade name (sole sourcing) if the Board has made a finding, described in the invitation for bids or **request for proposal (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

(cf. 9323.2 - Actions by the Board)

BIDS (continued)

Bids Not Required

Note: The following paragraph lists those items that may be purchased through a "piggybacked" bid; see the accompanying Board policy. Many districts have used the piggyback procedure to purchase portable and relocatable buildings. The Attorney General has opined (89 Ops.Cal.Atty.Gen. 1, 2006) that a district may not rely on the piggyback exception to contract for the acquisition and installation of factory-built modular building components (i.e., roofs and walls) for installation on a permanent foundation. However, this opinion does not apply to typical portable or relocatable single-classroom buildings, because they lack a permanent foundation and building mobility. Districts considering using the piggyback process for relocatables, portables, modulars, and the like should consult district legal counsel. While Attorney General opinions are not binding, they are often given deference by the court and may also be considered by the State Allocation Board when making funding decisions.

Without advertising for bids and upon a determination that it is in the best interest of the district, the Board may authorize another public corporation or agency, by contract, lease, requisition, or purchase order, 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"). Alternatively, if the public corporation or agency has an existing contract with 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 and make payments under the same terms that are available to the public corporation or agency under the contract. (Public Contract Code 20118)

*(cf. 3300 - Expenditures and Purchases)
(cf. 3512 - Equipment)*

Note: The following **optional** paragraph reflects the authority granted to public agencies pursuant to Government Code 4217.10-4217.18 to enter into energy service contracts without competitive bidding when the agency's governing body determines that the contract is in the best interest of the agency based on the "costs-benefits" analysis specified in Government Code 4217.12.

Without advertising for bids, the Board may enter into an energy service contract and any related facility ground lease, when it determines that the terms of the contract and lease are in the best interest of the district **and meet the cost effectiveness requirements specified in Government Code 4217.12**. The Board's determination shall be made at a regularly scheduled public hearing of which notice is given to the public at least two weeks in advance and shall be based on cost **and savings** comparison findings specified in Government Code 4217.12. (Government Code 4217.12)

*(cf. 3511 - Energy and Water Management)
(cf. 9320 - Meetings and Notices)*

BIDS (continued)

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 foodstuffs and seasonal commodities 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)

Bids shall 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)

Note: Pursuant to Public Contract Code 20113, a district may award contracts without competitive bidding in emergency situations, as specified below. In Marshall v. Pasadena Unified School District, a court held that the definition of "emergency" in Public Contract Code 1102 is applicable. Public Contract Code 1102 defines "emergency" as a "sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services."

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 1102, 20113)

(cf. 3517 - Facilities Inspection)

The district may purchase any surplus property from the federal government or any of its agencies in any quantity needed for the operation of its schools without taking estimates or advertising for bids. (Education Code 17602)

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CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3311.1(a)

UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES

Note: The following **optional** policy is for use by districts that elect to use an alternative procedure for awarding contracts for public works projects pursuant to the Uniform Public Construction Cost Accounting Act (UPCCAA) (Public Contract Code 22000-22045), which establishes a higher bid limit and a more informal bidding process for certain projects. See BP/AR 3311 - Bids for traditional bidding procedures pursuant to Public Contract Code 20110-20118.4.

Pursuant to Public Contract Code 22032, projects of \$45,000 or less may be performed by the district's own work force, projects of \$175,000 or less may use a more informal bidding procedure as specified, and projects over \$175,000 require formal bidding procedures. See the accompanying administrative regulation for related requirements.

In order to participate in the UPCCAA, Public Contract Code 22030 requires the Governing Board to adopt a resolution electing to use the UPCCAA for district contracting and to notify the State Controller of that action. In the event of a conflict with any other provision of law relative to bidding procedures, the UPCCAA shall apply for any district that has adopted a resolution and so notified the Controller. According to the California Uniform Construction Cost Accounting Commission's "Frequently Asked Questions," available on its web site, once the Board has adopted such a resolution, it can only withdraw from the UPCCAA by adopting a resolution of the election to withdraw and filing that resolution with the State Controller.

In awarding contracts for public works projects involving district facilities, the Governing Board desires to obtain the best value to the district and ensure the qualifications of contractors to complete the project in a satisfactory manner. For use in contracting for public works projects, tThe Board has, by resolution, adopted the procedures set forth in the Uniform Public Construction Cost Accounting Act pursuant to Public Contract Code 22030-22045, including **the required cost accounting procedures and** the informal bidding procedures when allowed by law.

(cf. 3311 - Bids)

(cf. 7110 - Facilities Master Plan)

Note: The following paragraph may be revised to reflect district practice. In circumstances where the informal bidding procedure is authorized, Public Contract Code 22034 allows the Board to delegate the authority to award contracts to an appropriate district administrator. Public Contract Code 22039 allows the Board to delegate the **adoption of authority to adopt** plans, specifications, and working details for projects subject to formal bidding procedures.

The Board delegates to the Superintendent or designee the responsibilities to award any contract eligible for informal bidding procedures and to develop plans, specifications, and working details for all public projects requiring formal bidding procedures.

UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES
(continued)

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading legal requirements for competitive bidding. (Public Contract Code 22033)

Note: In electing to be subject to the UPCCAA, the district thereby agrees to follow the cost accounting procedures set forth in the Cost Accounting Policies and Procedures Manual of the California Uniform Construction Cost Accounting Commission, pursuant to Public Contract Code 22017 and 20019 22019. According to the "Frequently Asked Questions" on the Commission's web site, districts may use the statewide Standardized Account Code Structure to comply with tracking requirements.

Projects awarded through the UPCCAA shall be subject to the cost accounting procedures established by the California Uniform Construction Cost Accounting Commission. (Public Contract Code 22030)

Emergency Actions

Note: Public Contract Code 22035 allows the district to replace or repair a school facility without going through the UPCCAA process in cases of emergency in accordance with Public Contract Code 22050. Public Contract Code 1102 defines "emergency" as a "sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services."

In cases of emergency wWhen formal bids are required by law but an emergency necessitates immediate repair or replacements are necessary, the Board may, upon a four-fifths vote of the Board, proceed at once to replace or repair a facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts, in accordance with the contracting procedures in Public Contract Code 22050. The work may be done by day labor under the direction of the Board and/or contractor. The emergency action shall subsequently be reviewed by the Board in accordance with Public Contract Code 22050 and shall be terminated at the earliest possible date that conditions warrant, so that the remainder of the emergency action may be completed by giving notice for bids to let contracts. (Public Contract Code 1102, 22035, 22050)

(cf. 9323.2 - Actions by the Board)

Legal Reference: (see next page)

UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES

(continued)

Legal Reference:

PUBLIC CONTRACT CODE

1102 *Definition of emergency*

20110-20118.4 Local Agency Public Construction Act; school districts

22000-22020 *California Uniform Construction Cost Accounting Commission*

22030-22045 *Alternative procedures for public projects (UPCCAA), especially:*

22032 *Applicability of procedures based on amount of project*

22034 *Informal bidding procedure*

22035 *Emergency need for repairs or replacement*

22037-22038 *Formal bidding procedures for projects exceeding \$175,000*

22050 *Alternative emergency procedures*

Management Resources:

CALIFORNIA UNIFORM CONSTRUCTION COST ACCOUNTING COMMISSION PUBLICATIONS

Cost Accounting Policies and Procedures Manual

Frequently Asked Questions

WEB SITES

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

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

California Uniform Construction Cost Accounting Commission: http://www.sco.ca.gov/ard_cuccac.html

CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3311.1(a)

UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES

Note: The following administrative regulation is for use when the Governing Board has adopted a resolution to use the alternative procedures of the Uniform Public Construction Cost Accounting Act (UPCCAA) (Public Contract Code 22000-22045) for awarding public works projects; see the accompanying Board policy.

According to the California Uniform Construction Cost Accounting Commission's "Frequently Asked Questions," available on its web site, a district participating in the UPCCAA is subject to other requirements of the Public Contract Code in areas where the UPCCAA is silent. See BP/AR 3311 - Bids for traditional bidding procedures pursuant to Public Contract Code 20110-20118.4.

Public Contract Code 22032 establishes the following requirements based on the amount of the public project. Pursuant to Public Contract Code 22020, the Commission reviews these monetary limits every five years and recommends to the State Controller whether they need to be adjusted. The State Controller is required to notify all public agencies of any adjustment to these limits.

Procedures for awarding contracts for public works projects shall be determined on the basis of the amount of the project, as follows:

1. Public projects of \$45,000 or less may be performed by district employees by force account, negotiated contract, or purchase order. (Public Contract Code 22032)

Note: Public Contract Code 22034 requires any public agency participating in UPCCAA to adopt an informal bidding ordinance, with specified components, to govern the selection of contractors to perform public projects of \$175,000 or less, as described in item #2 below. The Commission's "Frequently Asked Questions" clarify that, for school districts and other agencies that cannot legally adopt ordinances, a board policy, administrative regulation, or other legally applicable action of the board may be substituted.

2. Contracts for public projects of \$175,000 or less may be awarded through the following informal procedures: (Public Contract Code 22032, 22034, 22038)
 - a. The Superintendent or designee shall maintain a list of qualified contractors, identified according to categories of work.

Note: Public Contract Code 22034, as amended by SB 184 (Ch. 269, Statutes of 2015), authorizes distribution of the following bid notice by fax or email as well as by mail.

- b. The Superintendent or designee shall prepare a notice inviting informal bids which describes the project in general terms, explains how to obtain more information about the project, and states the time and place for submission of bids. The notice shall be disseminated by mail, fax, or email to **one or both of the following:** (1) **to** all contractors on the district's list for the category of

UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES

(continued)

work being bid, unless the product or service is proprietary, at least 10 calendar days before bids are due. **In addition, the Superintendent or designee may mail, fax, or email a notice inviting informal bids (2) To** all construction trade journals identified pursuant to Public Contract Code 22036.

- c. The district shall review the informal bids and award the contract, except that:
 - (1) If all bids received through the informal process are in excess of \$175,000, the contract may be awarded to the lowest responsible bidder, provided that the **Governing** Board adopts a resolution with a four-fifths vote to award the contract at \$187,500 or less and the Board determines the district's cost estimate **was is** reasonable.
 - (2) If no bids are received through the informal bid procedure, the project may be performed by district employees by force account or negotiated contract.
3. Public projects of more than \$175,000 shall, except as otherwise provided by law, be subject to formal bidding procedures, as follows: (Public Contract Code 22032, 22037, 22038)

Note: Pursuant to Public Contract Code 22037, if there is no newspaper of general circulation published in the jurisdiction of the district, the district must post the bid notice in three locations as described below. Public Contract Code 22037 requires that these locations be identified in the agency's ordinance or regulation. Item #3a(1) may be revised to include such locations.

- a. Notice inviting formal bids shall state the time and place for receiving and opening sealed bids and distinctly describe the project. The notice shall be disseminated in both of the following ways:
 - (1) Through publication in a newspaper of general circulation in the district's jurisdiction or, if there is no such newspaper, then by posting the notice in at least three places designated by the district as places for posting its notices. Such notice shall be published at least 14 calendar days before the date that bids will be opened.
 - (2) By mail and electronically, if available, by either fax or email, to all construction trade journals identified pursuant to Public Contract Code 22036. Such notice shall be sent at least 15 calendar days before the date that bids will be opened.

In addition to the notice required above, the district may give such other notice as it deems proper.

UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES
(continued)

- b. The district shall award the contract as follows:
 - (1) The contract shall be awarded to the lowest responsible bidder. If two or more bids are the same and the lowest, the district may accept the one it chooses.
 - (2) At its discretion, the district may reject all bids presented and declare that the project can be more economically performed by district employees, provided that the district notifies an apparent low bidder, in writing, of the district's intention to reject the bid. Such notice shall be mailed at least two business days prior to the hearing at which the district intends to reject the bid.
 - (3) If no bids are received through the formal bid procedure, the project may be performed by district employees by force account or negotiated contract.

(cf. 3311 - Bids)

CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3311.2(a)

LEASE-LEASEBACK CONTRACTS

Note: The following **optional section** administrative regulation addresses construction financing contracts that are commonly described as "lease-leaseback" contracts. **Education Code 17406, as amended by AB 2316 (Ch. 521, Statutes of 2016)**, no longer permits the selection of a lease-leaseback contractor without advertising, and instead requires districts to use a comprehensive "best value" selection process. **Education Code 17406, as amended**, mandates that any district choosing to award a lease-leaseback contract adopt and publish procedures and guidelines for evaluating the qualifications of proposers that ensure the fair and impartial selection of the "best value" for the district. In addition, for any project that will involve the use of preconstruction services, the request for sealed proposals must require proposers to include the fee to perform the preconstruction services as part of their sealed proposal to the district. Such procedures and guidelines must include, at a minimum, the provisions specified in **Education Code 17406** as reflected in the following regulation.

~~This construction~~ **The lease-leaseback**-financing method should only be used in coordination with competent technical consultants and legal counsel to ensure all legal requirements are met. ~~Pursuant to Education Code 17407.5, as added by AB 566 (Ch. 214, Statutes of 2015)~~, the contractor must provide an enforceable commitment to the district that it will use a certain percentage of skilled and trained workers to complete project-related work that is within an "apprenticeable occupation" as defined in Labor Code 3075.

~~Upon a determination that it is in the best interest of the district and without advertising for bids, the Board~~ **The district** may lease currently owned district property to any person, firm, or corporation for a minimum of \$1 per year, as long as the lease requires the person, firm, or corporation to construct a building or buildings on the property for the district's use during the lease and the property and building(s) will vest in the district at the expiration of the lease ("lease-leaseback"). (**Education Code 17406**)

(cf. 3280 - *Sale or Lease of District-Owned Real Property*)

(cf. 3312 - *Contracts*)

Any lease-leaseback contract shall be awarded through a competitive "best value" procurement process whereby a person, firm, or corporation is selected on the basis of objective criteria for evaluating the qualifications of proposers, with the resulting selection representing the best combination of price and qualifications. To make this determination, the district shall use the following procedures: (**Education Code 17400, 17406**)

1. Request for Sealed Proposals: The Superintendent or designee shall prepare a request for sealed proposals which shall include:

- a. An estimate of the project's price**
- b. A clear, precise description of any preconstruction services that may be required and the facilities to be constructed**

LEASE-LEASEBACK CONTRACTS (continued)

- c. The key elements of the contract to be awarded**
- d. A description of the format that proposals shall follow and the elements they shall contain**
- e. The standards the district will use in evaluating proposals**
- f. The date on which proposals are due**
- g. The timetable the district will follow in reviewing and evaluating proposals**

2. Notice: At least 10 days before the date for receipt of the proposals, the Superintendent or designee shall give notice of the request for sealed proposals using both of the following methods:

- a. Providing notice at least once a week for two weeks in a local newspaper of general circulation pursuant to Public Contract Code 20112**
- b. Providing notice in a trade paper of general circulation published in the county where the project is located**

Note: The following paragraph is optional and may be revised to reflect district practice.

The Superintendent or designee also may post the notice on the district's web site or through an electronic portal.

Note: Pursuant to Education Code 17406, the prequalification requirements for contracts that meet the criteria specified in Public Contract Code 20111.6 are also applicable to lease-leaseback contracts. ~~As amended by AB 566 (Ch. 214, Statutes of 2015),~~ Education Code 17406 requires prequalification for such projects irrespective of whether or not they are funded locally or through state sources. ~~and makes the provision applicable to all districts, not just those with ADA of 2,500 or more. See "Prequalification Procedure" section above.~~

3. Prequalification: A proposer shall be prequalified in accordance with Public Contract Code 20111.6(b)-(m) in order to submit a proposal. Any electrical, mechanical, and plumbing subcontractors shall be subject to the same prequalification requirements.

(cf. 3311 - Bids)

4. Evaluation Criteria: The request for sealed proposals shall identify all criteria that the district will consider in evaluating the proposals and qualifications of

LEASE-LEASEBACK CONTRACTS (continued)

the proposers, including relevant experience, safety record, price proposal, and other factors specified by the district. The price proposal shall include, at the district's discretion, either a lump-sum price for the contract to be awarded or the proposer's proposed fee to perform the services requested, including the proposer's proposed fee to perform preconstruction services or any other work related to the facilities to be constructed, as requested by the district.

The request for sealed proposals shall specify whether each criterion will be evaluated on a pass-fail basis or will be scored as part of the "best value" score, and whether proposers must achieve any minimum qualification score for award of the contract. For each scored criterion, the district shall identify the methodology and rating or weighting system that will be used by the district in evaluating the criterion, including the weight assigned to the criterion and any minimum acceptable score.

5. **Evaluation of Proposals:** All proposals received shall be reviewed to determine whether they meet the format requirements and the standards specified in the request for sealed proposals. The district shall evaluate the qualifications of the proposers based solely upon the criteria and evaluation methodology set forth in the request for sealed proposals, and shall assign a best value score to each proposal. Once the evaluation is complete, all responsive proposals shall be ranked from the highest best value to the lowest best value to the district.
6. **Award of Contract:** The award of the contract shall be made by the Governing Board to the responsive proposer whose proposal is determined, in writing by the Board, to be the best value to the district.

If the selected proposer refuses or fails to execute the tendered contract, the Board may award the contract to the proposer with the second highest best value score, if deemed in the best interest of the district. If that proposer then refuses or fails to execute the tendered contract, the Board may award the contract to the proposer with the third highest best value score.

Upon issuance of a contract award, the district shall publicly announce its award, identifying the entity to which the award is made, along with a statement regarding the basis of the award. The statement regarding the contract award and the contract file shall provide sufficient information to satisfy an external audit.

7. **Rejection of Proposals:** At its discretion, the Board may reject all proposals and request new proposals.

LEASE-LEASEBACK CONTRACTS (continued)

Prior to entering into a lease-leaseback agreement, the Superintendent or designee shall have on file the contractor's enforceable commitment that the contractor and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades. (Education Code **17406**, 17407.5)

Any lease-leaseback agreement shall be reviewed by the district's legal counsel to ensure that all required terms, including a lease term that provides for the district's occupancy of the building or improved property during the lease and an appropriate financing component, are included in the agreement.

(cf. 9124 - Attorney)

Legal Reference:

EDUCATION CODE

17400 Definitions

17406 Lease-leaseback contract

17407.5 Use of a skilled and trained workforce

PUBLIC CONTRACT CODE

20111.6 Prequalification procedures

20112 Notices

COURT DECISIONS

McGee v. Balfour Beatty Construction, LLC, et al. (4/12/16, No. B262850)

Davis v. Fresno Unified School District, (2015) 237 Cal.App.4th 261

Management Resources:

WEB SITES

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

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

CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3311.3(a)

DESIGN-BUILD CONTRACTS

Note: As an alternative to the more traditional design-bid-build process (see BP/AR 3311 - Bids) or a lease-leaseback process (see AR 3311.2 - Lease-Leaseback Contracts), the district may enter into a design-build contract for a public works project in excess of \$1 million pursuant to Education Code 17250.10-17250.55, as added by AB 1358 (Ch. 752, Statutes of 2015). As defined by Education Code 17250.15, "design-build" means a project delivery process in which both the design and construction of a project are procured from a single entity. Education Code 17250.15 and 17250.25 provide that such contracts may be awarded to either the low bid or best value, as defined. Pursuant to Education Code 17250.50 and 17250.55, this authority applies to bid requests issued on or after July 1, 2016 and will be repealed January 1, 2025 unless legislation is enacted to delete or extend that date.

~~When it is in the best interest of the district, the~~ The Governing Board may approve a contract with a single entity for both design and construction of any school facility in excess of \$1,000,000, awarding the contract to either the low bid or the best value as determined by evaluation of objective criteria. (Education Code 17250.20)

(cf. 3311 - Bids)

(cf. 3312 - Contracts)

(cf. 7110 - Facilities Master Plan)

(cf. 7140 - Architectural and Engineering Services)

Design-build documents shall not include provisions for long-term project operations, but The documents may include operations during a training or transition period, but shall not include long-term operations for a project. (Education Code 17250.25)

The procurement process for design-build projects shall be as follows: (Education Code 17250.25, **17250.35**)

1. The district shall prepare a set of documents setting forth the scope and estimated price of the project. The documents may include, but are not limited to:
 - a. ~~t~~The size, type, and desired design character of the project;
 - b. ~~p~~Performance specifications ~~that~~ covering the quality of materials, equipment, and workmanship
 - c. Preliminary plans or building layouts
 - d. ~~a~~Any other information deemed necessary to describe adequately the district's needs.

~~The documents may include operations during a training or transition period, but shall~~

DESIGN-BUILD CONTRACTS (continued)

~~not include long-term operations for a project.~~ The performance specifications and any plans shall be prepared by a design professional who is duly licensed and registered in California.

2. The district shall prepare and issue a request for qualifications in order to prequalify, or develop a short list of, the design-build entities whose proposals shall be evaluated for final selection. The request for qualifications shall include, but is not limited to, all of the following elements:
 - a. Identification of the basic scope and needs of the project or contract, the expected cost range, the methodology that will be used by the district to evaluate proposals, the procedure for final selection of the design-build entity, and any other information deemed necessary by the district to inform interested parties of the contracting opportunity
 - b. Significant factors that the district reasonably expects to consider in evaluating qualifications, including technical design and construction ~~experience~~ **expertise**, acceptable safety record, and all other non-price-related factors
 - c. A standard template request for statements of qualifications prepared by the district, which shall contain all of the information required pursuant to Education Code 17250.25

The district also may identify specific types of subcontractors that must be included in the statement of qualifications and proposal.

A design-build entity shall not be prequalified or short-listed unless the entity provides an enforceable commitment to the district that the entity and its subcontractors at every tier will use a skilled and trained workforce, as defined in Education Code 17250.25, to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades. The entity may demonstrate such commitment through a project labor agreement, by becoming a party to the district's project labor agreement, or through an agreement with the district to provide evidence of compliance on a monthly basis during the performance of the project or contract. ~~(Education Code 17250.25)~~

3. The district shall prepare a request for proposals (**RFP**) that invites prequalified or short-listed entities to submit competitive sealed proposals in a manner prescribed by the district. The ~~request for proposals~~ **RFP** shall include the information identified in items #2a and 2b above and the relative importance or weight assigned to each of the factors. If the district uses a best value selection method **for a project**, the district may reserve the right to request proposal revisions and hold discussions and

DESIGN-BUILD CONTRACTS (continued)

negotiations with responsive proposers, in which case the district shall so specify in the request for proposals and shall publish separately or incorporate into the request for proposals applicable procedures to be observed by the district to ensure that any discussions or negotiations are conducted in good faith.

4. For those projects utilizing low bid as the final selection method, the bidding process shall result in lump-sum bids by the prequalified or short-listed design-build entities, and the contract shall be awarded to the lowest responsible bidder.
5. For those projects utilizing best value as a selection method, the following procedures shall be used:
 - a. Competitive proposals shall be evaluated using only the criteria and selection procedures specifically identified in the request for proposals. Criteria shall be weighted as deemed appropriate by the district and shall, at a minimum, include price, unless a stipulated sum is specified; technical design and construction experience; and life-cycle costs over 15 or more years.
 - b. Following any discussions or negotiations with responsive proposers and completion of the evaluation process, the responsive proposers shall be ranked on a determination of value provided, provided that no more than three proposers are required to be ranked.
 - c. The contract shall be awarded to the responsible entity whose proposal is determined by the district to have offered the best value to the public.
 - d. The district shall publicly announce the contract award, identifying the entity to which the award is made and the basis of the award. This statement and the contract file shall provide sufficient information to satisfy an external audit.

Legal Reference:

EDUCATION CODE

17250.10-17250.55 *Design-build contracts*

Management Resources:

WEB SITES

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

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

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

CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3311.4(a)

PROCUREMENT OF TECHNOLOGICAL EQUIPMENT

Note: The following administrative regulation is optional. As an alternative to competitive bidding procedures (see BP/AR 3311 - Bids), Public Contract Code 20118.2 authorizes the issuance of a request for proposals for district procurement of electronic equipment and apparatus, with the contract being awarded to the proposal that is most beneficial to the district considering price and all other factors.

Rather than seek competitive bids, the district 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)

(cf. 0440 - District Technology Plan)

(cf. 3230 - Federal Grant Funds)

(cf. 3311 - Bids)

(cf. 3312 - Contracts)

~~The competitive negotiation process shall include, but not be limited to, the following requirements:~~ **Whenever the competitive negotiation process is determined to be appropriate for such procurements, the district shall use the following procedures:** (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.

PROCUREMENT OF TECHNOLOGICAL EQUIPMENT

6. The **Governing** Board shall award the contract to the qualified bidder whose proposal meets the evaluation standards and will be most advantageous to the district, **with considering** 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 to another bidder.
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. (Public Contract Code 20118.2)

Legal Reference:

PUBLIC CONTRACT CODE

20118.2 Contracting by school districts; technological equipment

CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3470(a)

DEBT ISSUANCE AND MANAGEMENT

Note: Government Code 8855, as amended by SB 1029 (Ch. 307, Statutes of 2016), **mandates** that the Governing Board adopt a debt management policy prior to issuing any debt, such as general obligation bonds, tax and revenue anticipation notes (TRANs), and certificates of participation. The policy must include (1) the purposes for which the debt proceeds may be used; (2) the types of debt that may be issued; (3) the relationship of the debt to, and integration with, the district's capital improvement program or budget, if applicable; (4) policy goals related to the district's planning goals and objectives; and (5) internal control procedures to ensure that the proceeds of the proposed debt issuance will be directed to the intended use. SB 1029 declares the intent of the Legislature that, consistent with the recommendation of the Government Finance Officers Association (GFOA), local agencies adopt comprehensive written debt management policies that are reflective of local, state, and federal laws and regulations. Districts are encouraged to consult legal counsel and their financial advisor in developing this policy. The following policy should be revised to reflect district practice.

The Governing Board is committed to long-term capital and financial planning and recognizes that the issuance of debt is a key source for funding the improvement and maintenance of school facilities and managing cash flow. Any debt issued by the district shall be consistent with law and this policy.

(cf. 3000 - Concepts and Roles)

(cf. 3460 - Financial Reports and Accountability)

(cf. 7110 - Facilities Master Plan)

(cf. 7210 - Facilities Financing)

Note: Article 16, Section 18 of California Constitution contains the basic "debt limitation" (i.e., the constraints on discretionary borrowing) applicable to school districts. Under so-called "traditional authority," a measure authorizing the issuance of general obligation bonds may be approved by two-thirds of the electorate; under Proposition 39, a measure authorizing the issuance of general obligation bonds may be approved by 55 percent of the electorate (see BP/AR 7214 - General Obligation Bonds). Lease financings, such as certificates of participation, are not considered "indebtedness" for purposes of the Constitutional debt limitation and are not subject to voter approval. For further information, see the California Debt and Investment Advisory Commission's (CDIAC) [California Debt Issuance Primer](#).

The district shall not enter into indebtedness or liability that in any year exceeds the income and revenue provided for such year, unless two-thirds of the voters approve the obligation or one of the exceptions specified in law applies. (California Constitution, Article 16, Section 18)

When the Board determines that it is in the best interest of the district, the Board may issue debt or order an election to issue debt. The Superintendent or designee shall make recommendations to the Board regarding appropriate financing methods for capital projects or other projects that are authorized purposes for debt issuance. When approved by the Board and/or the voters as applicable, the Superintendent or designee shall administer and

DEBT ISSUANCE AND MANAGEMENT (continued)

coordinate the district's debt issuance program and activities, including the timing of issuance, sizing of issuance, method of sale, structuring of the issue, and marketing strategies.

Note: Pursuant to 15 USC 78o-4 (Section 15B of Securities Exchange Act of 1934), any financial advisor retained by the district must be duly registered with both the Securities Exchange Commission (SEC) and the Municipal Securities Rulemaking Board (MSRB) and must also hold any certifications and/or licenses required by the SEC and/or MSRB.

The Superintendent or designee shall retain a financial advisor, municipal advisor, investment advisor, and other financial services professionals as needed to assist with the structuring of the debt issuance and to provide general advice on the district's debt management program, financing options, investments, and compliance with legal requirements. Contracts for services provided by such advisors may be for a single transaction or for multiple transactions, consistent with the contracting requirements in Education Code 17596. In the event that the district issues debt through a negotiated sale, underwriters may be selected for multiple transactions if multiple issuances are planned for the same project. In addition, the district shall select a legal team on an as-needed basis to assist with debt issuances or special projects.

*(cf. 3312 - Contracts)
(cf. 3600 - Consultants)
(cf. 9270 - Conflict of Interest)*

Goals

Note: Government Code 8855, as amended by SB 1029 (Ch. 307, Statutes of 2016), **mandates** that the district's debt management policy include policy goals related to the district's planning goals and objectives. The following section should be revised to reflect district goals.

The district's debt issuance activities and procedures shall be aligned with the district's vision and goals for providing adequate facilities and programs that support student learning and well-being. When issuing debt, the district shall ensure that it:

1. Maintains accountability for the fiscal health of the district, including prudent management and transparency of the district's financing programs
2. Attains the best possible credit rating for each debt issue in order to reduce interest costs, within the context of preserving financial flexibility and meeting capital funding requirements
3. Takes all practical precautions and proactive measures to avoid any financial decision that will negatively impact current credit ratings on existing or future debt issues

DEBT ISSUANCE AND MANAGEMENT (continued)

4. Maintains effective communication with rating agencies and, as appropriate, credit enhancers such as bond insurers or other providers of credit or liquidity instruments in order to enhance the creditworthiness, liquidity, or marketability of the debt
5. Monitors the district's statutory debt limit in relation to assessed valuation within the district and the tax burden needed to meet long-term debt service requirements
6. When determining the timing of debt issuance, considers market conditions, cash flows associated with repayment, and the district's ability to expend the obtained funds in a timely, efficient, and economical manner consistent with federal tax laws
7. Determines the amortization (maturity) schedule which will fit best within the overall debt structure of the district at the time the new debt is issued
8. Considers the useful lives of assets funded by the debt issue, as well as repair and replacement costs of those assets to be incurred in the future
9. Preserves the availability of the district's general fund for operating purposes and other purposes that cannot be funded by the issuance of voter-approved debt
10. Meets the ongoing obligations and accountability requirements associated with the issuance and management of debt under state and federal tax and securities laws

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 7000 - Concepts and Roles)

Authorized Purposes for the Issuance of Debt

Note: Government Code 8855, as amended by SB 1029 (Ch. 307, Statutes of 2016), **mandates** that the district's debt management policy include the purposes for which debt proceeds may be used. The following section should be revised to reflect purposes that the Board has determined may be appropriate purposes for issuing debt in the district.

The district may issue debt for any of the following purposes:

1. To pay for the cost of capital improvements, including acquiring, constructing, reconstructing, rehabilitating, replacing, improving, extending, enlarging, and/or equipping district facilities
2. To refund existing debt
3. To provide for cash flow needs

DEBT ISSUANCE AND MANAGEMENT (continued)

(cf. 3100 - *Budget*)

(cf. 3110 - *Transfer of Funds*)

Pursuant to Government Code 53854, general operating costs, including, but not limited to, items normally funded in the district's annual operating budget, shall not be financed from debt payable later than 15 months from the date of issuance. The district may deem it desirable to finance cash flow requirements under certain conditions so that available resources better match expenditures within a given fiscal year. To satisfy both state constitutional and statutory constraints, such cash flow borrowing shall be payable from taxes, income, revenue, cash receipts, and other moneys attributable to the fiscal year in which the debt is issued.

Authorized Types of Debt

Note: Government Code 8855, as amended by SB 1029 (Ch. 307, Statutes of 2016), **mandates** that the district's debt management policy include the types of debt that may be issued. The following section should be revised to reflect the types of debt instruments authorized by the Board.

The Superintendent or designee shall recommend to the Board potential financing method(s) that result in the highest benefit to the district, with the cost of staff and consultants considered. Potential financing sources may include:

1. Short-Term Debt

- a. Short-term debt, such as tax and revenue anticipation notes (TRANs), when necessary to allow the district to meet its cash flow requirements (Government Code 53850-53858)
- b. Bond anticipation notes (BANs) to provide interim financing for capital bond projects that will ultimately be paid from general obligation bonds (Education Code 15150)
- c. Grant anticipation notes (GANs) to provide interim financing pending the receipt of grants and/or loans from the state or federal government that have been appropriated and committed to the district (Government Code 53859-53859.08)

2. Long-Term Debt

Note: The California Constitution, Article 13A, Sections 1(b)(2) and 1(b)(3), Education Code 15100-15262 and 15264-15276, and Government Code 53506-53509.5 authorize the district to issue general obligation bonds requiring either two-thirds voter approval or 55 percent voter approval, subject to specific accountability requirements. Voter-approved general obligation bonds typically provide the lowest cost of

DEBT ISSUANCE AND MANAGEMENT (continued)

borrowing and, by providing for the levy of additional ad valorem property taxes to service the debt, do not impact the district's general fund. See BP/AR 7214 - General Obligation Bonds for requirements pertaining to the issuance of general obligation bonds.

- a. General obligation bonds for projects approved by voters (California Constitution, Article 13A, Section 1; Education Code 15100-15262, 15264-15276; Government Code 53506-53509.5)

(cf. 7214 - General Obligation Bonds)

Note: Districts may establish a community facilities district for school facility purposes in accordance with the Mello-Roos Community Facilities Act (Government Code 53311-53368.3). The boundaries of the Mello-Roos district may include the entire school district, but usually include only a portion of the district, such as an area with new housing developments. The bonds sold by the community facilities district are paid for by a special tax on the properties within that community facilities district's boundaries. See BP 7212 - Mello Roos Districts.

- b. Special tax bonds issued pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code 53311-53368.3)

(cf. 7212 - Mello Roos Districts)

3. Lease financing, including certificates of participation (COPs)
 - a. Lease financing to fund the highest priority capital equipment purchases when pay-as-you-go financing is not feasible (Education Code 17450-17453.1)
 - b. Lease financing to fund facilities projects when there is insufficient time to obtain voter approval or in instances where obtaining voter approval is either not feasible or unavailable (Education Code 17400-17429)
4. Special financing programs or structures offered by the federal or state government, such as Qualified Zone Academy Bonds or other tax credit obligations or obligations that provide subsidized interest payments, when the use of such programs or structures is determined to result in sufficiently lower financing costs compared to traditional tax-exempt bonds and/or COPs
5. Temporary borrowing from other sources such as the County Treasurer

DEBT ISSUANCE AND MANAGEMENT (continued)

Note: Education Code 42133 prohibits the issuance of non-voter approved debt when the district has a qualified or negative certification regarding the district's ability to meet its fiscal obligations, except as provided below. Pursuant to Education Code 42131, a "qualified certification" indicates that the district may not meet its financial obligations for the current fiscal year and two subsequent fiscal years, and a "negative" certification indicates that the district will be unable to meet its financial obligations for the remainder of the fiscal year or the subsequent fiscal year. See BP 3460 - Financial Reports and Accountability for further information about such certifications.

COPs, TRANs, revenue bonds, or any other non-voter approved debt instrument shall not be issued by the district in any fiscal year in which the district has a qualified or negative certification, unless the County Superintendent of Schools determines, pursuant to criteria established by the Superintendent of Public Instruction, that the district's repayment of that indebtedness is probable. (Education Code 42133)

Relationship of Debt to District Facilities Program and Budget

Note: Government Code 8855, as amended by SB 1029 (Ch. 307, Statutes of 2016), **mandates** that the district's debt management policy include the relationship of the debt to, and integration with, the district's capital improvement program or budget, if applicable. The following section should be revised to reflect district practice.

Decisions regarding the issuance of debt for the purpose of financing capital improvement shall be aligned with current needs for acquisition, development, and/or improvement of district property and facilities as identified in the district's facilities master plan or other applicable needs assessment, the projected costs of those needs, schedules for the projects, and the expected resources.

Note: The following paragraph is **optional**.

The cost of debt issued for major capital repairs or replacements shall be evaluated against the potential cost of delaying such repairs and/or replacing such facilities.

When considering a debt issuance, the Board and the Superintendent or designee shall evaluate both the short-term and long-term implications of the debt issuance and additional operating costs associated with the new projects involved. Such evaluation may include, but is not limited to, the projected ratio of annual debt service to the tax burden on the district's taxpayers and the ratio of annual debt service secured by the general fund to general fund expenditures.

The district may enter into credit enhancement agreements such as municipal bond insurance, surety bonds, letters of credit, and lines of credit with commercial banks, municipal bond insurance companies, or other financial entities when their use is judged to lower borrowing costs, eliminate restrictive covenants, or have a net economic benefit to the financing.

DEBT ISSUANCE AND MANAGEMENT (continued)

Structure of Debt Issues

The district shall consider the overall impact of the current and future debt burden of the financing when determining the duration of the debt issue.

The district shall design the financing schedule and repayment of debt so as to take best advantage of market conditions, ensure cost effectiveness, provide flexibility, and, as practical, recapture or maximize its debt capacity for future use. Principal amortization will be structured to meet debt repayment, tax rate, and flexibility goals.

Note: Education Code 15106 limits the district's total outstanding bonded debt (i.e., the principal portion only) to 1.25 or 2.5 percent of the assessed valuation of the taxable property of a non-unified and unified district, respectively. Consequently, Education Code 15106 limits the issuance of new debt when the district has total bonded indebtedness in excess of the applicable percentage of the assessed valuation in the district. TRANs and lease payment obligations in support of COPs generally do not count against this limit except as provided in Education Code 17422.

For new money debt issuances for capital improvements, the district shall size the debt issuance with the aim of funding capital projects as deemed appropriate by the Board, as long as the issuance is consistent with the overall financing plan, does not exceed the amount authorized by voters, and, unless a waiver is sought and received from the state, will not cause the district to exceed the limitation on debt issuances specified in the California Constitution or Education Code 15106.

To the extent practicable, the district shall also consider credit issues, market factors, and tax law when sizing the district's bond issuance. The sizing of refunding bonds shall be determined by the amount of money that will be required to cover the principal of, any accrued interest on, and any redemption premium for the debt to be paid on the call date and to cover appropriate financing costs.

Any general obligation bond issued by the district shall mature within 40 years of the issuance date or as otherwise required by law. (California Constitution, Article 16, Section 18; Government Code 53508.6)

The final maturity of equipment or real property lease obligations will be limited to the useful life of the assets to be financed but, with respect to a lease purchase of equipment, no longer than a period of 10 years. (Education Code 17452)

Method of Sale

For the sale of any district-issued debt, the Superintendent or designee shall recommend the method of sale with the potential to achieve the lowest financing cost and/or to generate other benefits to the district. Potential methods of sale include:

DEBT ISSUANCE AND MANAGEMENT (continued)

1. A competitive bidding process through which the award is based on, among other factors, the lowest offered true interest cost
2. Negotiated sale, subject to approval by the district to ensure that interest costs are in accordance with comparable market interest rates
3. Private placement sale, when the financing can or must be structured for a single or limited number of purchasers or where the terms of the private placement are more beneficial to the district than either a negotiated or competitive sale

Investment of Proceeds

The district shall actively manage the proceeds of debt issued for public purposes in a manner that is consistent with state law governing the investment of public funds and with the permitted securities covenants of related financing documents executed by the district. Where applicable, the district's official investment policy and legal documents for a particular debt issuance shall govern specific methods of investment of bond-related proceeds. Preservation of principal shall be the primary goal of any investment strategy, followed by the availability of funds and then by return on investment.

(cf. 3430 - *Investing*)

Note: Pursuant to Education Code 15146, the proceeds of the sale of bonds, exclusive of any premium received, must be deposited in the county treasury to the credit of the building fund of the district. As amended by AB 2738 (Ch. 472, Statutes of 2016), Education Code 15146 prohibits districts from withdrawing proceeds from the sale of bonds at any time for purposes of making investments outside the county treasury.

With regard to general obligation bonds, the district shall invest new money bond proceeds in the county treasury pool as required by law. (Education Code 15146)

The management of public funds shall enable the district to respond to changes in markets or changes in payment or construction schedules so as to ensure liquidity and minimize risk.

Refunding/Restructuring

Note: The following section may be revised to reflect district practice. The GFOA's Analyzing and Issuing Refunding Bonds states that a test often used to assess the appropriateness of a refunding is the achievement of a minimum net present value savings. According to the GFOA, a common threshold is that the savings, as a percentage of the refunding bonds, should be at least 3-5 percent. However, the GFOA recognizes that it may be appropriate to approve refunding that results in lower anticipated savings in some circumstances, such as when interest rates are at low levels or the time remaining to maturity is limited and thus future opportunities to achieve greater savings are not likely to occur.

DEBT ISSUANCE AND MANAGEMENT (continued)

The district may consider refunding or restructuring outstanding debt if it will be financially advantageous or beneficial for debt repayment and/or structuring flexibility. When doing so, the district shall consider the maximization of the district's expected net savings over the life of the debt issuance and, when using a general obligation bond to refund an existing bond, shall ensure that the final maturity of the refunding bond is no longer than the final maturity of the existing bond.

Internal Controls

Note: Government Code 8855, as amended by SB 1029 (Ch. 307, Statutes of 2016), **mandates** that the district's debt management policy include the internal control procedures that the district has implemented or will implement to ensure that the proceeds of the proposed debt issuance will be directed to the intended use. Examples of internal control standards for the management of bond funds are contained in the U.S. Government Accountability Office's [Internal Control System Checklist](#). These include factors related to the internal control environment, risk assessment, control activities, information and communications, and monitoring. Because internal controls and accountability measures may be lengthy, districts may choose to develop an administrative regulation, exhibit, or other document that provides further details and that may be updated as needed. Also see BP 3400 - Management of District Assets/Accounts. The following section should be revised to reflect district practice.

The Superintendent or designee shall establish internal control procedures to ensure that the proceeds of any debt issuance are directed to the intended use. Such procedures shall assist the district in maintaining the effectiveness and efficiency of operations, properly expending funds, reliably reporting debt incurred by the district and the use of the proceeds, complying with all laws and regulations, preventing fraud, and avoiding conflict of interest.

*(cf. 3314 - Payments for Goods and Services)
(cf. 3400 - Management of District Assets/Accounts)*

The district shall be vigilant in using bond proceeds in accordance with the stated purposes at the time such debt was incurred as defined in the text of the voter-approved bond measure. (Government Code 53410)

When feasible, the district shall issue debt with a defined revenue source in order to preserve the use of the general fund for general operating purposes.

The district shall annually conduct a due diligence review to ensure its compliance with all ongoing obligations applicable to issuers of debt. Such a review may be conducted by general legal counsel or bond counsel. Any district personnel involved in conducting such reviews shall receive periodic training regarding their responsibilities.

In addition, the Superintendent or designee shall ensure that the district completes, as applicable, all performance and financial audits that may be required for any debt issued by the district, including disclosure requirements applicable to a particular transaction.

DEBT ISSUANCE AND MANAGEMENT (continued)

Records/Reports

Note: Government Code 8855 requires that the district report any proposed issuance of debt to the CDIAC at least 30 days prior to the sale of the debt issue. Typically, bond counsel will file the report on behalf of the district. As amended by SB 1029 (Ch. 307, Statutes of 2016), Government Code 8855 requires that the report include a certification that the district has adopted a debt policy and that the issuance is consistent with that policy.

At least 30 days prior to the sale of any debt issue, the Superintendent or designee shall submit a report of the proposed issuance to the California Debt and Investment Advisory Commission (CDIAC). Such report shall include a self-certification that the district has adopted a policy concerning the use of debt that complies with law and that the contemplated debt issuance is consistent with that policy. (Government Code 8855)

Note: SB 1029 (Ch. 307, Statutes of 2016) amended Government Code 8855 to add the following requirement for an annual report of debt issuance, applicable to any final sale of debt on or after January 21, 2017. The report covers the period from July 1 to June 30, and must be submitted electronically on a form provided by CDIAC within seven months of the end of the reporting period (January 31).

On or before January 31 of each year, the Superintendent or designee shall submit a report to the CDIAC regarding the debt authorized, the debt outstanding, and the use of proceeds of the issued debt for the period from July 1 to June 30. (Government Code 8855)

Note: Pursuant to 17 CFR 240.15c2-12, most financings are required to have official disclosure statements which include the terms of the bond, security, risk factors, financial and operating information concerning the issuer, and background information. In addition, districts must provide ongoing disclosure in the form of annual reports and event notices pursuant to 17 CFR 240.15c2-12. Such disclosures must be made to the MSRB through its Electronic Municipal Market Access repository or any successor repository, as well as to investors and other persons or entities entitled to disclosure. For further information, see CDIAC's [California Debt Issuance Primer](#) and the GFOA's [Understanding Your Continuing Disclosure Requirements](#).

The Superintendent or designee shall provide initial and any annual or ongoing disclosures required by 17 CFR 240.10b-5 and 240.15c2-12 to the Municipal Securities Rulemaking Board, investors, and other persons or entities entitled to disclosure, and shall ensure that the district's disclosure filings are updated as needed.

Note: 26 CFR 1.6001-1 requires districts to retain records for as long as the contents thereof are material in the administration of any internal revenue law. Records related to debt issuance may affect tax liability in both past and future tax years. In order to be consistent with specific record retention requirements, the Internal Revenue Service (IRS) publication [Tax Exempt Bond FAQs Regarding Record Retention Requirements](#), available on the IRS web site, recommends that material records should be kept for as long as the debt is outstanding, plus three years after the final payment of the debt. Although the IRS recommendation is specific to tax-exempt bonds, districts should also retain records related to other forms debt issuance for the same length of time.

DEBT ISSUANCE AND MANAGEMENT (continued)

The Superintendent or designee shall maintain transaction records of decisions made in connection with each debt issuance, including the selection of members of the financing team, the structuring of the financing, selection of credit enhancement products and providers, and selection of investment products. Each transaction file shall include the official transcript for the financing, interest rates and cost of issuance on the day when the debt was sold ("final number runs"), and a post-pricing summary of the debt issue. In addition, documentation evidencing the expenditure of proceeds, the use of debt-financed property by public and private entities, all sources of payment or security for the debt, and investment of proceeds shall be kept for as long as the debt is outstanding, plus the period ending three years after the financial payment date of the debt or the final payment date of any obligations or series of bonds issued to refund directly or indirectly all of any portion of the debt, whichever is later.

The Superintendent or designee shall annually report to the Board regarding debts issued by the district, including information on actual and projected tax rates, an analysis of bonding capacity, ratings on the district's bonds, market update and refunding opportunities, new development for California bond financings, and the district's compliance with post-issuance requirements.

Legal Reference:

EDUCATION CODE

- 5300-5441 Conduct of elections*
- 15100-15262 Bonds for school districts and community college districts*
- 15264-15276 Strict accountability in local school construction bonds*
- 15278-15288 Citizen's oversight committees*
- 15300-15425 School Facilities Improvement Districts*
- 17150 Public disclosure of non-voter-approved debt*
- 17400-17429 Leasing of district property*
- 17450-17453.1 Leasing of equipment*
- 17456 Sale or lease of district property*
- 17596 Duration of contracts*
- 42130-42134 Financial reports and certifications*

ELECTIONS CODE

- 1000 Established election dates*

GOVERNMENT CODE

- 8855 California Debt and Investment Advisory Commission*
- 53311-53368.3 Mello-Roos Community Facilities Act*
- 53410-53411 Bond reporting*
- 53506-53509.5 General obligation bonds*
- 53550-53569 Refunding bonds of local agencies*
- 53580-53595.55 Bonds*
- 53850-53858 Tax and revenue anticipation notes*
- 53859-53859.08 Grant anticipation notes*

CALIFORNIA CONSTITUTION

- Article 13A, Section 1 Tax limitation*
- Article 16, Section 18 Debt limit*

DEBT ISSUANCE AND MANAGEMENT (continued)

Legal Reference: (continued)

UNITED STATES CODE, TITLE 15
78o-4 Registration of municipal securities dealers
UNITED STATES CODE, TITLE 26
54E Qualified Zone Academy Bonds
CODE OF FEDERAL REGULATIONS, TITLE 17
240.10b-5 Prohibition against fraud or deceit
240.15c2-12 Municipal securities disclosure
CODE OF FEDERAL REGULATIONS, TITLE 26
1.103 Interest on state and local bonds
1.141 Private activity bonds
1.148 Arbitrage and rebate
1.149 Hedge bonds
1.6001-1 Records

Management Resources:

CALIFORNIA DEBT AND INVESTMENT ADVISORY COMMISSION PUBLICATIONS
California Debt Issuance Primer
GOVERNMENT FINANCE OFFICERS ASSOCIATION PUBLICATIONS
An Elected Official's Guide to Debt Issuance, 2nd Ed., 2016
Understanding Your Continuing Disclosure Responsibilities, Best Practice, September 2015
Investment of Bond Proceeds, Best Practice, September 2014
Selecting and Managing Municipal Advisors, Best Practice, February 2014
Debt Management Policy, Best Practice, October 2012
Analyzing and Issuing Refunding Bonds, Best Practice, February 2011
INTERNAL REVENUE SERVICE PUBLICATIONS
Tax Exempt Bond FAQs Regarding Record Retention Requirements
Tax-Exempt Governmental Bonds, Publication 4079, rev. 2016
U.S. GOVERNMENT ACCOUNTABILITY OFFICE PUBLICATIONS
Internal Control System Checklist
WEB SITES
California Debt and Investment Advisory Commission: <http://www.treasurer.ca.gov/cdiac>
Government Finance Officers Association: <http://www.gfoa.org>
Internal Revenue Service: <https://www.irs.gov>
Municipal Security Rulemaking Board, Electronic Municipal Market Access (EMMA):
<http://www.emma.msrb.org>
U.S. Government Accountability Office: <http://www.gao.gov>
U.S. Securities and Exchange Commission: <https://www.sec.gov>

CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3543(a)

TRANSPORTATION SAFETY AND EMERGENCIES

Cautionary Notice: Government Code 17581.5 relieves districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of 2015 (AB 93, Ch. 10, Statutes of 2015)–2016 (SB 826, Ch. 23, Statutes of 2016) extends the suspension of these requirements through the 2015–162016–17 fiscal year. As a result, certain provisions of the following administrative regulation related to transportation safety plans and safety instruction for students may be suspended.

Note: The following regulation is for use by districts that provide school bus transportation services and employ their own school bus drivers. Districts that contract out for all transportation services may revise this regulation as appropriate to ensure that the contracting firm meets all legal requirements regarding transportation safety.

Each day, prior to driving a school bus, each school bus driver shall inspect the bus to ensure that it is in safe operating condition and equipped as required by law and that all equipment is in good working order. At the completion of each day's work, the driver shall prepare and sign a written report of the condition of the equipment listed specified in 13 CCR 1215., including The report shall indicate any defect or deficiency discovered by or reported to him/her the driver which would affect safe operation or result in mechanical breakdown of the bus, or, indicating that if no defect or deficiency was discovered or reported, shall so indicate. Any defect or deficiency that would affect safe operation shall be repaired prior to operating the bus. (13 CCR 1215)

(cf. 3540 - Transportation)

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

(cf. 3542 - School Bus Drivers)

In the event of a school bus accident, the driver shall immediately notify the California Highway Patrol, the Superintendent or designee, and, if the bus is operated under contract, the driver's employer. The driver shall not leave the immediate vicinity of the bus to seek aid unless necessary. (13 CCR 1219) [MOVED DOWN]

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

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

Passenger Restraint Systems

Note: Pursuant to Vehicle Code 27316 and 27316.5, any school bus or student activity bus purchased or leased for use in California must be equipped with a passenger restraint system if the bus was manufactured on or after the dates specified in law, as described below. Although it is the manufacturer's responsibility to

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

ensure installation of appropriate passenger restraint systems, the district should be aware that buses manufactured or purchased from outside California may need to be modified to comply with the state's requirements. In addition, according to the California Department of Education's (CDE) Passenger Restraints Frequently Asked Questions, districts may, but are not required to, retrofit older school buses with passenger restraint systems with the original equipment manufacturer's approval. In determining whether to retrofit buses, the CDE recommends that districts consider the age of the bus, the total cost of the retrofit, and the required reinspection of the bus by the California Highway Patrol.

The Superintendent or designee shall ensure that any school bus or student activity 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 manufactured on or after July 1, 2005 which is designed for carrying more than 16 passengers and the driver
2. Is a Type 2 school bus or student activity bus manufactured on or after July 1, 2004 which meets one of the following criteria:
 - a. Is designed for carrying 16 or fewer passengers and the driver
 - b. Has a manufacturer's vehicle weight rating of 10,000 pounds or less and is designed for carrying not more than 20 passengers and the driver

Note: The following **optional** paragraph reflects legislative intent of Vehicle Code 27316.

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)

Note: Pursuant to Vehicle Code 27316, no person, district, or organization may be held criminally liable if a passenger improperly uses or fails to use the passenger restraint system. However, the CDE's Passenger Restraints Frequently Asked Questions encourages districts to develop procedures to enforce disciplinary actions for nonuse or improper use of the passenger restraint system.

The following **optional** paragraph may be expanded to specify the steps that should be taken by the driver to reasonably ensure that all passengers are properly restrained (e.g., verbal instructions to students, visual inspection), which may vary depending on the age/grade levels of the students. Such steps also may be incorporated in district regulations adopted pursuant to 5 CCR 14103 related to student conduct on buses, bus driver authority, and the suspension of riding privileges; see BP/AR 5131.1 - Bus Conduct.

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

Bus drivers shall be instructed regarding procedures to enforce the proper use of the passenger restraint system. Students who fail to follow instructions of the bus driver may be subject to discipline, including suspension of riding privileges, in accordance with Board policy and administrative regulations.

*(cf. 5131.1 - Bus Conduct)
(cf. 5144 - Discipline)*

Fire Extinguishers

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. In addition, a wheelchair school bus shall have another fire extinguisher placed at the wheelchair loading door or emergency exit. All fire extinguishers shall be regularly inspected and serviced in accordance with regulations adopted by the State Fire Marshal. (Education Code 39838; 13 CCR 1242; 19 CCR 574-575.3)

Electronic Communications Devices

Note: ~~Vehicle Code 23123 prohibits any person from driving a motor vehicle while using a wireless telephone, except under the conditions described below. Pursuant to the definitions in Vehicle Code 415 and 545, a "motor vehicle" would include a school bus or student activity bus. In addition, Vehicle Code 23125 prohibits a person from driving a school bus while using a wireless telephone except for work-related or emergency purposes.~~
~~Vehicle Code 23123.5, as amended by AB 1785 (Ch. 660, Statutes of 2016), prohibits the driver of a motor vehicle (including a school bus or school activity bus pursuant to Vehicle Code 415 and 545) from using an electronic wireless communications device for any purpose, including, but not limited to, text-based communication, but provides an exception for voice-operated and hands-free operation or for a function that requires only a single swipe or tap of the driver's finger as long as the device is mounted on the windshield, dashboard, or center console of the vehicle. The following paragraph limits the use of any electronic communications device to work-related or emergency purposes. The district should consult legal counsel if it is considering allowing broader use of such devices.~~

A bus driver ~~shall not drive~~ is prohibited from driving a school bus or student activity bus while using a wireless telephone ~~except under the following conditions: (Vehicle Code 23123, 23125) or other electronic wireless communications device except for work-related or emergency purposes, including, but not limited to, contacting a law enforcement agency, health care provider, fire department, or other emergency service agency or entity. In any such permitted situation, the driver shall only use a wireless telephone or device that is specifically designed and configured to allow voice-operated and hands-free operation or a function that requires only a single swipe or tap of the driver's finger provided the device is mounted on the windshield, dashboard, or center console of the bus. (Vehicle Code 23123.5, 23125)~~

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

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

(cf. 3513.1 *Cellular Phone Reimbursement*)

~~Note: Vehicle Code 23123.5 generally prohibits any person from driving a motor vehicle while using an electronic wireless communications device for text based communication. AB 1536 (Ch. 92, Statutes of 2012) amended Vehicle Code 23123.5 to add an exception for the use of voice operated and hands free operation of an electronic wireless communications device. At its discretion, the district may establish conditions that are more restrictive than law and should revise the following paragraph accordingly.~~

~~A bus driver shall not drive 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, unless the device is specifically designed and configured to allow voice-operated and hands-free operation and is used in that manner. This prohibition does not include reading, selecting, or entering a telephone number or name in an electronic wireless communications device for the purpose of making or receiving a telephone call. (Vehicle Code 23123.5)~~

Safe Bus Operations

~~Note: Pursuant to Education Code 39834, any Governing Board member, employee, or other person who knowingly operates or permits operation of a school bus in excess of its seating capacity is guilty of a misdemeanor. However, the Board is authorized to adopt policy that allows seating capacities to be exceeded in cases of emergency; see BP/AR 3516 - Emergencies and Disaster Preparedness Plan.~~

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. (Education Code 39834)

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

~~Note: Vehicle Code 34501.6 **mandates** any district that provides student transportation to adopt procedures that limit bus operation when atmospheric conditions reduce visibility, as described below, and that give drivers for school activity trips discretionary authority to discontinue operation when it is unsafe.~~

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

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

Unauthorized Entry

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

(cf. 3515.2 - *Disruptions*)

Transportation Safety Plan for Boarding and Exiting Buses

Note: The district should modify items #1-2 below to reflect grade levels offered by the district. A district that does not maintain any of grades prekindergarten through 8 should delete items #1-2.

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 address** all of the following: (Education Code 39831.3)

1. **Procedures for d**Determining if students in grades kindergarten 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 kindergarten through 8 to follow as they board and exit the bus at their bus stops
3. **Procedures for b**Boarding and exiting a school bus at a school or other trip destination

Note: SB 1072 (Ch. 721, Statutes of 2016) amended Education Code 39831.3 to require that the transportation plan include the procedures specified in items #4-5 below.

4. **Procedures to ensure that a student is not left unattended on a school bus, student activity bus, or youth bus**

Note: The procedures included in the transportation safety plan to ensure that a student is not left unattended on a bus may include the requirements of Vehicle Code 28160, as added by SB 1072 (Ch. 721, Statutes of 2016). Pursuant to Vehicle Code 28160, on or before the beginning of the 2018-19 school year, each school bus, school activity bus, youth bus, and child care motor vehicle (i.e., vehicle designed, used, or maintained for more than eight persons, including the driver, that is used by a child

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

care provider to transport children) must be equipped with a "child safety alert system" (i.e., a device located at the interior rear of a vehicle that requires the driver to either manually contact or scan the device before exiting the vehicle). Student activity buses may be exempt from this requirement if certain procedures are followed, as specified in Vehicle Code 28160.

Such procedures shall include, on or before the beginning of the 2018-19 school year, the installation of a child safety alert system at the interior rear of each bus that requires the driver to either manually contact or scan the device, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting. A student activity bus may be exempt from this requirement under the conditions specified in Vehicle Code 28160.

5. Procedures and standards for designating an adult chaperone, other than the driver, to accompany students on a school activity bus

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

Parental Notifications

Note: The following section is for use by districts that offer any of grades prekindergarten through 6 and should be revised to reflect the grade levels offered by the district.

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 **district** 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 safely** walking to and from school bus stops

(cf. 5145.6 - Parental Notifications)

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

Student Instruction

Students who are transported in a school bus or student activity bus shall receive instruction in school bus emergency procedures and passenger safety as follows: (Education Code 39831.5; 5 CCR 14102)

1. Each year, all students who receive home-to-school transportation in a school bus shall be provided appropriate instruction in safe riding practices and emergency evacuation drills.

Note: Item #2 below is for use by districts that offer any of grades prekindergarten through 8 and should be revised to reflect the grade levels offered by the district.

2. At least once each school year, all students in grades prekindergarten through 8 who receive home-to-school transportation shall receive safety instruction which includes, but is not limited to:
 - a. Proper loading and unloading procedures, including escorting by the driver
 - b. How to safely cross the street, highway, or private road
 - c. In school buses with passenger restraint systems, instruction in the use of such systems as specified in 5 CCR 14105, including, but not limited to, the proper fastening and release of the passenger restraint system, acceptable placement of passenger restraint systems on students, times at which the passenger restraint systems should be fastened and released, and acceptable placement of the passenger restraint systems when not in use
 - d. Proper passenger conduct
 - 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.

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

- a. District name

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

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

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

(cf. 3580 - District Records)

Note: Item #3 below applies to all students in grades prekindergarten through 12 **and may be revised to reflect grade levels offered by the district.**

- 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, the location of emergency exits and the location and use of emergency equipment. This instruction also may include responsibilities of passengers seated next to an emergency exit.

Bus Accidents

In the event of a school bus accident, the driver shall immediately notify the CHP, **and the Superintendent or designee, and, if the bus is operated under contract, the driver's employer.** The driver shall not leave the immediate vicinity of the bus to seek aid unless necessary. (13 CCR 1219)

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

The Superintendent or designee shall maintain a report of each accident that occurred on public or private property involving a school bus with students aboard. The report shall contain pertinent details of the accident and shall be retained for 12 months from the date of the accident. If the accident was not investigated by the CHP, the Superintendent or designee shall forward a copy of the report to the local CHP within five work days of the date of the accident. (13 CCR 1234)

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)

Legal Reference:

EDUCATION CODE

39830-3984~~23~~ **Transportation, school buses**

39860 Contract for transportation; requirement that student not be left unattended

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 student 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~~ **Use of wireless telephone or communications device while driving; exceptions**

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

27316-27316.5 *Passenger restraint systems*

28160 Child safety alert system

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 bus 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*

2480 *Airborne toxic control measure; limitation on bus idling*

CODE OF REGULATIONS, TITLE 19

574-575.3 *Inspection and maintenance of fire extinguishers*

CODE OF FEDERAL REGULATIONS, TITLE 49

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

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Passenger Restraints Frequently Asked Questions

WEB SITES

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

American School Bus Council: <http://www.americanschoolbuscouncil.org>

California Association of School Transportation Officials: <http://www.castaways.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.nesbs.org>

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

U.S. Department of Transportation, National Highway Traffic Safety Administration:

<http://www.nhtsa.dot.gov>

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Policy Reference UPDATE Service

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CSBA Sample Board Policy

All Personnel

BP 4030(a)

NONDISCRIMINATION IN EMPLOYMENT

Note: The following Board policy and accompanying administrative regulation are **mandated** pursuant to Government Code 11138 **and 2 CCR 11023, as added by Register 2015, No. 50.** The California Fair Employment and Housing Act (FEHA) (Government Code 12900-12996) prohibits employers from discriminating against employees and job applicants on the basis of actual or perceived race, color, ancestry, national origin, age, sex, sexual orientation, gender, gender identity, gender expression, religious creed, physical or mental disability, medical condition, marital status, or genetic information. **Pursuant to 2 CCR 11009, as amended by Register 2015, No. 50, these same protections apply to unpaid interns and volunteers. Consequently, the district is required to also notify unpaid interns and volunteers about these protections. For more information about volunteers, see BP/AR 1240 - Volunteer Assistance.**

The same or similar protections are available to employees and job applicants under various provisions of federal law, including Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7), Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17), Title IX of the Education Amendments of 1972 (20 USC 1681-1688), the Americans with Disabilities Act (42 USC 12101-12213), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), and the Genetic Information Nondiscrimination Act (42 USC 2000ff-2000ff-11).

For policy addressing sexual harassment of and by employees, see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment.

The Governing Board is determined to provide district employees, **interns, volunteers,** and job applicants a safe, positive environment where they are assured of full and equal employment access and opportunities, protection from harassment or intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. **This policy shall apply to all district employees and, to the extent required by law, to interns, volunteers, and job applicants.**

(cf. 1240 - Volunteer Assistance)

(cf. 4111/4211/4311 - Recruitment and Selection)

The Board prohibits **No** district employees from discriminating **shall be discriminated** against or harassing **harassed by** any **coworker, supervisor, manager, or other district employee or job applicant** **person with whom the employee comes in contact in the course of employment**, on the basis of the **person's** **employee's** actual or perceived race, religious creed, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, gender, gender identity, gender expression, sex, or sexual orientation, or **his/her** association with a person or group with one or more of these actual or perceived characteristics.

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

NONDISCRIMINATION IN EMPLOYMENT (continued)

Note: The following paragraph illustrates unlawful discriminatory practices as specified in Government Code 12940. Pursuant to Labor Code 1197.5, an employer is prohibited from paying an employee at wage rates less than the rates to employees of the opposite sex for work requiring equal skill, effort, and responsibility and performed under similar conditions, except when the payment is based on some other bona fide factor such as education, training, or experience. In addition, Labor Code 1197.5, as amended by SB 1063 (Ch. 866, Statutes of 2016), prohibits the payment of different wage rates to employees for similar work based on race or ethnicity and prohibits the use of prior salary history by itself to justify any disparity in compensation under the bona fide factor exception.

The Board also prohibits discrimination against any employee or job applicant. Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including the following:

1. Discrimination in hiring, compensation, terms, conditions, and other privileges of employment
2. and the taking of any an adverse employment action, including, but not limited to, such as termination or the denial of employment, promotion, job assignment, or training, against an employee or job applicant based on any of the categories listed above.

(cf. 4151/4251/4351 - Employee Compensation)

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

3. Harassment consists of Unwelcome conduct, whether verbal, physical, or visual, conduct that is based on any of the prohibited categories of discrimination listed above and that is so severe or pervasive that it as to adversely affects an individual's employee's employment opportunities, or that has the purpose or effect of unreasonably interfering with the individual's work performance, or creating an intimidating, hostile, or offensive work environment

Note: Item #4 below addresses the numerous specific practices prohibited under Government Code 12940 or 2 CCR 11006-11086 in relation to certain protected categories. For example, because "sex" as defined in Government Code 12926 includes pregnancy, childbirth, breastfeeding, or related medical conditions, any of these conditions may be the basis for an employee's sex discrimination claim. As the specific prohibitions are too numerous to list in policy, it is recommended that district legal counsel be consulted when questions arise as to any specific claim.

4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:

- a. Prohibited Sex discrimination includes discrimination based on an employee's or job applicant's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status

NONDISCRIMINATION IN EMPLOYMENT (continued)*(cf. 4033 - Lactation Accommodation)**(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*

- b.** Prohibited discrimination on the basis of religious creed includes Religious creed discrimination based on an employee's or job applicant's religious belief or observance, including his/her religious dress or grooming practices. ~~In accordance with Government Code 12940, prohibited discrimination on the basis of religious creed also includes or based on the district's failure or refusal to use reasonable means to accommodate an employee's or job applicant's religious belief, observance, or practice which conflicts with an employment requirement. However, the district shall not accommodate an employee's religious dress practice or religious grooming practice if it requires segregation of the individual from other employees or the public or if it would result in a violation of this policy or any law prohibiting discrimination.~~
- c.** Disability discrimination based on a district requirement for a medical or psychological examination of a job applicant, or an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity

(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

- d.** Disability discrimination based on the district's failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process with an employee, to determine effective reasonable accommodations for the employee, when he/she has requested reasonable accommodation for a known physical or mental disability or medical condition

(cf. 4032 - Reasonable Accommodation)

Note: Retaliation against complainants or other participants in the grievance procedures is prohibited by Government Code 12940 and 34 CFR 110.34. In addition to the general prohibition against retaliation, Government Code 12940, as amended by AB 987 (Ch. 122, Statutes of 2015), provides that an employee or job applicant who requests accommodation for his/her physical or mental disability or religious belief is protected from retaliation as specified below. CSBA recommends that this protection be extended to all protected characteristics and has modified the policy accordingly.

In Thompson v. North American Stainless LP, the U.S. Supreme Court held that a third party may file an anti-retaliation suit.

The Board also prohibits retaliation against any district employee or job applicant who opposes any discriminatory employment practice by the district or its employees, agents, or

NONDISCRIMINATION IN EMPLOYMENT (continued)

representatives or who complains, testifies, assists, or in any way participates in the district's complaint ~~procedures~~ **process** pursuant to this policy. No employee ~~or job applicant~~ who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted. (Government Code 12940)

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation.

Note: Pursuant to 2 CCR 11019, in certain instances, an employee's (especially a supervisor's) knowledge or notice of ~~harassment~~ **prohibited conduct** of another employee or individual may subject the district to liability. Therefore, it is recommended that the district require its employees with knowledge of harassment or discrimination to report the incident to the appropriate district authorities. In addition, Government Code 12940 provides that an employer may be responsible for the sexual harassment of employees by nonemployees where the employer knows or should have known of the conduct and failed to take immediate and corrective action. See BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment.

See the accompanying administrative regulation for requirements related to the identification of the employee who will be responsible for compliance with the nondiscrimination laws.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the Superintendent or designated district coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately. The district shall protect any employee who ~~does~~ **reports** such incidents from retaliation.

Note: Government Code 12940 requires districts to take all reasonable steps, including training, to prevent prohibited discrimination and harassment. **In addition, 2 CCR 11023, as added by Register 2015, No. 15, imposes an affirmative duty on the district to create a workplace environment that is free from all prohibited practices.** The U.S. Equal Employment Opportunity Commission, in its April 2006 New Compliance Manual Section 15: Race and Color Discrimination, suggests proactive preventive measures for employers, including the adoption of transparent recruitment, hiring, and promotion processes; provision of training to employees; and periodic review of employment practices. For details of such measures, see the accompanying administrative regulation.

The Superintendent or designee shall use all appropriate means to reinforce the district's nondiscrimination policy. He/she shall provide training and information to employees about how to recognize harassment, ~~and~~ discrimination, **or other related conduct**, how to respond appropriately, and components of the district's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the district's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

NONDISCRIMINATION IN EMPLOYMENT (continued)

In addition, the Superintendent or designee shall post in a conspicuous place on district premises, the California Department of Fair Employment and Housing publication on workplace discrimination and harassment issued pursuant to 2 CCR 11013.

Any district employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination*

CIVIL CODE

51.7 *Freedom from violence or intimidation*

GOVERNMENT CODE

11135 *Unlawful discrimination*

11138 *Rules and regulations*

12900-12996 *Fair Employment and Housing Act*

PENAL CODE

422.56 *Definitions, hate crimes*

CODE OF REGULATIONS, TITLE 2

11006-11086 Discrimination in employment

11013 Recordkeeping

11019 *Terms, conditions and privileges of employment*

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

CODE OF REGULATIONS, TITLE 5

4900-4965 *Nondiscrimination in elementary and secondary education programs*

UNITED STATES CODE, TITLE 20

1681-1688 *Title IX of the Education Amendments of 1972*

UNITED STATES CODE, TITLE 29

621-634 *Age Discrimination in Employment Act*

794 *Section 504 of the Rehabilitation Act of 1973*

UNITED STATES CODE, TITLE 42

2000d-2000d-7 *Title VI, Civil Rights Act of 1964, as amended*

2000e-2000e-17 *Title VII, Civil Rights Act of 1964, as amended*

2000ff-2000ff-11 *Genetic Information Nondiscrimination Act of 2008*

2000h-2-2000h-6 *Title IX of the Civil Rights Act of 1964*

6101-6107 *Age discrimination in federally assisted programs*

12101-12213 *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 *Americans with Disabilities Act*

Legal Reference continued: (see next page)

NONDISCRIMINATION IN EMPLOYMENT (continued)

Legal Reference: (continued)

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.7 Designation of responsible employee for Section 504

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

110.1-110.39 Nondiscrimination on the basis of age

COURT DECISIONS

Thompson v. North American Stainless LP, (2011) 131 S.Ct. 863

Shepard v. Loyola Marymount, (2002) 102 Cal.App.4th 837

Management Resources:

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS

California Law Prohibits Workplace Discrimination and Harassment, December 2014

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

Notice of Non-Discrimination, August 2010

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Questions and Answers: Religious Discrimination in the Workplace, 2008

New Compliance Manual Section 15: Race and Color Discrimination, April 2006

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>

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Policy Reference UPDATE Service

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CSBA Sample Administrative Regulation

All Personnel

AR 4030(a)

NONDISCRIMINATION IN EMPLOYMENT

Note: Pursuant to Government Code 11138 **and 2 CCR 11023, as added by Register 2015, No. 50**, districts are **mandated** to adopt rules and regulations to ensure that district programs and activities are free from unlawful discriminatory practices. **Pursuant to 2 CCR 11009, as amended by Register 2015, No. 50, it is unlawful to discriminate against any person who serves in an unpaid internship or other limited-duration program to gain unpaid work experience, on any basis protected by Government Code 12940.**

All allegations of discrimination in employment, including those involving an intern, volunteer, or job applicant, shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

Note: Many nondiscrimination laws and regulations require identification of an employee who will be responsible for compliance with the nondiscrimination laws, **as provided in the following paragraph**. For example, pursuant to 34 CFR 104.7, 106.8, and 110.25, the district is required to designate the person(s) responsible for the overall implementation of the requirements of federal laws which prohibit discrimination on the basis of disability, sex, and age, i.e., Section 504 of the Rehabilitation Act of 1973 (29 USC 794), Title IX of the Education Amendments of 1972 (20 USC 1681-1688), and the Age Discrimination in Employment Act (29 USC 621-634). **The district should fill in the blanks below to designate the responsible employee and his/her contact information.**

The district designates the position identified below as its coordinator for nondiscrimination in employment (coordinator) to coordinate the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies. The coordinator may be contacted at:

Superintendent

(position title)

1575 Old Ranch Road, Placerville, CA. 95667

(address)

(530) 626-3194

(telephone number)

(first initial of first name followed by full last name) @gtusd.org

(email)

Measures to Prevent Discrimination

Note: Pursuant to Government Code 12940 **and 2 CCR 11023, as added by Register 2015, No. 50, the district is required to take all reasonable steps to prevent unlawful discrimination and harassment. 2 CCR 11023, as added, specifies certain requirements to be included in the district's policy. The following section reflects the requirements of 2 CCR 11023 and other applicable laws or regulations, as indicated. The following section reflects "best practices" for preventing unlawful harassment or discrimination, as identified in the California Department of Fair Employment and Housing**

NONDISCRIMINATION IN EMPLOYMENT (continued)

(DFEH) and the U.S. Equal Employment Opportunity Commission (EEOC) informational publications. Examples of such publications are the DFEH's California Law Prohibits Workplace Discrimination and Harassment and the EEOC's New Compliance Manual Section 15: Race and Color Discrimination. Districts should investigate these and other relevant publications and determine which practices to adopt.

To prevent unlawful discrimination, harassment, and retaliation against district employees, volunteers, interns, and job applicants in district employment, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, to employees, volunteers, interns, job applicants, and the general public by: (5 CCR 4960; 34 CFR 100.6, 106.9)
 - a. Including them in each announcement, bulletin, or application form that is used in employee recruitment
 - b. Posting them in all district schools and offices, including staff lounges and other prominent locations
 - c. Posting them on the district's web site and providing easy access to them through district-supported social media, when available

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

2. Disseminate the district's nondiscrimination policy to all employees by one or more of the following methods: (2 CCR 11023)
 - a. Printing and providing a copy of the policy to all employees with an acknowledgment form for each employee to sign and return
 - b. Sending the policy via email with an acknowledgment return form
 - c. Posting the policy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies
 - d. Discussing district policy with employees upon hire and/or during a new hire orientation session
 - e. Any other way that ensures employees receive and understand the policy

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

NONDISCRIMINATION IN EMPLOYMENT (continued)

- 23.** Provide to employees a handbook that contains information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to anyone who feels that he/she has been the victim of any discriminatory or harassing behavior
- 34.** Provide training to employees, volunteers, and interns regarding the district's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made

Note: Pursuant to 2 CCR 11023, as added by Register 2015, No. 50, if the district has 50 or more employees, its sexual harassment prevention training must include instruction for its supervisors as specified in the following paragraph.

Training for supervisors shall include the requirement to report any complaint of misconduct to a designated representative, such as the coordinator, human resources manager, or Superintendent or designee as a topic in the sexual harassment prevention training required pursuant to 2 CCR 11024 (2 CCR 11023)

(cf. 1240 - Volunteer Assistance)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

- 45.** Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law

- 6. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce**

Complaint Procedure

Note: 34 CFR 106.8 and 110.25 mandate any district that receives federal financial assistance to adopt and publish grievance procedures providing for prompt and equitable resolution of employee complaints alleging discrimination on the basis of sex or age 2 CCR 11023, as added by Register 2015, No. 50, mandates that a district's policy include a complaint process with specified requirements. Some of the requirements of 2 CCR 11023 are similar to those required under existing case law.

Courts have held that an employer may mitigate liability for hostile environment employment discrimination when (1) the employer took reasonable care to prevent and promptly correct the discriminatory or harassing conduct (i.e., provided a complaint procedure) and (2) the aggrieved employee unreasonably failed to take

NONDISCRIMINATION IN EMPLOYMENT (continued)

advantage of corrective opportunities offered by the employer (i.e., failure to file a complaint). In its June 1999 Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, EEOC outlines the elements of an effective complaint procedure to include (1) a clear explanation of the process; (2) protection against retaliation; (3) designation of multiple individuals authorized to receive complaints; (4) a mechanism for prompt, thorough, and impartial investigation; (5) assurance of immediate and appropriate corrective action; and (6) information about time frames for filing charges with the EEOC or the DFEH.

While the EEOC's guidance recommends a "prompt" investigation, neither the law nor the EEOC delineates a specific time frame for resolution. The EEOC's guidance acknowledges that whether an investigation is considered "prompt" may vary depending on the seriousness and complexity of the circumstances and that intermediate measures may be necessary to prevent further harassment during the investigation.

The following section, including the listed timelines, is consistent with the EEOC's guidance and should be modified to reflect district practice.

Any complaint ~~by an employee or job applicant~~ alleging **unlawful** discrimination or harassment shall be addressed in accordance with the following procedures:

1. **Notice and Receipt of Complaint:** A complainant ~~who is an employee shall~~ **may** inform his/her **direct supervisor**, ~~However, if the supervisor is the person against whom the employee is complaining, the employee shall inform, another supervisor, the coordinator, or the Superintendent, or, if available, a complaint hotline or an ombudsman.~~ **A job applicant shall inform the coordinator or the Superintendent or designee.**

The complainant may file a written complaint in accordance with this procedure, or if he/she is an employee, may first attempt to resolve the situation informally with his/her supervisor.

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the coordinator, whether or not the complainant files a written complaint.

The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, other evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

(cf. 0410 - *Nondiscrimination in District Programs and Activities*)
 (cf. 4032 - *Reasonable Accommodation*)

2. **Investigation Process:** The coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five business days of receiving notice of the **alleged discriminatory or harassing** behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

NONDISCRIMINATION IN EMPLOYMENT (continued)

The coordinator shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The coordinator shall inform the complainant that the **allegations investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. He/she shall also inform the parties that the investigation** will be kept confidential to the extent possible, but that some information may be revealed as necessary to conduct an effective investigation.

(cf. 3580 - District Records)

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

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

If the coordinator determines that a detailed fact-finding investigation is necessary, he/she shall begin the investigation immediately. As part of this investigation, the coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

The coordinator shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

When necessary to carry out his/her investigation or to protect employee safety, the coordinator may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's risk manager.

The coordinator also shall determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed to ensure that further incidents **do not occur are prevented**. The coordinator shall ensure that such interim measures do not constitute retaliation.

3. **Written Report on Findings and Remedial/Corrective Action:** No more than 20 business days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the coordinator shall notify the **complainant parties** and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report also shall include any corrective action(s) that have been or will be taken to address the behavior, **correct the effect on provide appropriate options for remedial actions and resolutions for** the complainant, and ensure that retaliation or further discrimination or harassment **does not occur is prevented**.

NONDISCRIMINATION IN EMPLOYMENT (continued)

The report shall be presented to the complainant, the person accused, and the Superintendent or designee.

4. **Appeal to the Governing Board:** The complainant or the person accused may appeal any findings to the Board within 10 business days of receiving the written report of the coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 business days.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 9321 - Closed Session Purposes and Agendas)

Other Remedies

Note: Items #1-3 below state the time limits within which employees must file their complaints. The EEOC's guidance states that it is important for employers' nondiscrimination policies to contain information about time frames for filing charges of unlawful discrimination or harassment with the EEOC or DFEH. Employees should be informed that the deadline for filing charges starts to run from the last date of the unlawful act, not from the conclusion of the employer's complaint investigation. Pursuant to DFEH procedures, DFEH will automatically forward any complaint it has accepted for investigation to the EEOC when the matter falls within the EEOC's jurisdiction.

In addition to filing a discrimination or harassment complaint with the district, a person may file a complaint with either the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

Note: Pursuant to Government Code 12960, an employee has one year to file a complaint with DFEH, although that period may be extended under certain circumstances, such as when a person obtains knowledge of the unlawful practice after the expiration of the one-year period.

1. To file a valid complaint with DFEH, within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960

Note: 42 USC 2000e-5 specifies that a person must file a discrimination complaint with the EEOC within 180 days of the alleged discriminatory act. Pursuant to 42 USC 2000e-5, the 180-day timeline for compensation discrimination starts when the discriminatory paycheck is received and that each discriminatory paycheck restarts the timeline for the filing of a complaint.

2. To file a valid complaint directly with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)

AR 4030(g)

NONDISCRIMINATION IN EMPLOYMENT (continued)

3. To file a valid complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC 2000e-5)

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Policy Reference UPDATE Service

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CSBA Sample Board Policy

All Personnel

BP 4119.11(a)

4219.11

SEXUAL HARASSMENT

4319.11

Note: Education Code 231.5 **mandates** the district to have a written policy on sexual harassment. As part of this mandate, the district also should adopt a sexual harassment policy related to students; see BP/AR 5145.7 - Sexual Harassment.

Generally, courts recognize two types of conduct as constituting sexual harassment. "Quid Pro Quo" ("this for that") sexual harassment is considered to have occurred when a person in a position of authority makes another individual's educational or employment benefits conditional upon that other person's willingness to engage in unwanted sexual behavior (e.g., promising a promotion for sex). "Hostile environment" sexual harassment, on the other hand, is conduct by the perpetrator that is so severe, persistent, or pervasive that it creates a hostile, intimidating, or abusive educational or professional environment for another. Sexual harassment also covers retaliatory behavior against a complainant, witness, or other participant in the complaint process. **Pursuant to Government Code 12940 and 2 CCR 11009, as amended by Register 2015, No. 50, interns, volunteers, and job applicants are entitled to the same protection against sexual harassment as applicable to employees.**

Sexual harassment **may be a violation of is prohibited pursuant to** Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17) and/or Title IX of the Education Amendments of 1972 (42 USC 2000h-2-2000h-6), as well as the California Fair Employment and Housing Act, Government Code 12900-12996.

Government Code 12940 and 34 CFR 106.9 extend protection against sexual harassment to job applicants. In addition, pursuant to Government Code 12940, employers may be held liable for sexual harassment committed against their workers by clients, customers, or other third parties if they knew or should have known of the harassment and failed to take immediate and appropriate corrective action to stop the harassment.

The Governing Board prohibits sexual harassment of district employees **and job applicants**. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify, or otherwise participate in the complaint process established pursuant to this policy and **accompanying** administrative regulation. **This policy shall apply to all district employees and, when applicable, to interns, volunteers, and job applicants.**

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

(cf. 4030 - *Nondiscrimination in Employment*)

Note: Federal and state courts have provided guidance that may help employers avoid liability or mitigate damages in sexual harassment cases. In Department of Health Services v. Superior Court (McGinnis), the California Supreme Court outlined **ways in which measures that may enable** employers **may be able** to reduce damages, including establishing anti-harassment policies, communicating those policies to employees, consistently enforcing their policies, preserving the confidentiality of employees who report harassment, and preventing retaliation against reporting employees. The United States U.S. Supreme Court has held, in Burlington Industries v. Ellerth, that, for certain claims under federal law, an employer may defend against sexual harassment claims by proving that: (1) reasonable care was exercised to prevent and promptly correct any sexually harassing behavior, and (2) the employee (victim) failed to take advantage of the preventive and corrective opportunities provided by the employer.

SEXUAL HARASSMENT (continued)

Pursuant to Government Code 12950.1, employers with 50 or more employees are required to provide two hours of sexual harassment training to supervisory employees. See the accompanying administrative regulation for timelines and training requirements.

Items #1-4 below reflect the courts' guidance and Government Code 12950.1, and should be modified to reflect district practice.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to staff

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

3. Ensuring prompt, thorough, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. **(5 CCR 4964-2 CCR 11023)**

Note: Because an employee's (especially a supervisor's) knowledge or notice of sexual harassment may subject the district to liability, it is recommended that the district require its employees with knowledge or notice of sexual harassment to report the harassment to the appropriate authorities. Pursuant to 2 CCR 11034, as amended by Register 2015, No. 50, the district may be liable for sexual harassment committed by a supervisor, coworker, or a third party. In addition, as part of its affirmative duty to prevent sexual harassment, the district is required pursuant to 2 CCR 11023, as amended by Register 2015, No. 50, to instruct supervisors to report complaints.

Any district employee **or job applicant** who feels that he/she has been sexually harassed or who has knowledge of any incident of sexual harassment by or against another employee, **a job applicant or a student**, shall immediately report the incident to his/her supervisor, the principal, district administrator, or Superintendent.

A supervisor, principal, or other district administrator who receives a harassment complaint shall promptly notify the Superintendent or designee.

BP 4119.11(c)
4219.11
4319.11

SEXUAL HARASSMENT (continued)

Note: In Faragher v. City of Boca Raton, one of the factors relied on by the U.S. Supreme Court in finding liability for harassment by a supervisor was the failure of the policy to provide an assurance to its employees that harassing supervisors may be bypassed in registering complaints.

Complaints of sexual harassment shall be filed in accordance with AR 4030 - Nondiscrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

Any district employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment against a district employee, job applicant, or student is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

*(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

Note: In addition to district sanction against employees who engage in sexual harassment, Government Code 12940 provides that such employees may be held personally liable in a court of law for any damage to the victim(s).

Legal Reference: (see next page)

BP 4119.11(d)
4219.11
4319.11

SEXUAL HARASSMENT (continued)

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination on the basis of sex*

GOVERNMENT CODE

12900-12996 *Fair Employment and Housing Act, especially:*

12940 *Prohibited discrimination*

12950.1 *Sexual harassment training*

LABOR CODE

1101 *Political activities of employees*

1102.1 *Discrimination: sexual orientation*

CODE OF REGULATIONS, TITLE 2

7287.8 *Retaliation*

7288.0 *Sexual harassment training and education*

11009 *Employment discrimination*

11021 *Retaliation*

11023 *Harassment and discrimination prevention and correction*

11024 *Sexual harassment training and education*

11034 *Terms, conditions, and privileges of employment*

CODE OF REGULATIONS, TITLE 5

4900-4965 *Nondiscrimination in elementary and secondary education programs receiving state financial assistance*

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-2-2000h-6 *Title IX, 1972 Education Act Amendments*

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 *Dissemination of policy*

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr/index.html>

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Policy Reference UPDATE Service

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CSBA Sample Administrative Regulation

All Personnel

AR 4119.11(a)

4219.11

SEXUAL HARASSMENT

4319.11

Note: The following administrative regulation is **mandated** pursuant to Education Code 231.5 and includes reasonable steps for preventing the occurrence of discrimination and harassment as required pursuant to Government Code 12940 (California Fair Employment and Housing Act). The focus of this administrative regulation is on sexual harassment by and of employees. Pursuant to Government Code 12940 and 2 CCR 11009, as amended by Register 2015, No. 50, interns, volunteers, and job applicants are entitled to the same protection against sexual harassment as applicable to employees.

The focus of this administrative regulation is on sexual harassment of employees. For information related to the sexual harassment of involving students, see BP/AR 5145.7 - Sexual Harassment.

This administrative regulation shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

Definitions

Note: In Oncale v. Sundowner Offshore Services, Inc., the U.S. Supreme Court held that same-sex sexual harassment could be actionable under Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17).

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the work or educational setting when: (Education Code 212.5; Government Code 12940; **5 CCR 4916 2 CCR 11034**)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of **such the** conduct **by the individual** is used as the basis for an employment decision affecting **him/her the individual**.
- 4.3.** Submission to or rejection of the conduct **by the other individual** is used as the basis for any decision affecting **him/her the individual** regarding benefits, services, honors, programs, or activities available at or through the district.

Note: Pursuant to Government Code 12940, conduct **may meet the definition of sexual harassment** specified in item #3 below constitutes sexual harassment if it is sufficiently severe, pervasive, or offensive to create a hostile or abusive work environment for the victim, regardless of whether or not the alleged harasser is motivated by sexual desire for the victim.

SEXUAL HARASSMENT (continued)

3. ~~The conduct has the purpose or effect of having a negative impact upon the individual's work or has the purpose or effect of creating an intimidating, hostile, or offensive work environment. Regardless of whether or not the alleged harasser was motivated by sexual desire, the conduct is sufficiently severe, persistent, pervasive, or objectively offensive as to create a hostile or abusive working environment or to limit the individual's ability to participate in or benefit from an education program or activity. Prohibited sexual harassment also includes conduct which, regardless of whether or not it is motivated by sexual desire, is so severe or pervasive as to unreasonably interfere with the victim's work performance or create an intimidating, hostile, or offensive work environment.~~

Note: Pursuant to Government Code 12940, the district may be held liable for sexual harassment committed against employees by clients, customers, or other third parties if the district knew, or should have known, of the harassment and failed to take immediate and appropriate corrective action to stop the harassment. The following paragraph clarifies that sexual harassment may include acts by supervisors, co-workers, or other parties and should be modified to reflect district practice.

~~Other~~ Examples of actions that might constitute sexual harassment **in the work or educational setting**, whether committed by a supervisor, a co-worker, or a non-employee, **in the work or educational setting** include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

Training

Note: The following **optional** paragraph is consistent with a district's **obligation/affirmative duty** to protect its employees from **sex discrimination, including** sexual harassment, **pursuant to 2 CCR 11023, as added by Register 2015, No. 50** and may be modified to reflect district practice. Although training is not legally required for all employees, Government Code 12940 requires districts to take reasonable steps to prevent harassment. In addition, since **the language of** BP/AR 5145.7 - Sexual Harassment requires employees to

SEXUAL HARASSMENT (continued)

report sexual harassment against students, training such employees to recognize **and address** sexual harassment **and address reports of** incidents furthers the district's interest in protecting both employees and students against prohibited conduct. Thus, it is strongly recommended that districts periodically provide sexual harassment training or information to all their employees, especially those who work at school sites.

Provision of periodic training to all district employees could also help foster a positive work environment and mitigate damages against a district in the event of sexual harassment litigation. In Department of Health Services v. Superior Court (McGinnis), the California Supreme Court held that employers that have taken reasonable steps to prevent and correct workplace sexual harassment may be able to reduce damages in the event of a lawsuit. Such steps may include establishing anti-harassment policies and communicating those policies to employees.

The Superintendent or designee shall ensure that all employees receive training regarding the district's sexual harassment policies when hired and periodically thereafter. **Such** **The** training shall include the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the district's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee.

*(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 5145.7 - Sexual Harassment)*

Note: The remainder of this section is for use by districts with 50 or more employees. Although the law does not require districts with fewer than 50 employees to provide sexual harassment training to supervisors, court decisions have held that providing training may help mitigate damages in sexual harassment suits. **Additionally, provision of supervisor training may be a factor in determining whether a district has taken reasonable steps to prevent discrimination and harassment pursuant to Government Code 12940.**

Government Code 12950.1 requires such districts to provide two hours of sexual harassment training and education once every two years to every supervisory employee, defined as any employee with the authority to take employment action, including hiring, transferring, suspending, and disciplining other employees, or recommend such action if the exercise of that authority is not merely routine or clerical in nature. All newly hired supervisors or employees promoted to a supervisory position must receive the training within six months of their hire or assumption of the supervisory position. Compliance with this law does not insulate the district from any liability for harassment.

Governing Board members, as elected officials, are not usually considered "supervisors"; however, since Board members have the authority to hire, reward, or discipline the Superintendent and other employees, Board members may also be required to receive sexual harassment training. Districts should consult with legal counsel to ensure that the appropriate individuals receive training.

Although the law does not require districts with fewer than 50 employees to provide sexual harassment training to supervisors, court decisions have held that providing training may help mitigate damages in sexual harassment suits. Districts with fewer than 50 employees may delete or modify the remainder of this section to reflect district practice.

SEXUAL HARASSMENT (continued)

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All such newly hired or promoted employees shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A *supervisory employee* is any employee ~~with having~~ the authority, **in the interest of the district**, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, ~~or the responsibility to direct them, adjust their grievances, or to~~ effectively recommend such action, **when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment.** (Government Code 12926)

(cf. 4300 - Administrative and Supervisory Personnel)

Note: Government Code 12950.1 and 2 CCR ~~11023-11024~~, as amended and renumbered by Register 2015, No. 50, require that the training for supervisory employees contain specified components and be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation.

The district's sexual harassment training and education program for supervisory employees shall **include the provision of be aimed at assisting them in preventing and effectively responding to incidents of sexual harassment, as well as implementing mechanisms to promptly address and correct wrongful behavior. The training shall include, but is not limited to, the following:** (Government Code 12950.1; 2 CCR ~~11023-11024~~)

1. Information and practical guidance regarding federal and state laws on the prohibition, ~~against and the prevention, and correction of sexual harassment, and the remedies available to the victims of sexual harassment~~ **victims in employment, civil actions, and potential district and/or individual exposure or liability**
2. Practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation **The types of conduct that constitute sexual harassment and practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources**

~~Note: Pursuant to Government Code 12950.1, the prevention of abusive conduct must be included as a component of the sexual harassment training for supervisors.~~

SEXUAL HARASSMENT (continued)

3. A component on the prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance
3. A supervisor's obligation to report sexual harassment, discrimination, and retaliation of which he/she becomes aware and what to do if the supervisor himself/herself is personally accused of harassment
4. Strategies for preventing harassment, discrimination, and retaliation and appropriate steps to ensure that remedial measures are taken to correct harassing behavior, including an effective process for investigation of a complaint
5. The essential elements of the district's anti-harassment policy, including the limited confidentiality of the complaint process and resources for victims of unlawful sexual harassment, such as to whom they should report any alleged sexual harassment, and how to use the policy if a harassment complaint is filed
- 4.6. A copy of the district's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received
- 3.7. A component on the definition and prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance
5. All other contents of mandated training specified in 2 CCR 11023

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR 11023 **11024**)

Notifications

Note: Education Code 231.5 requires that the district provide copies of its policy on sexual harassment to staff, as specified below. In addition, 2 CCR 11023³⁴ requires that supervisory employees undergoing mandatory training receive a copy of the district's policy and acknowledge receipt of the policy; see item #6 in the section "Training" above.

A copy of the Board policy and this administrative regulation shall: (Education Code 231.5)

SEXUAL HARASSMENT (continued)

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted
2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired

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

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct

Note: Government Code 12950 requires the Department of Fair Employment and Housing (DFEH) to develop posters and information sheets on employment discrimination and the illegality of sexual harassment. These documents are available on DFEH's web site.

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or a copy of district information sheets that contain, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact DFEH and the EEOC
7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC

AR 4119.11(g)
4219.11
4319.11

SEXUAL HARASSMENT (continued)

In addition, the district shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment. (Government Code 12950)

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Policy Reference UPDATE Service

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CSBA Sample Board Policy

Students

BP 5030(a)

STUDENT WELLNESS

Note: The Healthy, Hunger-Free Kids Act of 2010 (42 USC 1758b) **mandates** each district participating in the National School Lunch Program (42 USC 1751-1769j) or any program in the Child Nutrition Act of 1966 (42 USC 1771-17943), including the School Breakfast Program, to adopt a districtwide school wellness policy. The following policy fulfills this mandate and should be revised to reflect district practice. Other policies in the district's policy manual will likely contain additional provisions supporting this wellness policy, such as BP 3312 - Contracts, BP/AR 3550 - Food Service/Child Nutrition Program, BP/AR 3552 - Summer Meal Program, BP/AR 3553 - Free and Reduced Price Meals, BP/AR 3554 - Other Food Sales, BP/AR 6142.7 - Physical Education and Activity, and BP/AR 6142.8 - Comprehensive Health Education.

Although the Governing Board has discretion under 42 USC 1758b to determine specific policies appropriate for its schools, ~~the U.S. Department of Agriculture (USDA) is required to develop regulations 7 CFR 210.30, as added by 81 Fed. Reg. 50151, that provides a framework and guidelines to assist districts in establishing their student wellness policies, including minimum content requirements, assurance of stakeholder participation in the development and updates, and periodic assessment and disclosure of compliance with the district's wellness policy, and to provide technical assistance through the Centers for Disease Control and Prevention (CDC). Currently, the U.S. Department of Agriculture (USDA) and Centers for Disease Control and Prevention (CDC) provide resources and implementation tools on their web sites. In addition, CSBA's Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide summarizes research on the relationship between nutrition and physical activity and student achievement, provides worksheets for policy development, and contains other resources that may be useful in the development of the wellness policy.~~

The following paragraph links student wellness with the components of a coordinated school health approach recommended in the California Department of Education's (CDE) Health Framework for California Public Schools and may be revised to reflect district practice.

The Governing Board recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for district students. The Superintendent or designee shall coordinate and align district efforts to support student wellness through health education, physical education and activity, health services, nutrition services, psychological and counseling services, and a safe and healthy school environment. In addition, the Superintendent or designee shall develop strategies for promoting staff wellness and for involving parents/guardians and the community in reinforcing students' understanding and appreciation of the importance of a healthy lifestyle.

(cf. 1020 - Youth Services)
(cf. 3513.3 - Tobacco-Free Schools)
(cf. 3514 - Environmental Safety)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.61 - Drug Testing)
(cf. 5131.62 - Tobacco)
(cf. 5131.63 - Steroids)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.22 - Infectious Diseases)

STUDENT WELLNESS (continued)

(cf. 5141.3 - *Health Examinations*)
(cf. 5141.31 - *Immunizations*)
(cf. 5141.32 - *Health Screening for School Entry*)
(cf. 5141.6 - *School Health Services*)
(cf. 6142.1 - *Sexual Health and HIV/AIDS Prevention Education*)
(cf. 6164.2 - *Guidance/Counseling Services*)

School **Health** Wellness Council/**Committee**

Note: 42 USC 1758b and 7 CFR 210.30, as added by 81 Fed. Reg. 50151, requires that districts permit specified stakeholders ~~be permitted~~ to participate in the development, implementation, and periodic review and update of the district's wellness policy. One method to achieve continuing involvement of those groups and other key stakeholders ~~is~~ ~~could be~~ through the creation of a school **wellness** **health** council, as recommended in the CDE's Health Framework for California Public Schools. Pursuant to Government Code 54952, committees created by formal action of the Board are subject to open meeting laws (the Brown Act); see AR 1220 - Citizen Advisory Committees.

The Superintendent or designee shall encourage parents/guardians, students, food service employees, physical education teachers, school health professionals, Board members, school administrators, and members of the public to participate in the development, implementation, and periodic review and update of the district's student wellness policy. (42 USC 1758b; **7 CFR 210.30**)

Note: The remainder of this section is **optional** and may be revised to reflect district practice.

To fulfill this requirement, the Superintendent or designee may appoint a school **wellness** **health** council or other district committee, ~~whose membership shall include representatives of these groups and a wellness council coordinator. The council may include representatives of the groups listed above, as well as He/she also may invite participation of other groups or individuals, such as~~ health educators, curriculum directors, counselors, before- and after-school program staff, health practitioners, and/or others interested in school health issues.

(cf. 1220 - *Citizen Advisory Committees*)
(cf. 9140 - *Board Representatives*)

The Superintendent or designee may make available to the public and school community a list of the names, position titles, and contact information of the wellness council members.

The **school** **health** **wellness** council/**committee** shall advise the district on health-related issues, activities, policies, and programs. At the discretion of the Superintendent or designee, the duties of the council/**committee** may also include the planning, implementation, and evaluation of activities to promote health within the school or community.

STUDENT WELLNESS (continued)

Goals for Nutrition, Physical Activity, and Other Wellness Activities

Note: 42 USC 1758b **and 7 CFR 210.30, as added by 81 Fed. Reg. 50151, mandates** that the district's wellness policy include goals for the activities specified below.

The Board shall adopt **specific** goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. **In developing such goals, the Board shall review and consider evidence-based strategies and techniques.** (42 USC 1758b; **7 CFR 210.30**)

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

Note: The remainder of this section provides policy language to address this mandated topic and should be revised to reflect district practice.

The district's nutrition education and physical education programs shall be based on research, shall be consistent with the expectations established in the state's curriculum frameworks and content standards, and shall be designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

(cf. 6011 - Academic Standards)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

The nutrition education program shall include, but is not limited to, information about the benefits of healthy eating for learning, disease prevention, weight management, and oral health. Nutrition education shall be provided as part of the health education program and, as appropriate, shall be integrated into other academic subjects in the regular educational program, before- and after-school programs, summer learning programs, and school garden programs.

(cf. 5148.2 - Before/After School Programs)

(cf. 6177 - Summer Learning Programs)

To reinforce the district's nutrition education program, the Board prohibits the marketing and advertising of non-nutritious foods and beverages through signage, vending machine fronts, logos, scoreboards, school supplies, advertisements in school publications, coupon or incentive programs, free give aways, or other means.

(cf. 1325 - Advertising and Promotion)

All students shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical

STUDENT WELLNESS (continued)

education and recess and may also be provided through school athletic programs, extracurricular programs, before- and after-school programs, summer learning programs, programs encouraging students to walk or bicycle to and from school, in-class physical activity breaks, and other structured and unstructured activities.

*(cf. 5142.2 - Safe Routes to School Program)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)*

The Board may enter into a joint use agreement or memorandum of understanding to make district facilities or grounds available for recreational or sports activities outside the school day and/or to use community facilities to expand students' access to opportunity for physical activity.

(cf. 1330.1 - Joint Use Agreements)

Professional development ~~shall-may~~ be regularly offered to **the nutrition program director, managers, and staff, as well as** health education **teachers, and** physical education teachers, coaches, activity supervisors, ~~food services staff~~, and other staff as appropriate to enhance their **health knowledge and skills related to student health and wellness.**

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

~~The Superintendent or designee may disseminate health information and/or the district's student wellness policy to parents/guardians through district or school newsletters, handouts, parent/guardian meetings, district and school web sites, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.~~

*(cf. 1100 - Communication with the Public)
(cf. 1112 - Media Relations)
(cf. 1113 - District and School Web Sites)
(cf. 1114 - District Sponsored Social Media)
(cf. 6020 - Parent Involvement)*

In order to ensure that students have access to comprehensive health services, the district may provide access to health services at or near district schools and/or may provide referrals to community resources.

The Board recognizes that a safe, positive school environment is also conducive to students' physical and mental health and thus prohibits bullying and harassment of all students, including bullying on the basis of weight or health condition.

STUDENT WELLNESS (continued)*(cf. 5131.2 - Bullying)**(cf. 5145.3 - Nondiscrimination/Harassment)*

The Superintendent or designee shall encourage staff to serve as positive role models for healthy eating and physical fitness. He/she shall promote work-site wellness programs and may provide opportunities for regular physical activity among employees.

Nutritional Guidelines for All Foods Available at School

Note: 42 USC 1758b **mandates** that the district's wellness policy include nutritional guidelines that are consistent with federal nutrition standards, as specified below. Also see AR 3550 - Food Service/Child Nutrition Program.

For all foods **and beverages** available on each campus during the school day, the district shall adopt nutritional guidelines which are consistent with 42 USC **1758, 1766**, 1773, and 1779 and federal regulations and which support the objectives of promoting student health and reducing childhood obesity. (42 USC 1758b)

Note: The remainder of this section provides policy language to address this mandated topic and should be revised to reflect district practice.

In order to maximize the district's ability to provide nutritious meals and snacks, all district schools shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs and after-school snack programs, to the extent possible. When approved by the California Department of Education, the district may sponsor a summer meal program.

*(cf. 3550 - Food Service/Child Nutrition Program)**(cf. 3552 - Summer Meal Program)**(cf. 3553 - Free and Reduced Price Meals)**(cf. 5141.27 - Food Allergies/Special Dietary Needs)**(cf. 5148 - Child Care and Development)**(cf. 5148.3 - Preschool/Early Childhood Education)*

Note: Pursuant to 42 USC 1758, schools participating in the National School Lunch Program are required to make free drinking water available for consumption at locations where meals are served during meal service. In addition, Education Code 38086 requires all California schools to make free drinking water available during school meal times, unless the Board adopts a resolution demonstrating that the district is unable to comply due to fiscal constraints or health or safety concerns. See AR 3550 - Food Service/Child Nutrition Program for policy language related to these requirements. Also see CSBA's policy brief Increasing Access to Drinking Water in Schools for further information and sample strategies for providing water and encouraging consumption. **Information on potential funding sources to comply with the potable water requirement is available on the CDE web site.**

The Superintendent or designee shall provide access to free, potable water **during meal times** in the food service area **during meal times** in accordance with Education Code 38086 and 42

STUDENT WELLNESS (continued)

USC 1758, and shall encourage students' consumption of water by educating them about the health benefits of water and **by** serving water in an appealing manner.

Note: Pursuant to 7 CFR 210.30, as added by 81 Fed. Reg. 50151, districts are mandated to include, within the wellness policy, standards for all foods and beverages which are made available to students outside the district's food services program (e.g., sales through vending machines, student stores, and fundraisers). Nutrition standards and other requirements pertaining to such food sales outside the food services program (e.g., sales through vending machines, student stores, and fundraisers) are addressed in AR 3554 - Other Food Sales. Pursuant to 42 USC 1758b, the USDA is required to establish nutrition standards for all foods sold and served in school at any time during the school day, although exemptions may be allowed for school-sponsored fundraisers if the fundraisers are approved by the school and are infrequent. Districts will be required to implement the standards beginning one school year following the approval of the federal rule.

The Board believes that all foods and beverages sold to students at district schools, including those available outside the district's **reimbursable** food services program, should support the health curriculum and promote optimal health. Nutritional standards adopted by the district for foods and beverages provided through student stores, vending machines, or other venues shall meet or exceed state and federal nutritional standards.

(cf. 3312 - Contracts)

(cf. 3554 - Other Food Sales)

The Superintendent or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes.

He/she also shall encourage school staff to avoid the use of non-nutritious foods as a reward for students' academic performance, accomplishments, or classroom behavior.

School staff shall encourage parents/guardians or other volunteers to support the district's nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties. Class parties or celebrations shall be held after the lunch period when possible.

Note: Pursuant to 7 CFR 210.30, as added by 81 Fed. Reg. 50151, only those foods and beverages that are allowed for sale on campus during the school day may be marketed within the district. The Analysis of Comments to the federal regulations, 81 Fed. Reg. 50151 pg. 50159-50160, clarifies that this includes, but is not limited to, marketing by way of signage, vending machine exteriors, menu boards, coolers, trash cans, cups and scoreboards, but does not apply to materials for educational purposes. It also states that existing items do not need to be immediately replaced, but as new contracts are signed and/or durable equipment replaced, these guidelines should be followed.

To reinforce the district's nutrition education program, the Board prohibits the marketing and advertising of foods and beverages that do not meet nutrition standards for the sale of foods and beverages on campus during the school day. (7 CFR 210.30)

STUDENT WELLNESS (continued)

(cf. 1325 - Advertising and Promotion)

Program Implementation and Evaluation

Note: 42 USC 1758b and 7 CFR 210.30 require the district to identify an individual with the authority and responsibility to ensure that each district school complies with the wellness policy. The Analysis of Comments to the federal regulations, 81 Fed. Reg. 50151 pg. 50155, recommends that districts provide a means of contacting the designated individual by providing a district or school phone number and/or email address.

The Superintendent shall designates the individual(s) identified below as the individual(s) responsible for ensuring one or more district or school employees, as appropriate, to ensure that each school site complies with this the district's wellness policy. (42 USC 1758b; 7 CFR 210.30)

Superintendent

(Title or Position)

(530) 626-3194

(Phone Number)

(first initial of first name, followed by full last name) @gtusd.org
(Email Address)

(cf. 0500 - Accountability)

(cf. 3555 - Nutrition Program Compliance)

Note: 42 USC 1758b requires assessment of the implementation of the wellness policy but does not define any specific timeline. CSBA's publication Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies recommends that a report on the implementation of the wellness policy be provided to the Board at least once every two years. The following optional paragraph may be revised to reflect district practice. 42 USC 1758b and 7 CFR 210.30, as added by 81 Fed. Reg. 50151, require an assessment of the implementation and compliance of the wellness policy as specified in the paragraph below. At its discretion, the district may revise the following paragraph to reflect a more frequent schedule.

The Superintendent or designee shall assess the implementation and effectiveness of this policy at least once every **two** **three** years. (42 USC 1758b; 7 CFR 210.30)

Note: 42 USC 1758b requires that the district assessment include a comparison of the district's policy with model wellness policies. See the USDA's web site for model policies and best practices recommended by federal and state agencies and nongovernmental organizations.

The assessment shall include the extent to which district schools are in compliance with this policy, the extent to which this policy compares to model wellness policies available from the U.S. Department of Agriculture, and a description of the progress made in attaining the goals of the wellness policy. (42 USC 1758b)

STUDENT WELLNESS (continued)

The Superintendent or designee shall invite feedback on district and school wellness activities from food service personnel, school administrators, the ~~school health~~ wellness council, parents/guardians, students, teachers, before- and after-school program staff, and/or other appropriate persons.

Note: Items #1-**89** below are **optional** and may be revised to reflect district practice. For further information about the following indicators and a list of other possible indicators, see CSBA's [Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies](#). The guide also describes possible data sources that may be used for each indicator and includes a sample report format. Indicators selected by the district may include a mix of process measures (e.g., level of student participation, number of classes, staffing, and costs) as well as outcome measures that assess the policy's impact on students (e.g., physical fitness test results, Body Mass Index, and food choices).

The Board and the Superintendent or designee shall establish indicators that will be used to measure the implementation and effectiveness of the district activities related to student wellness. Such indicators may include, but are not limited to:

1. Descriptions of the district's nutrition education, physical education, and health education curricula and the extent to which they align with state academic content standards and legal requirements
2. An analysis of the nutritional content of school meals and snacks served in all district programs, based on a sample of menus and production records
3. Student participation rates in all school meal and/or snack programs, including the number of students enrolled in the free and reduced-price meals program compared to the number of students eligible for that program
4. Extent to which foods **and beverages** sold on campus outside the food services program, such as through vending machines, student stores, or fundraisers, comply with nutritional standards
5. **Extent to which other foods and beverages that are available on campus during the school day, such as foods and beverages for classroom parties, school celebrations, and rewards/incentives, comply with nutrition standards**
- 5.6.** Results of the state's physical fitness test at applicable grade levels
- 6.7.** Number of minutes of physical education offered at each grade span, and the estimated percentage of class time spent in moderate to vigorous physical activity
- 7.8.** A description of district efforts to provide additional opportunities for physical activity outside of the physical education program

STUDENT WELLNESS (continued)

8.9. A description of other districtwide or school-based wellness activities offered, including the number of sites and/or students participating, as appropriate

~~The Superintendent or designee shall invite feedback on district and school wellness activities from food service personnel, school administrators, the school health council, parents/guardians, students, teachers, before and after school program staff, and/or other appropriate persons.~~ [MOVED UP]

As feasible, the assessment report may include a comparison of results across multiple years, a comparison of district data with county, statewide, or national data, and/or a comparison of wellness data with other student outcomes such as academic indicators or student discipline rates.

~~The Superintendent or designee shall inform and update the public, including parents/guardians, students, and others in the community, about the content and implementation of this policy and assessment results. (42 USC 1758b)~~ [MOVED TO "NOTIFICATIONS" SECTION]

Note: In addition to the district self-assessment described above, 7 CFR 210.18, as amended by 81 Fed. Reg. 50151, requires that the CDE conduct administrative reviews of all districts at least once every three years to ensure that districts are complying with their wellness policy. See section "Records" below for information about records that may be required for this assessment. The USDA's Food and Nutrition Service may grant a one-year extension to the CDE's three-year review cycle if needed for efficient state management of the program.

In addition, the Superintendent or designee shall prepare and maintain the proper documentation and records needed for the administrative review of the district's wellness policy conducted by the California Department of Education (CDE) every three years.

In addition, ~~t~~The assessment results **of both the district and state evaluations** shall be submitted to the Board for the purposes of evaluating policy and practice, recognizing accomplishments, and making policy adjustments as needed to focus district resources and efforts on actions that are most likely to make a positive impact on student health and achievement.

Posting Requirements

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

STUDENT WELLNESS (continued)

Notifications

Note: Pursuant to Education Code 49432, as amended by SB 1169 (Ch. 280, Statutes of 2016), 42 USC 1758b, and 7 CFR 210.30, as added by 81 Fed. Reg. 50151, the district is required to inform the public of the content and implementation of the wellness policy and the district's progress towards meeting the goals of the policy, as described below.

The Superintendent or designee shall inform the public about the content and implementation of the district's wellness policy and shall make the policy, and any updates to the policy, available the public on an annual basis. He/she shall also inform the public of the district's progress towards meeting the goals of the wellness policy, including the availability of the triennial district assessment. (Education Code 49432; 42 USC 1758b; 7 CFR 210.30)

(cf. 5145.6 - Parental Notifications)

Note: The following optional paragraph may be revised to reflect district practice.

The Superintendent or designee ~~may disseminate health information and/or the district's student wellness policy to parents/guardians through~~ shall distribute this information through the most effective methods of communication, including district or school newsletters, handouts, parent/guardian meetings, district and school web sites, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health **and wellness** and academic performance.

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

(cf. 6020 - Parent Involvement)

Note: As amended by SB 1169 (Ch. 280, Statutes of 2016), Education Code 49432 no longer requires schools to post the district's policies and regulations on nutrition and physical activity in public view within all school cafeterias or other central eating areas. Education Code 49432 **continues to** authorizes, but does not require, schools to post a summary of nutrition and physical activity laws and regulations. The following paragraph is **optional**.

Each school ~~shall also may~~ post a summary of nutrition and physical activity laws and regulations prepared by the ~~California Department of Education~~ **CDE**.

Records

Note: 7 CFR 210.30, as added by 81 Fed. Reg. 50151, requires the district to retain records to document compliance with the federal regulation. The following paragraph outlines the records that, at a minimum, must be retained by the district.

STUDENT WELLNESS (continued)

The Superintendent or designee shall retain records that document compliance with 7 CFR 210.30, including, but not limited to, the written student wellness policy, documentation of the triennial assessment of the wellness policy for each school site, and documentation demonstrating compliance with the community involvement requirements, including requirements to make the policy and assessment results available to the public. (7 CFR 210.30)

Legal Reference: (see next page)

STUDENT WELLNESS (continued)*Legal Reference:***EDUCATION CODE**

33350-33354 CDE responsibilities re: physical education

38086 Free fresh drinking water

49430-49434 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

49550-4956~~42~~ Meals for needy students

49565-49565.8 California Fresh Start pilot program

49570 National School Lunch Act

51210 Course of study, grades 1-6

51210.1-51210.2 Physical education, grades 1-6**51210.4 Nutrition education**

51220 Course of study, grades 7-12

51222 Physical education

51223 Physical education, elementary schools

51795-51796.~~58~~ School instructional gardens

51880-51921 Comprehensive health education

CODE OF REGULATIONS, TITLE 5

15500-15501 Food sales by student organizations

15510 Mandatory meals for needy students

15530-15535 Nutrition education

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 421751-1769~~j~~ National School Lunch Program, especially:

1758b Local wellness policy

1771-179~~13~~ Child Nutrition Act, especially:

1773 School Breakfast Program

1779 Rules and regulations, Child Nutrition Act

CODE OF FEDERAL REGULATIONS, TITLE 7210.1-210.3~~43~~ National School Lunch Program, especially:**210.30 Wellness policy**

220.1-220.22 National School Breakfast Program

COURT DECISIONSFrazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781*Management Resources:***CSBA PUBLICATIONS****Integrating Physical Activity into the School Day, Governance Brief, April 2016**Increasing Access to Drinking Water in Schools, Policy Brief, March~~April~~ 2013Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, rev. 2012Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. April 2012Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2012**Physical Activity and Physical Education in California Schools, Research Brief, April 2010**Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009*Management Resources continued: (see next page)*

STUDENT WELLNESS (continued)

Management Resources: (continued)

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Physical Education Framework for California Public Schools, Kindergarten Through Grade Twelve, 2009

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CALIFORNIA PROJECT LEAN PUBLICATIONS

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CENTER FOR COLLABORATIVE SOLUTIONS

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Physical Activity and Food Security in Afterschool Programs, March 2010 January 2015

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Dietary Guidelines for Americans, 2005 2016

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WEB SITES

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Action for Healthy Kids: <http://www.actionforhealthykids.org>

Alliance for a Healthier Generation: <http://www.healthiergeneration.org>

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

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

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

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

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

Center for Collaborative Solutions: <http://www.ccscenter.org>

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

Dairy Council of California: <http://www.dairycouncilofca.org>

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

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

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U.S. Department of Agriculture, Food Nutrition Service, wellness policy:

<http://www.fns.usda.gov/tm/Healthy/wellnesspolicy.html>

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Policy Reference UPDATE Service

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CSBA Sample Administrative Regulation

Students

AR 5111.1(a)

DISTRICT RESIDENCY

Criteria for Residency

A student shall be deemed to have complied with district residency requirements for enrollment in a district school if he/she meets any of the following criteria:

1. The student's parent/guardian resides within district boundaries. (Education Code 48200)
2. The student is placed within district boundaries in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a court-ordered commitment or placement. (Education Code 48204)

Note: State law provides a number of options under which a student may attend school in a district other than the district where he/she resides. For instance, a student attending a school identified as low achieving on the state's Open Enrollment List may transfer to a school in any other district in the state subject to certain conditions, pursuant to Education Code 48350-48361; see BP/AR 5118 - Open Enrollment Act Transfer. If the district chooses to enter into an interdistrict attendance agreement pursuant to Education Code 46600-46611, a student may request a permit to attend school in a different district when both the district of residence and the district of proposed attendance have agreed to allow interdistrict attendance. If the Governing Board has declared the district to be a "school district of choice" pursuant to Education Code 48300-48316, the district may accept a specific number of interdistrict transfers into the district through a random, unbiased selection process. See BP/AR 5117 - Interdistrict Attendance for further information about these options. Pursuant to Education Code 48204, 48301, and 48356, students admitted under any of these options are deemed to have met district residency requirements. The district should revise item #3 as appropriate to reflect options provided by the district.

3. The student **has been is** admitted through an interdistrict attendance option, such as an interdistrict attendance agreement, "school district of choice" transfer, or Open Enrollment Act transfer. (Education Code 46600, 48204, 48301, 48356)

(cf. 5117 - Interdistrict Attendance)

(cf. 5118 - Open Enrollment Act Transfers)

4. The student is an emancipated minor residing within district boundaries. (Education Code 48204)
5. The student lives with a caregiving adult within district boundaries and the caregiving adult submits an affidavit to that effect. (Education Code 48204)
6. The student resides in a state hospital located within district boundaries. (Education Code 48204)

DISTRICT RESIDENCY (continued)

7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48204, 48207)

(cf. 6183 - Home and Hospital Instruction)

Note: ~~Education Code 48204, as amended by SB 200 (Ch. 174, Statutes of 2015) and AB 224 (Ch. 554, Statutes of 2015), provides that a student can meet residency requirements based on the location of his/her parent/guardian's employment under the circumstances described in item #8 below.~~

8. The student's parent/guardian resides outside district boundaries but is employed within district boundaries and lives with the student at the place of employment for a minimum of three days during the school week. (Education Code 48204)

Note: ~~Pursuant to Education Code 48204.3, as added by SB 1455 (Ch. 312, Statutes of 2016), a student will be deemed to meet district residency requirements if his/her parent/guardian is transferred or is pending transfer to a military installation (i.e., a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense or the U.S. Coast Guard) within district boundaries.~~

9. **The student's parent/guardian, while on active military duty pursuant to an official military order, is transferred or is pending transfer to a military installation within district boundaries. (Education Code 48204.3)**

(cf. 6173.2 - Education of Children of Military Families)

Residency Based on Parent/Guardian Employment (Allen Bill Transfers)

Note: The following section is **optional**. Education Code 48204 permits, but does not require, districts to admit a student whose parent/guardian is employed within district boundaries for a minimum of 10 hours during the school week (so-called "Allen bill transfers"). If the district chooses to grant residency status to such students, it may nevertheless deny enrollment to students under the circumstances identified in items #1-3 below. ~~SB 200 (Ch. 174, Statutes of 2015) and AB 224 (Ch. 554, Statutes of 2015) amended Education Code 48204 to provide that this option will become inoperative on July 1, 2017 unless extended by future legislation.~~ **AB 2537 (Ch. 106, Statutes of 2016) amended Education Code 48204 to indefinitely extend the district's authority to grant residency under these circumstances.**

District residency status may be granted to a student if at least one of his/her parents/guardians is physically employed within district boundaries for a minimum of 10 hours during the school week. No student seeking residency on this basis shall be denied enrollment based on race, ethnicity, sex, parental income, scholastic achievement, or any of the individual characteristics set forth in Education Code 220. However, the Superintendent or designee may deny enrollment into the district if any of the following circumstances is present: (Education Code 48204)

DISTRICT RESIDENCY (continued)

1. The additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer.
2. Enrollment of the student would adversely affect the district's court-ordered or voluntary desegregation plan as determined by the Governing Board.
3. Other circumstances exist that are not arbitrary.

Note: The following paragraph is **optional**. In 84 Ops.Cal.Atty.Gen. 198 (2001), the Attorney General opined that overcrowding is not an "arbitrary consideration" within the meaning of Education Code 48204. Therefore, a district may deny an application when the district's school facilities are overcrowded at the relevant grade level. The Attorney General also clarified that, once a student is admitted, he/she must be allowed to continue to attend school in the district through the highest grade level offered by the district, even if the school subsequently becomes overcrowded at the relevant grade level. Although Attorney General opinions are not binding on the courts, they are generally afforded deference when there is no specific statutory or case law to the contrary. The following paragraph is based on this Attorney General opinion.

Such circumstances may include, but are not limited to, overcrowding of school facilities at the relevant grade level.

Once a student establishes residency on this basis, he/she shall not be required to reapply for enrollment in subsequent years. The student may continue to attend school in the district through the highest grade level offered by the district if the parent/guardian so chooses and if at least one parent/guardian of the student continues to be physically employed by an employer situated within district boundaries, subject to the exceptions in items #1-3 above. (Education Code 48204)

Note: Education Code 48204 prescribes limits on the number of net Allen bill transfers out of the district (the difference between the number of students entering and exiting the district) that a district may allow each fiscal year, unless waived by the sending district. The limits are based on the average daily attendance (ADA) of the district, as follows: five percent of ADA for districts with 500 or less ADA; three percent of ADA or 25 students, whichever is greater, for districts with an ADA of 501-2,500; and one percent of ADA or 75 students, whichever is greater, for districts with an ADA of 2,501 or more. The following paragraph may be modified to specify the percentage that applies to the district's ADA.

Even if the district has not authorized Allen bill transfers into the district, Education Code 48204 provides that the district may disallow transfers out of the district, within the specified limits, by students whose parent/guardian is employed within the boundaries of another district.

The Superintendent or designee may deny a transfer out of the district by a student whose parent/guardian is employed within the boundaries of another district if the difference between the number of students entering and exiting the district on the basis of parent/guardian employment exceeds the limits prescribed in Education Code 48204. (Education Code 48204)

DISTRICT RESIDENCY (continued)

Proof of Residency

Evidence of residency may be established by documentation showing the name and address of the parent/guardian within the district, including, but not limited to, any of the following: (Education Code 48204.1)

1. Property tax payment receipt
2. Rental property contract, lease, or payment receipt
3. Utility service contract, statement, or payment receipt
4. Pay stub
5. Voter registration
6. Correspondence from a government agency
7. Declaration of residency executed by the student's parent/guardian
8. If the student is an unaccompanied youth as defined in 42 USC 11434a, a declaration of residency executed by the student

Note: Pursuant to Education Code 48204, a student shall be deemed a resident of the district if he/she lives with a caregiving adult within district boundaries; see item #5 in section "Criteria for Residency" above. Family Code 6552 provides an affidavit which authorizes a caregiver 18 years of age or older to enroll a minor in school and requires the caregiver's attestation that the student lives with the caregiver. If the student stops living with the caregiver, Family Code 6550 requires the caregiver to so notify the school.

9. If the student is residing in the home of a caregiving adult within district boundaries, an affidavit executed by the caregiving adult in accordance with Family Code 6552

(cf. 5141 - Health Care and Emergencies)

A parent/guardian seeking residency status on the basis of his/her employment within district boundaries shall submit proof of the employment which may include, but not be limited to, a paycheck stub or letter from his/her employer listing a physical address within district boundaries. Such evidence shall also indicate the number of hours or days per school week that the parent/guardian is employed at that location.

Note: The following paragraph is for use by districts in which there is a military installation within district boundaries. Pursuant to Education Code 48204.3, as added by SB 1455 (Ch. 312, Statutes of

DISTRICT RESIDENCY (continued)

2016), a parent/guardian who is seeking residency status based on his/her transfer or pending transfer to a military installation within district boundaries may provide any of the following types of proof of residence.

~~A parent/guardian who is transferred or pending transfer into a military installation within district boundaries shall provide proof of residence within 10 days after the published arrival date provided on official documentation. For this purpose, he/she may use as his/her address a temporary on-base billeting facility, a purchased or leased home or apartment, or federal government or public private venture off-base military housing. (Education Code 48204.3)~~

Note: Federal and state law require the immediate enrollment of homeless youth (Education Code 48852.7; 42 USC 11432), and foster youth (Education Code 48853.5), or student who has had contact with the juvenile justice system (Education Code 48645.5), regardless of their his/her ability to provide the school with records normally required for enrollment, including proof of residency. If a dispute arises over the enrollment of a homeless or foster youth, the student must be allowed to attend school while the district liaison conducts a dispute resolution process. See BP/AR/E 6173 - Education for Homeless Children and AR 6173.1 - Education for Foster Youth.

The California Department of Education's web site provides sample forms to obtain a declaration and affidavit from the parent/guardian or other qualified adult relative of a homeless child attesting that the family does not have a fixed, regular, adequate nighttime residence and indicating the current location where the family lives.

~~The Superintendent or designee shall make a reasonable effort to secure evidence that a homeless or foster youth resides within the district, including, but not limited to, a utility bill, letter from a homeless shelter, hotel/motel receipt, or affidavit from the student's parent/guardian or other qualified adult relative.~~

~~However, any homeless or foster youth or student who has had contact with the juvenile justice system shall not be required immediately enrolled in school even if he/she is unable to provide proof of residency as a condition of enrollment in district schools. (Education Code 48645.5, 48852.7, 48853.5; 42 USC 11432)~~

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.3 - Education for Juvenile Court School Students)

~~A parent/guardian seeking residency status on the basis of his/her employment within district boundaries shall submit proof of the employment which may include, but not be limited to, a paycheck stub or letter from his/her employer listing a physical address within district boundaries. Such evidence shall also indicate the number of hours or days per school week that the parent/guardian is employed at that location. [MOVED UP]~~

DISTRICT RESIDENCY (continued)

Safe at Home/Confidential Address Program

Note: Government Code 6205-6210 authorize the Secretary of State to provide victims of domestic violence, stalking, or sexual assault with a substitute address to use in place of their residence, work, or school address in all public records. Under this program, the Secretary of State receives any mail sent to the substitute address and forwards it to the program participant's confidential address. Pursuant to Government Code 6207, the district must accept and use the substitute address designated by the Secretary of State as a participant's substitute address for all communication and correspondence with program participants. The participant will present a laminated identification card containing his/her substitute address and a four-digit authorization number. The district may verify the enrollment of a student in the program by contacting the Safe At Home program.

Program participants have been advised by the Secretary of State to provide administrators with their actual residence location only for school emergency purposes and to establish residency within the district.

When a student or parent/guardian participating in the Safe at Home program requests that the district use the substitute address designated by the Secretary of State, the Superintendent or designee may request the actual residence address for the purpose of establishing residency within district boundaries but shall use the substitute address for all future communications and correspondence and shall not include the actual address in the student's file or any other public record. (Government Code 6206, 6207)

(cf. 3580 - District Records)

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Policy Reference UPDATE Service

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CSBA Sample Board Policy

Students

BP 5116.2(a)

INVOLUNTARY STUDENT TRANSFERS

The Governing Board desires to enroll students in the school of their choice, but recognizes that circumstances sometimes necessitate the involuntary transfer of some students to another school or program in the district. The Superintendent or designee shall develop procedures to facilitate the transition of such students into their new school of enrollment.

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5116.1 - Intradistrict Open Enrollment)

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

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

(cf. 6173.3 - Education for Juvenile Court School Students)

As applicable, when determining the best placement for a student who is subject to involuntary transfer, the Superintendent or designee shall review all educational options for which the student is eligible, the student's academic progress and needs, the enrollment capacity at district schools, and the availability of support services and other resources.

Whenever a student is involuntarily transferred, the Superintendent or designee shall provide timely written notification to the student and his/her parent/guardian and an opportunity for the student and parent/guardian to meet with the Superintendent or designee to discuss the transfer.

Students Convicted of Violent Felony or Misdemeanor

Note: Education Code 48929, as added by SB 1343 (Ch. 154, Statutes of 2016), authorizes a district to involuntarily transfer a student who has been convicted of a violent felony as defined in Penal Code 667.5(c) (including, but not limited to, attempted murder, rape, assault, kidnapping, and robbery) or a misdemeanor associated with possession of a firearm as specified in Penal Code 29805, whenever the student is enrolled at the same school as a student who was a victim of the crime.

In order to exercise this authority, Education Code 48929 **mandates** the Governing Board to adopt, at a regularly scheduled meeting, policy that contains the following provisions: (1) a requirement that the student and his/her parent/guardian be notified of the right to request a meeting with the principal or designee; (2) a requirement that the school first attempt to resolve the conflict using restorative justice, counseling, or other services; (3) whether the decision to transfer a student is subject to periodic review and the procedure for conducting the review; and (4) the process to be used by the Board to consider and approve or disapprove the recommendation of the principal or designee to transfer the student. Education Code 48929 also requires the district to provide notice of the policy to parents/guardians as part of the annual parental notification required by Education Code 48980.

A student may be transferred to another district school if he/she is convicted of a violent felony, as defined in Penal Code 667.5(c), or a misdemeanor listed in Penal Code 29805 and is enrolled at the same school as the victim of the crime for which he/she was convicted. (Education Code 48929)

INVOLUNTARY STUDENT TRANSFERS (continued)

Before transferring such a student, the Superintendent or designee shall attempt to resolve the conflict using restorative justice, counseling, or other such services. He/she shall also notify the student and his/her parents/guardians of the right to request a meeting with the principal or designee. (Education Code 48929)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

(cf. 6164.2 - Guidance and Counseling Services)

Participation of the victim in any conflict resolution program shall be voluntary, and he/she shall not be subjected to any disciplinary action for his/her refusal to participate in conflict resolution.

Note: The following paragraph may be revised to reflect district practice. Education Code 48929 **mandates** that the Board adopt policy describing the process to be used by the Board to consider and take action on the recommendation to transfer a student under this law, but does not prescribe any such process.

Education Code 35146 provides that the Board must meet in closed session to address any student matter that may involve disclosure of confidential student information, or to consider a suspension, disciplinary action, or any other action against a student except expulsion. If a written request for open session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student. See BB 9321 - Closed Session Purposes and Agendas.

The principal or designee shall submit to the Superintendent or designee a recommendation as to whether or not the student should be transferred. If the Superintendent or designee determines that a transfer would be in the best interest of the students involved, he/she shall submit such recommendation to the Board for approval.

The Board shall deliberate in closed session to maintain the confidentiality of student information, unless the parent/guardian or adult student submits a written request that the matter be addressed in open session and doing so would not violate the privacy rights of any other student. The Board's decision shall be final.

(cf. 9321 - Closed Session Purposes and Agendas)

The decision to transfer a student shall be subject to periodic review by the Superintendent or designee.

The Superintendent or designee shall annually notify parents/guardians of the district's policy authorizing the transfer of a student pursuant to Education Code 48929. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

INVOLUNTARY STUDENT TRANSFERS (continued)

Other Involuntary Transfers

Students may be involuntarily transferred under either of the following circumstances:

Note: Item #1 below is for use by districts that maintain high schools. Education Code 48432 requires such districts to establish and maintain continuation education schools or classes whenever there are any students residing in the district who are subject to compulsory continuation education. Pursuant to Education Code 48432.5, districts that assign students to continuation schools are mandated to adopt rules and regulations governing procedures for involuntary transfer of students to continuation schools. See BP/AR 6184 - Continuation Education for language fulfilling this mandate.

1. If a high school student commits an act enumerated in Education Code 48900 or is habitually truant or irregular in school attendance, he/she may be transferred to a continuation school. (Education Code 48432.5)

(cf. 6184 - Continuation Education)

Note: Education Code 48660-48666 authorize districts to establish community day schools for expelled students, certain probation-referred students pursuant to Welfare and Institutions Code 300 or 602, and students referred by a school attendance review board or through another formal district process. Pursuant to Education Code 48662, districts establishing a community day school are mandated to adopt policy that provides procedures for the involuntary transfer of students to the school. See BP/AR 6185 - Community Day Schools for language fulfilling this mandate.

2. If a student is expelled from school for any reason, is probation-referred pursuant to Welfare and Institutions Code 300 or 602, or is referred by a school attendance review board or another formal district process, he/she may be transferred to a community day school. (Education Code 48662)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6185 - Community Day School)

Legal Reference: (see next page)

INVOLUNTARY STUDENT TRANSFERS (continued)

Legal Reference:

EDUCATION CODE

- 35146 Closed sessions; student matters*
- 48430-48438 Continuation classes, especially:*
- 48432.5 Involuntary transfer to continuation school*
- 48660-48666 Community day schools, especially:*
- 48662 Involuntary transfer to community day school*
- 48900 Grounds for suspension and expulsion*
- 48929 Transfer of student convicted of violent felony or misdemeanor*
- 48980 Notice at beginning of term*

PENAL CODE

- 667.5 Violent felony, definition*
- 29805 Misdemeanors involving firearms*

WELFARE AND INSTITUTIONS CODE

- 300 Minors subject to jurisdiction*
- 602 Minors violating laws defining crime; ward of court*

Management Resources:

WEB SITES

- CSBA: <http://www.csba.org>*
- California Department of Education: <http://www.cde.ca.gov>*

CSBA Sample Board Policy

Students

BP 5141.21(a)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

Note: The following **optional** policy and accompanying administrative regulation apply to the administration of medication to students pursuant to Education Code 49414, **49414.3**, 49414.5, **49414.7**, 49423, and 49423.1; **and the** permissive guidelines in 5 CCR 600-611; **and guidelines related to the training and supervision of nonmedical employees providing emergency medical assistance to students who suffer epileptic seizures (5 CCR 620-627).** Education Code 49414.3, as added by AB 1748 (Ch. 557, Statutes of 2016), authorizes districts to make emergency naloxone hydrochloride or another opioid antagonist available to school nurses or trained personnel who have volunteered to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose.

Education Code 49414.7, which authorized trained, unlicensed school personnel to administer medication to students with epilepsy suffering from seizures, is repealed on its own terms effective January 1, 2017. Although the procedures in Education Code 49414.7 are no longer required, health providers may train unlicensed school personnel to administer medication, including emergency anti-seizure medication, pursuant to the general authority in Education Code 49423 and 5 CCR 600-611, as interpreted by the California Supreme Court in American Nurses Association v. Torlakson.

For students identified as qualified for services under the Individuals with Disabilities Education Act (20 USC 1400-1482) or Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794), prescribed medication must be administered in accordance with the student's individualized education program or Section 504 services plan. See also BP/AR 5141.24 Specialized Health Care Services, BP/AR 6159 Individualized Education Program, and BP/AR 6164.6 Identification and Education Under Section 504.

This policy and regulation do not address situations in which a district might be engaged in a collaborative arrangement with another entity for the provision of school health services to students; see BP/AR 5141.6 - School Health Services.

The Governing Board believes that regular school attendance is critical to student learning and that students who need to take medication prescribed or ordered for them by their authorized health care providers should have an opportunity to participate in the educational program.

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

Any medication prescribed for a student with a disability who is qualified to receive services under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 shall be administered in accordance with the student's individualized education program or Section 504 services plan, as applicable.

(cf. 5141.24 - Specialized Health Care Services)

(cf. 6159 - Individualized Education Program)

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

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

(continued)

Note: 5 CCR 604 authorizes a parent/guardian to administer medication to his/her child or designate an individual to administer the medication, as specified below. In addition, California law allows students to carry and self-administer medication needed for the treatment or management of certain medical conditions, when the district has received a written request from the student's parent/guardian and written authorization from the student's authorized health care provider, as specified in the accompanying administrative regulation. Students have legal authorization to self-administer diabetes medication pursuant to Education Code 49414.5, auto-injectable epinephrine for anaphylactic reactions pursuant to Education Code 49423, and inhaled asthma medication pursuant to Education Code 49423.1. Pursuant to 5 CCR 605, districts may choose to allow students to carry and self-administer other types of medication beyond those specifically authorized by the Education Code.

For the administration of medication to other students during school or school-related activities, the Superintendent or designee shall develop protocols which shall include options for allowing a parent/guardian to administer medication to his/her child at school, designate other individuals to do so on his/her behalf, and, with the child's authorized health care provider's approval, request the district's permission for his/her child to self-administer a medication or self-monitor and/or self-test for a medical condition. Such processes shall be implemented in a manner that preserves campus security, minimizes instructional interruptions, and promotes student safety and privacy.

(cf. 1250 - *Visitors/Outsiders*)

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

(cf. 5141.22 - *Infectious Diseases*)

(cf. 5141.23 - *Asthma Management*)

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

(cf. 6116 - *Classroom Interruptions*)

The Superintendent or designee shall make available epinephrine auto-injectors at each school for providing emergency medical aid to any person suffering, or reasonably believed to be suffering, from an anaphylactic reaction. (Education Code 49414)

Note: The following optional paragraph is for use by any district that, at its discretion, chooses to make emergency naloxone hydrochloride or other opioid antagonist available at its schools for the purpose of providing emergency medical aid, pursuant to Education Code 49414.3, as added by AB 1748 (Ch. 557, Statutes of 2016). In choosing to make such medications available, the district should be aware of the possibility of increased liability and should consult legal counsel accordingly.

The Board authorizes the Superintendent or designee to make available naloxone hydrochloride or another opioid antagonist for emergency medical aid to any person suffering, or reasonably believed to be suffering, from an opioid overdose. (Education Code 49414.3)

Note: The following optional paragraph may be revised to reflect district practice. The U.S. Department of Health and Human Services and the Centers for Disease Control and Prevention recommend that a district's emergency and disaster preparedness plan include procedures for dealing with medical emergencies, such as a pandemic flu outbreak or public disaster. See CSBA's fact sheet Pandemic Influenza.

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

(continued)

In addition, tThe Superintendent or designee shall collaborate with city and county emergency responders, including local public health administrators, to design procedures or measures for addressing an emergency such as a public disaster or epidemic.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

Administration of Medication by School Personnel

Note: Various provisions of state law allow districts to train nonmedical district employees (i.e., those who do not possess a medical license) to provide medical assistance to students at school when a credentialed school nurse or other licensed individual is unavailable. For example, Education Code 49414, **49414.3, 49414.5, 49423, and 49423.1, and 49414.7 specifically** authorize the use of trained, unlicensed school employees to administer **emergency medications to students suffering from allergic reactions, opioid overdose, severe hypoglycemia, or asthma, and epileptic seizures.** Moreover, in American Nurses Association v. Torlakson, the California Supreme Court held that, as with other prescription medications, state law permits trained, unlicensed school personnel to administer insulin to students ~~in school in accordance with a written health care provider statement and parental consent where a physician has determined that unlicensed school personnel may safely and appropriately administer the medication. The medication must be administered in accordance with a written health care provider statement and parental consent.~~

~~Any medication prescribed by an authorized health care provider, including, but not limited to, emergency antiseizure medication for a student who suffers epileptic seizures, auto-injectable epinephrine, insulin, or glucagon, may be administered by the school nurse or other designated school personnel only when the Superintendent or designee has received written statements from both the student's parent/guardian and authorized health care provider. (Education Code 49414.7, 49423; 5 CCR 600)~~

When allowed by law, medication prescribed to a student by an authorized health care provider may be administered by a school nurse or, when a school nurse or other medically licensed person is unavailable and the physician has authorized administration of medication by unlicensed personnel for a particular student, by other designated school personnel with appropriate training. School nurses and other designated school personnel shall administer medications to students in accordance with law, Board policy, and administrative regulation, **and, as applicable, the written statement provided by the student's parent/guardian and authorized health care provider.** Such personnel shall be afforded appropriate liability protection.

(cf. 3530 - Risk Management/Insurance)

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

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

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

(continued)

Note: Certain medication specific statutes that authorize unlicensed district employees to administer medication to students require that such employees be trained. For example, Education Code 49414.7 requires training by qualified medical personnel for unlicensed district employees who volunteer to administer emergency antiseizure medications to students who suffer epileptic seizures. Guidelines for the training and supervision of such unlicensed school employees have been adopted as 5 CCR 620-627 and are specified in the accompanying administrative regulation.

When medically unlicensed school personnel are authorized by law to administer any medication to students, such as emergency antiseizure medication, auto-injectable epinephrine, insulin, or glucagon, the Superintendent or designee shall ensure that school personnel designated to administer any medication receive appropriate training and, as necessary, retraining from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by, and provided with immediate communication access to, a school nurse, physician, or other appropriate individual. (Education Code 49414, **49414.3**, 49414.5, **49414.7**, 49423, 49423.1)

The Superintendent or designee shall maintain documentation of the training and ongoing supervision, as well as annual written verification of competency of other designated school personnel.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Legal Reference:

EDUCATION CODE

48980 *Notification at beginning of term*

49407 *Liability for treatment*

49408 *Emergency information*

49414 *Emergency epinephrine auto-injectors*

49414.3 *Emergency medical assistance; administration of medication for opioid overdose*

49414.5 *Providing school personnel with voluntary emergency training*

49414.7 *Emergency medical assistance; administration of epilepsy medication*

49422-49427 *Employment of medical personnel, especially:*

49423 *Administration of prescribed medication for student*

49423.1 *Inhaled asthma medication*

49480 *Continuing medication regimen; notice*

Legal Reference continued: (see next page)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

(continued)

Legal Reference: (continued)

BUSINESS AND PROFESSIONS CODE

2700-2837 *Nursing, especially:*

2726 *Authority not conferred*

2727 *Exceptions in general*

3501 *Definitions*

4119.2 *Acquisition of epinephrine auto-injectors*

4119.8 *Acquisition of naloxone hydrochloride or another opioid antagonist*

CODE OF REGULATIONS, TITLE 5

600-611 *Administering medication to students*

620-627 *Administration of emergency antiseizure medication by trained volunteer nonmedical school personnel*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act of 1974*

1400-1482 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

794 *Rehabilitation Act of 1973, Section 504*

COURT DECISIONS

American Nurses Association v. Torlakson, (2013) 57 Cal.App.4th 570

Management Resources:

CSBA PUBLICATIONS

Pandemic Influenza, Fact Sheet, September 2007

AMERICAN DIABETES ASSOCIATION PUBLICATIONS

Glucagon Training Standards for School Personnel: Providing Emergency Medical Assistance to Pupils with Diabetes, May 2006

Training Standards for the Administration of Epinephrine Auto-Injectors, December 2004rev. 2015

Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007

Program Advisory on Medication Administration, 2005

NATIONAL DIABETES EDUCATION PROGRAM PUBLICATIONS

Helping the Student with Diabetes Succeed: A Guide for School Personnel, June 2003

WEB SITES

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

American Diabetes Association: <http://www.diabetes.org>

California Department of Education, Health Services and School Nursing: <http://www.cde.ca.gov/ls/he/hn>

National Diabetes Education Program: <http://www.ndep.nih.gov>

U.S. Department of Health and Human Services, National Institutes of Health, Blood Institute, asthma information: <http://www.nhlbi.nih.gov/health/public/lung/index.htm#asthma>

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Policy Reference UPDATE Service

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CSBA Sample

Administrative Regulation

Students

AR 5141.21(a)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

Note: The following administrative regulation reflects requirements for the administration of medication to students on a continuing medication regimen or in emergency medical situations at school or a school-related activity. The district should consult legal counsel as necessary to ensure that all legal requirements are met.

Education Code 49414.7, which authorized trained, unlicensed school personnel to administer anti-seizure medication to students with epilepsy, repealed on its own terms effective January 1, 2017. However, districts may choose to continue to train unlicensed school personnel to administer anti-seizure medication under the general authority in Education Code 49423 and 5 CCR 600-611, as interpreted by the California Supreme Court in American Nurses Association v. Torlakson. Such administration must be contingent upon a physician's written authorization for unlicensed personnel to administer the medication to the particular student. The district may revise the following regulation to reflect any district requirements related to the administration of such medication.

Definitions

Authorized health care provider means an individual who is licensed by the State of California to prescribe or order medication, including, but not limited to, a physician or physician assistant. (Education Code 49423; 5 CCR 601)

Other designated school personnel means any individual employed by the district, including a nonmedical school employee, who has volunteered or consented to administer medication or otherwise assist the student and who may legally administer the medication to the student or assist the student in the administration of the medication. (5 CCR 601, 621)

Medication may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies. (5 CCR 601)

Emergency medical assistance for a student suffering an epileptic seizure means the administration of an emergency antiseizure medication such as diazepam rectal gel and other emergency medications approved by the federal Food and Drug Administration for patients suffering from epileptic seizures. (Education Code 49414.7; 5 CCR 621)

Note: Education Code 49414, as amended by AB 1386 (Ch. 374, Statutes of 2016), defines "epinephrine auto-injector" as follows.

Epinephrine auto-injector means a disposable drug-delivery system with a spring-activated needle that is designed for emergency administration of epinephrine to provide rapid, convenient first aid for persons suffering a potentially fatal reaction to anaphylaxis device

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

(continued)

designed for the automatic injection of a premeasured dose of epinephrine into the human body to prevent or treat a life-threatening allergic reaction. (Education Code 49414)

Anaphylaxis means a potentially life-threatening hypersensitivity to a substance, which may result from an insect sting, food allergy, drug reaction, exercise, or other cause. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma. (Education Code 49414)

(cf. 5141.23 - *Asthma Management*)

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

Note: Education Code 49414.3, as added by AB 1748 (Ch. 557, Statutes of 2016), provides the following definition of "opioid antagonist." See section "Emergency Medication for Opioid Overdose" below for requirements for districts that choose to provide opioid antagonists to school nurses or other designated school personnel to administer to persons suffering, or reasonably believed to be suffering, from an opioid overdose.

***Opioid antagonist* means naloxone hydrochloride or another drug approved by the federal Food and Drug Administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the body and that has been approved for the treatment of an opioid overdose.** (Education Code 49414.3)

Notifications to Parents/Guardians

Note: Pursuant to Education Code 48980, districts must notify parents/guardians, at the beginning of each school year, of their rights and responsibilities (see section "Parent/Guardian Responsibilities" below) under Education Code 49423 pertaining to the administration of medication by school employees and self-administration of epinephrine by students. Though notification is not required for self-administration of any medication other than epinephrine, it is recommended that the annual notification include other medications to facilitate implementation by school personnel.

At the beginning of each school year, the Superintendent or designee shall notify parents/guardians of the options available to students who need to take prescribed medication during the school day and the rights and responsibilities of parents/guardians regarding those options. (Education Code 49480)

(cf. 5145.6 - *Parental Notifications*)

In addition, the Superintendent or designee shall inform the parents/guardians of any student on a continuing medication regimen for a nonepisodic condition of the following requirements: (Education Code 49480)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

(continued)

1. The parent/guardian is required to inform the school nurse or other designated employee of the medication being taken, the current dosage, and the name of the supervising physician.
2. With the parent/guardian's consent, the school nurse or other designated employee may communicate with the student's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

Note: The following paragraph is optional.

When a student requires medication during the school day in order to participate in the educational program, the Superintendent or designee shall, as appropriate, inform the student's parents/guardians that the student may qualify for services or accommodations pursuant to the Individuals with Disabilities Education Act (20 USC 1400-1482) or Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794).

*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
(cf. 6164.6 - Identification and Education Under Section 504)*

Parent/Guardian Responsibilities

The responsibilities of the parent/guardian of any student who may need medication during the school day shall include, but are not limited to:

Note: Education Code 49423 and 5 CCR 600 authorize districts to administer prescribed medication only upon receipt of written statements from the student's authorized health care provider and parent/guardian. ~~Education Code 49414.7 and 5 CCR 626 require similar statements before school personnel may administer emergency antiseizure medication to students. In addition, appropriate statements must be received before students are allowed to carry and self-administer diabetes medication pursuant to Education Code 49414.5, auto-injectable epinephrine pursuant to Education Code 49423, or asthma medication pursuant to Education Code 49423.1. Districts may choose to allow students to carry and self-administer other types of medication beyond those authorized by the Education Code. If so, the district should modify the following section accordingly. See the accompanying Board policy.~~

1. Providing parent/guardian and authorized health care provider written statements each school year as described in the sections "Parent/Guardian Statement" and "Health Care Provider Statement" below. The parent/guardian shall provide a new authorized health care provider's statement if the medication, dosage, frequency of administration, or reason for administration changes. (Education Code 49414.5, ~~49414.7~~, 49423, 49423.1; 5 CCR 600, 626)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS
(continued)

2. If the student is on a continuing medication regimen for a nonepisodic condition, informing the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician and updating the information when needed. (Education Code 49480)

Note: Pursuant to Education Code 49414.7, if the district chooses to participate in a program to train nonmedical school employees who volunteer to provide emergency medical assistance to students suffering from epileptic seizures when licensed health care professionals are not available onsite, it must establish a district plan that includes item #3 below.

3. If the student suffers from epilepsy, notifying the principal or designee whenever the student has had an emergency antiseizure medication administered to him/her within the past four hours on a school day. (Education Code 49414.7)

Note: Pursuant to 5 CCR 606, the district is authorized to establish rules for the delivery and storage of medication on a school site.

- 4.3. Providing medications in properly labeled, original containers along with the authorized health care provider's instructions. For prescribed or ordered medication, the container also shall bear the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider. (5 CCR 606)

Parent/Guardian Statement

Note: 5 CCR 603 authorizes the district to establish specific requirements regarding the parent/guardian's written statement. The following list should be modified to reflect the district's requirements.

When district employees are to administer medication to a student, the parent/guardian's written statement shall:

1. Identify the student
2. Grant permission for an authorized district representative to communicate directly with the student's authorized health care provider and pharmacist, as may be necessary, regarding the health care provider's written statement or any other questions that may arise with regard to the medication
3. Contain an acknowledgment that the parent/guardian understands how district employees will administer the medication or otherwise assist the student in its administration

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS
(continued)

4. Contain an acknowledgment that the parent/guardian understands his/her responsibilities to enable district employees to administer or otherwise assist the student in the administration of medication, including, but not limited to, the parent/guardian's responsibility to provide a written statement from the authorized health care provider, to ensure that the medication is delivered to the school in a proper container by an individual legally authorized to be in possession of the medication, and to provide all necessary supplies and equipment
5. Contain an acknowledgment that the parent/guardian understands that he/she may terminate the consent for the administration of the medication or for otherwise assisting the student in the administration of medication at any time

In addition to the requirements in items #1-5 above, if a parent/guardian has requested that his/her child be allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the parent/guardian's written statement shall: (Education Code 49423, 49423.1)

1. Consent to the self-administration
2. Release the district and school personnel from civil liability if the student suffers an adverse reaction as a result of self-administering the medication

In addition to the requirements in items #1-5 above, if a parent/guardian wishes to designate an individual who is not an employee of the district to administer medication to his/her child, the parent/guardian's written statement shall clearly identify the individual and shall state:

1. The individual's willingness to accept the designation
2. That the individual is permitted to be on the school site
3. Any limitations on the individual's authority

Health Care Provider Statement

Note: Education Code 49423 and 49423.1 and 5 CCR 602 list items that the authorized health care provider's written statement must contain, as specified in items #1-45 below. ~~Education Code 49414.7 and 5 CCR 626 contain requirements similar to items #1-3 for the administration of emergency epilepsy medication.~~ Districts that request additional information in the statement should modify the following list accordingly.

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS
(continued)

When any district employee is to administer prescribed medication to a student, or when a student is to be allowed to carry and self-administer ~~auto-injectable epinephrine or~~ prescribed ~~diabetes or asthma~~ medication during school hours, the authorized health care provider's written statement shall include:

1. Clear identification of the student (Education Code **49414.7**, 49423, 49423.1; 5 CCR 602,**626**)
2. The name of the medication (Education Code **49414.7**, 49423, 49423.1; 5 CCR 602,**626**)
3. The method, amount, and time schedules by which the medication is to be taken (Education Code **49414.7**, 49423, 49423.1; 5 CCR 602,**626**)
4. If a parent/guardian has requested that his/her child be allowed to self-administer medication, confirmation that the student is able to self-administer the medication (Education Code **49414.5**, 49423, 49423.1; 5 CCR 602)
- 5. For medication that is to be administered by unlicensed personnel, confirmation by the student's health care provider that the medication may safely and appropriately be administered by unlicensed personnel (Education Code 49423, 49423.1; 5 CCR 602)**

Note: Items #**5-7-6-8** below may be revised to reflect district practice.

- 5-6.** For medication that is to be administered on an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation
- 6.7.** Possible side effects of the medication
- 7.8.** Name, address, telephone number, and signature of the student's authorized health care provider

~~When authorizing a district employee to administer emergency antiseizure medication to a student, the authorized health care provider's written statement shall also include the following: (Education Code 49414.7; 5 CCR 626)~~

- ~~1. Detailed seizure symptoms, including frequency, type, or length of seizures that identify when the administration of the medication becomes necessary~~

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

(continued)

- 2. Any potential adverse responses by the student and recommended mitigation actions, including when to call emergency services**
- 3. A protocol for observing the student after a seizure, including, but not limited to, whether he/she should rest in the school office or return to his/her class and the length of time he/she should be under direct observation**
- 4. A statement that, following a seizure, a school administrator or other staff member shall contact the school nurse and the student's parent/guardian to continue the observation plan**

District Responsibilities

Note: The following section should be modified to reflect district practice.

The Superintendent or designee shall ensure that any unlicensed school personnel authorized to administer medication to a student receives appropriate training from the school nurse or other qualified medical personnel.

The school nurse or other designated school personnel shall:

1. Administer or assist in administering medication in accordance with the authorized health care provider's written statement
2. Accept delivery of medications from parents/guardians and count and record them upon receipt
3. Maintain a list of students needing medication during the school day, including those authorized to self-administer medication, and note on the list the type of medication and the times and dosage to be administered

Note: 5 CCR 601 specifies items that districts may, but are not required to, include in the medication log, as provided in item #4 below.

4. Maintain for each student a medication log which may:
 - a. Specify the student's name, medication, dose, method of administration, time of administration during the regular school day, date(s) on which the student is required to take the medication, and the authorized health care provider's name and contact information

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS
(continued)

b. Contain space for daily recording of the date, time, and amount of medication administered, and the signature of the individual administering the medication

Note: 5 CCR 601 specifies items that may be included in the medication record, as detailed below. In addition, 5 CCR 607 authorizes the district to establish policies regarding documentation of medication, including the maintenance of the medication record.

5. Maintain for each student a medication record which may include the authorized health care provider's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student
6. Ensure that student confidentiality is appropriately maintained

(cf. 5125 - Student Records)

7. Coordinate and, as appropriate, ensure the administration of medication during field trips and other school-related activities

(cf. 5148.2 - Before/After School Programs)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

8. Report to a student's parent/guardian and the site administrator any refusal by the student to take his/her medication
9. Keep all medication to be administered by the district in a locked drawer or cabinet
10. As needed, communicate with a student's authorized health care provider and/or pharmacist regarding the medication and its effects
11. Counsel other designated school personnel regarding the possible effects of a medication on a student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose

Note: 5 CCR 609 authorizes the district to establish policies regarding unused, discontinued, or outdated medication.

12. Ensure that any unused, discontinued, or outdated medication is returned to the student's parent/guardian at the end of the school year or, if the medication cannot be returned, dispose of it in accordance with state laws and local ordinances

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

(continued)

- 13. In the event of a medical emergency requiring administration of medication, provide immediate medical assistance, directly observe the student following the administration of medication, contact the student's parent/guardian, and determine whether the student should return to class, rest in the school office, or receive further medical assistance**
- 14. Provide immediate medical assistance if needed, ~~Report to the site administrator, the student's parent/guardian, and, if necessary, the student's authorized health care provider any instance when a medication is not administered properly, including administration of the wrong medication or failure to administer the medication in accordance with authorized health care provider's written statement~~**

Additional Requirements for Management of Epileptic Seizures [SECTION DELETED]

Emergency Epinephrine Auto-Injectors

Note: ~~As amended by SB 1266 (Ch. 321, Statutes of 2014),~~ Education Code 49414 requires districts to provide epinephrine auto-injectors to school nurses or other employees who volunteer and receive training, which they may use to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an anaphylactic reaction. ~~SB 1266 deleted the requirement to develop a district plan related to the use of epinephrine auto injectors.~~

The Superintendent or designee shall provide epinephrine auto-injectors to school nurses or other employees who have volunteered to administer them in an emergency and have received training. The school nurse, or a volunteer employee when a school nurse or physician is unavailable, may administer an epinephrine auto-injector to provide emergency medical aid to any person suffering, or reasonably believed to be suffering, from potentially life-threatening symptoms of anaphylaxis at school or a school activity. (Education Code 49414)

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer an epinephrine auto-injector and describing the training that the volunteer will receive. (Education Code 49414)

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

Note: Education Code 49414 specifies topics to be included in training for employees who volunteer to be trained in the use of epinephrine auto-injectors. ~~As amended by SB 1266 (Ch. 321, Statutes of 2014),~~ Education Code 49414 requires the Superintendent of Public Instruction (SPI), in consultation with specified agencies and organizations, to review the minimum standards for the training at least every five years. These standards are available on the California Department of Education's web site.

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS
(continued)

The principal or designee at each school may designate one or more volunteers to receive initial and annual refresher training, which shall be provided by a school nurse or other qualified person designated by a physician and surgeon authorized pursuant to Education Code 49414, and shall be based on the standards developed by the Superintendent of Public Instruction (**SPI**). Written materials covering the required topics for training shall be retained by the school for reference. (Education Code 49414)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Note: Education Code 49414, ~~as amended by SB 1266 (Ch. 321, Statutes of 2014)~~, specifies the type of epinephrine auto-injectors that must be provided to each school and the district personnel authorized to obtain the prescriptions. The following paragraphs may be revised to reflect the position(s) assigned to fulfill this responsibility and the grade levels maintained by the district.

A school nurse or other qualified supervisor of health, or a district administrator if the district does not have a qualified supervisor of health, shall obtain a prescription for epinephrine auto-injectors for each school from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or epinephrine auto-injector manufacturers. Elementary schools shall, at a minimum, be provided one adult (regular) and one junior epinephrine auto-injector. Secondary schools shall be provided at least one adult (regular) epinephrine auto-injector, unless there are any students at the school who require a junior epinephrine auto-injector. (Education Code 49414)

If an epinephrine auto-injector is used, the school nurse or other qualified supervisor of health shall restock the epinephrine auto-injector as soon as reasonably possible, but no later than two weeks after it is used. In addition, epinephrine auto-injectors shall be restocked before their expiration date. (Education Code 49414)

Information regarding defense and indemnification provided by the district for any and all civil liability for volunteers administering epinephrine auto-injectors shall be provided to each volunteer and retained in his/her personnel file. (Education Code 49414)

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

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the requirements of Education Code 49414, including, but not limited to, the acceptance of epinephrine auto-injectors from a manufacturer or wholesaler. (Education Code 49414)

(cf. 3290 - Gifts, Grants and Bequests)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS
(continued)

The Superintendent or designee shall maintain records regarding the acquisition and disposition of epinephrine auto-injectors for a period of three years from the date the records were created. (Business and Professions Code 4119.2)

(cf. 3580 - District Records)

Emergency Medication for Opioid Overdose

Note: The following section is optional. Education Code 49414.3, as added by AB 1748 (Ch. 557, Statutes of 2016), authorizes, but does not require, districts to make emergency naloxone hydrochloride or another opioid antagonist available to school nurses or trained personnel who have volunteered to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose. Districts that choose to provide the medication must meet specified requirements as provided below. Such districts may revise the following section to indicate the grade levels at which such medication will be available (e.g., at secondary schools only).

The district may elect to make emergency naloxone hydrochloride or another opioid antagonist available at schools for the purpose of providing emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose. In determining whether to make this medication available, the Superintendent or designee shall evaluate the emergency medical response time to the school and determine whether initiating emergency medical services is an acceptable alternative to providing an opioid antagonist and training personnel to administer the medication. (Education Code 49414.3)

When available at the school site, the school nurse shall provide emergency naloxone hydrochloride or another opioid antagonist for emergency medical aid to any person exhibiting potentially life-threatening symptoms of an opioid overdose at school or a school activity. Other designated personnel who have volunteered and have received training may administer such medication when a school nurse or physician is unavailable, and shall only administer the medication by nasal spray or auto-injector. (Education Code 49414.3)

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer naloxone hydrochloride or another opioid antagonist, describing the training that the volunteer will receive, and explaining the right of the volunteer to rescind his/her offer to volunteer at any time, including after receiving training. The notice shall also include a statement that no benefit will be granted to or withheld from any employee based on his/her offer to volunteer and that there will be no retaliation against any employee for rescinding his/her offer to volunteer. (Education Code 49414.3)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS
(continued)

Note: Pursuant to Education Code 49414.3, the training provided to designated school personnel must be based on standards adopted by the SPI in consultation with specified agencies and organizations. The SPI is required to review those standards at least once every five years. Required topics of the training include (1) techniques for recognizing symptoms of an opioid overdose; (2) standards and procedures for the storage, restocking, and emergency use of the medication; (3) basic emergency follow-up procedures; and (4) recommendations on the necessity of instruction and certification in cardiopulmonary resuscitation. In addition, the CDE is required to include on its web site a clearinghouse for best practices in training nonmedical personnel to administer an opioid antagonist to students.

The principal or designee may designate one or more volunteer employees to receive initial and annual refresher training, based on standards adopted by the SPI, regarding the storage and emergency use of naloxone hydrochloride or another opioid antagonist. The training shall be provided at no cost to the employee, conducted during his/her regular working hours, and be provided by a school nurse or other qualified person designated by an authorizing physician and surgeon. Written materials provided during the training shall be retained at the school for reference. (Education Code 49414.3)

A school nurse, other qualified supervisor of health, or, if the district does not have a qualified supervisor of health, a district administrator shall obtain a prescription for naloxone hydrochloride or another opioid antagonist for each school from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or manufacturers. (Education Code 49414.3)

If the medication is used, the school nurse, other qualified supervisor of health, or district administrator, as applicable, shall restock the medication as soon as reasonably possible, but no later than two weeks after it is used. In addition, the medication shall be restocked before its expiration date. (Education Code 49414.3)

Information regarding defense and indemnification provided by the district for any and all civil liability for volunteers administering naloxone hydrochloride or another opioid antagonist for emergency aid shall be provided to each volunteer and retained in his/her personnel file. (Education Code 49414.3)

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the requirements of Education Code 49414.3, including, but not limited to, the acceptance of the naloxone hydrochloride or another opioid antagonist from a manufacturer or wholesaler. (Education Code 49414.3)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS
(continued)

The Superintendent or designee shall maintain records regarding the acquisition and disposition of naloxone hydrochloride or another opioid antagonist for a period of three years from the date the records were created. (Business and Professions Code 4119.8)

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CSBA Sample Board Policy

Instruction

BP 6164.6(a)

IDENTIFICATION AND EDUCATION UNDER SECTION 504

Note: The following policy and accompanying administrative regulation address the identification and education of students who may be eligible for services under the provisions of Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794; **34 CFR 104.1-104.39**). Pursuant to 34 CFR 104.33, eligible students are entitled to a free appropriate public education (FAPE) which is designed to meet the student's individual educational needs as adequately as the needs of **nondisabled** students **without disabilities** are met. Enforcement of Section 504 requirements is the responsibility of the U.S. Department of Education's Office for Civil Rights (OCR), which monitors districts' policies, processes, and practices to ensure legal compliance.

A **S**students may be identified as **disabled-a student with a disability** under Section 504 even though **they do not require services pursuant to he/she is not identified as a child with a disability under** the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482). The identification of students eligible for **special education and related** services under **the** IDEA is addressed at BP/AR 6164.4 - Identification and Evaluation of Individuals for Special Education.

The Governing Board believes that all children, including children with disabilities, should have **an-the** opportunity to learn in a safe and nurturing environment. The **district Superintendent or designee** shall work to identify children with disabilities who reside within **its the jurisdiction of the district** in order to ensure that they receive educational and related services required by law.

Note: Section 504 of the Rehabilitation Act of 1973 and its implementing regulations (34 CFR 104.1-104.39) prohibit discrimination on the basis of disability in district programs and activities; see BP 0410 - Nondiscrimination in District Programs and Activities.

The Superintendent or designee shall provide **identified-qualified** students with disabilities with a free appropriate public education (**FAPE**), as defined under Section 504 of the federal Rehabilitation Act of 1973. Such students shall receive regular or special education and related aids and services designed to meet their individual educational needs as adequately as the needs of **nondisabled** students **without disabilities** are met. (34 CFR 104.33)

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

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.23 - Asthma Management)

(cf. 5141.24 - Specialized Health Care Services)

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

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

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

Note: Pursuant to 34 CFR 104.33, as interpreted by OCR in its January 2013 Dear Colleague Letter, a district's responsibility under Section 504 **requirements** extends to providing students with disabilities equal opportunity to participate in extracurricular athletics and other nonacademic programs or activities that constitute the overall educational program.

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

In addition, qualified students with disabilities shall be provided an equal opportunity to participate in programs and activities that are integral components of the district's basic education program, including, but not limited to, extracurricular athletics, interscholastic sports, and/or other nonacademic activities. (34 CFR 104.37)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6145.5 - Student Organizations and Equal Access)

Note: The following optional paragraph may be revised to reflect district practice. Education Code 52060 requires that the district adopt a local control and accountability plan (LCAP) that includes annual goals, aligned with specified state priorities, to be achieved for all students and for each numerically significant subgroup as defined in Education Code 52052. Pursuant to Education Code 52052, students with disabilities are one of the numerically significant subgroups whose needs must be addressed in the LCAP, when there are at least 30 students with disabilities in the district or a school. See BP/AR 0460 - Local Control and Accountability Plan.

The district's local control and accountability plan shall include goals and specific actions to improve student achievement and other outcomes of students with disabilities. At least annually, the Superintendent or designee shall assess the district's progress in attaining the goals established for students with disabilities and shall report these results to the Board. (Education Code 52052, 52060)

(cf. 0460 - Local Control and Accountability Plan)

In providing services to students with disabilities under Section 504, the Superintendent or designee shall ensure district compliance with law, including providing the students and their parents/guardians with applicable procedural safeguards and required notifications. Any dispute as to the identification, evaluation, or placement of any student with a disability shall be resolved in accordance with the processes specified in the "Procedural Safeguards" section of the accompanying administrative regulation.

Note: The following **optional paragraph ensures the availability of hearing officers to conduct impartial hearings to resolve disagreements about the provision of FAPE, pursuant to 34 CFR 104.36.**

The Superintendent or designee shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by or under contract with the district in any other capacity except as hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.

Legal Reference: (see next page)

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

Legal Reference:

EDUCATION CODE

49423.5 Specialized physical health care services

52052 Numerically significant student subgroups

52060-52077 Local control and accountability plan

56043 Special education, timelines

56321 Assessment; development of IEP; parental notifications, consent

CODE OF REGULATIONS, TITLE 5

3051.12 Health and Nursing Services

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

705 Definitions; Vocational Rehabilitation Act

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF REGULATIONS, TITLE 28

35.101-35.190 Nondiscrimination on the basis of disability in state and local government services

CODE OF FEDERAL REGULATIONS, TITLE 34

104.1-104.61 Nondiscrimination on the basis of handicap, especially:

104.1 Purpose to effectuate Section 504 of the Rehabilitation Act of 1973

104.3 Definitions

104.32 Location and notification

104.33 Free appropriate public education

104.34 Educational setting

104.35 Evaluation and placement

104.36 Procedural safeguards

104.37 Nonacademic services

104.7 Responsible employee; grievance procedures

COURT DECISIONS

Christopher S. v. Stanislaus County Office of Education, (2004) 384 F.3d 1205

Management Resources:

CSBA PUBLICATIONS

Rights of Students with Diabetes Under IDEA and Section 504, Policy Brief, **November-December 2007**

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007

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

Dear Colleague Letter and Resource Guide on Students with ADHD, July 2016

Protecting Students with Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities, October 2015

Dear Colleague Letter, January 2013

Dear Colleague Letter and Questions and Answers on ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools, January 2012

Free Appropriate Public Education for Students with Disabilities: Requirements under Section 504 of the Rehabilitation Act of 1973, September 2007

Management Resources continued: (see next page)

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

Management Resources: (continued)

WEB SITES

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

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

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

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Policy Reference UPDATE Service

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CSBA Sample Administrative Regulation

Instruction

AR 6164.6(a)

IDENTIFICATION AND EDUCATION UNDER SECTION 504

Note: Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794) prohibits discrimination on the basis of disability. Pursuant to 34 CFR 104.7, the district is required to designate the person(s) responsible for the overall implementation of the requirements of Section 504, as specified below.

The U.S. Department of Education Office for Civil Rights (OCR), which is responsible for enforcing the provisions of Section 504 and also for receiving and handling complaints from parents/guardians, students, and advocates, has issued guidance on Section 504 requirements. In its Dear Colleague Letter issued in January 2012, and the attached Questions and Answers on ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools, OCR clarifies the extent to which 29 USC 705, which was amended by the Americans with Disabilities Amendments Act (ADA) of 2008, affects the definition of "disability" and "substantially limits" for Section 504 purposes. In addition, in January 2013, OCR issued another Dear Colleague Letter to clarify districts' obligations under Section 504, particularly as they relate to providing students with disabilities an opportunity to participate in extracurricular athletics and other nonacademic activities that are a part of the overall education program.

The following **optional** administrative regulation focuses on district procedures for identifying and evaluating students who are eligible to receive **a free appropriate public education (FAPE) under Section 504** and is consistent with **OCR guidance from the U.S. Department of Education Office for Civil Rights (OCR), which is responsible for enforcing the provisions of Section 504 and also for receiving and handling complaints from parents/guardians, students, and advocates.**

Pursuant to 34 CFR 104.7, the district is required to designate the person(s) responsible for the overall implementation of the requirements of Section 504. The district should fill in the blanks below to specify the position title and contact information of the designated employee(s).

The Superintendent designates the following position as the district's 504 Coordinator to implement the requirements of Section 504 of the federal Rehabilitation Act of 1973: (34 CFR 104.7)

Superintendent
(position title)
1575 Old Ranch Road, Placerville, CA. 95667
(address)
(530) 626-3194
(telephone number)

Definitions

Note: The following definitions are consistent with 42 USC 12101-12213, the Americans with Disabilities Act (ADA) Amendments Act of 2008 (42 USC 12101-12213), and its implementing regulations (28 CFR 35.101-35.190, as amended by 81 Fed. Reg. 53203).

For the purpose of implementing Section 504 of the Rehabilitation Act of 1973, the following terms and phrases shall have only the meanings specified below:

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

*Free appropriate public education (FAPE) means the provision of regular or special education and related aids and services designed to meet the individual educational needs of a student with disabilities as adequately as the needs of ~~nondisabled~~ students **without disabilities** are met, ~~without at no~~ cost to the student or his/her parent/guardian except when a fee is ~~imposed on~~ **nondisabled students specifically authorized by law for all students.** (34 CFR 104.33)*

(cf. 3260 - Fees and Charges)

Note: Pursuant to ~~34 CFR 104.3~~ **28 CFR 35.108**, a student is considered **disabled to have a disability** when he/she has a physical or mental impairment that substantially limits a major life activity, has a record of such impairment, or is regarded as having such impairment. ~~According to OCR, a district is required to provide FAPE only to those students whose impairment currently limits a major life activity. Accordingly, a student may have a disability and technically meet eligibility requirements under Section 504, but not actually need any services. A Dear Colleague Letter issued by OCR in July 2016 clarifies that a district is not required to provide additional services to a student with a disability if the student does not need any special education or related service as a result of the disability.~~ However, Section 504 **still** requires districts to protect a student who has a record of or is regarded as having such an impairment from discriminatory treatment. For example, it would be discriminatory and thus illegal to prohibit a student who has a record of bone cancer, ~~but is even if~~ currently in remission, from trying out for the basketball team based on his/her history of cancer.

As added by 81 Fed. Reg. 53203, 28 CFR 35.108 expands and clarifies the definition of "disability" and its associated terms. In general, the term "disability" must be interpreted broadly, in favor of providing "expansive coverage" to the maximum extent permitted by the ADA.

Student with a disability means a student who has a physical or mental impairment which substantially limits one or more major life activities. (**28 CFR 35.108** ~~34 CFR 104.3~~)

Note: ~~Examples of physical or mental impairments that may constitute disabling conditions under Section 504 if they substantially limit a major life activity may include, but are not limited to, diabetes; communicable diseases such as HIV/AIDS; tuberculosis; attention deficit disorder (ADD) or attention deficit hyperactivity disorder (ADHD); chronic asthma and severe allergies; physical disabilities such as spina bifida or hemophilia; and temporary disabilities depending on the anticipated length of disability, the seriousness of the illness/injury, and the needs of the student (e.g., students injured in accidents or suffering short term illnesses).~~ **As added by 81 Fed. Reg. 53203, 28 CFR 35.108 defines "physical and mental impairment" and provides a nonexhaustive list of conditions that qualify as physical and mental impairments, updated to include dyslexia, attention deficit hyperactivity disorder (ADHD), and disorders and conditions affecting the immune and circulatory systems.** In the event that these conditions fall within the disabilities categories specified in the Individuals with Disabilities Education Act (IDEA), then the student may need to be considered for services under that law; see BP/AR 6164.4 - Identification and Evaluation of Individuals for Special Education.

Physical impairment means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more ~~of the following~~ body systems, **such as:** neurological, musculoskeletal, special sense organs, respiratory, (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, **immune**, hemic, **and** lymphatic, skin, and endocrine. (**28 CFR 35.108** ~~34 CFR 104.3~~)

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

Mental impairment means any mental or psychological disorder, such as ~~mental retardation~~, ~~intellectual disability~~, organic brain syndrome, emotional or mental illness, and specific learning disabilities. (28 CFR 35.108 34 CFR 104.3)

Note: 28 CFR 35.108, as added by 81 Fed. Reg. 53203, requires the term "substantially limits" to be construed broadly. An impairment is a disability if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population. Such comparison usually does not require scientific, medical, or statistical evidence. An impairment need not prevent or significantly or severely restrict the performance of a major life activity in order to qualify as substantially limiting.

28 CFR 35.108 also provides that (1) in determining whether or not an impairment substantially limits a major life activity, the ameliorative effects of mitigating measures, other than ordinary eyeglasses or contact lenses, may not be considered; (2) an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active; and (3) an impairment that substantially limits one major life activity need not substantially limit other major life activities in order to be considered a substantially limiting impairment.

Additionally, 28 CFR 35.108 expands the definition of "major life activities" to include the operation of specific major bodily functions.

Substantially limits major life activities means limiting a person's ability to perform functions, ~~as compared to most people in the general population~~, such as caring for himself/herself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, ~~writing~~, communicating, and working. *Major life activities* also includes major bodily functions such as functions of the immune system, ~~special sense organs and skin~~, normal cell growth, ~~and~~ digestive, bowel, bladder, neurological, brain, respiratory, circulatory, ~~cardiovascular~~, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions, ~~as well as the operation of an individual organ within a body system~~. The determination of whether an impairment ~~substantially limits a student's major life activities~~ shall be ~~determined~~ ~~made~~ without regard to the ameliorative effects of mitigating measures other than ordinary eyeglasses or contact lenses. *Mitigating measures* are measures that an individual may use to eliminate or reduce the effects of an impairment, ~~including~~, but are not limited to, medications, ~~medical supplies or equipment~~, prosthetic devices, assistive devices, ~~reasonable modifications or auxiliary aids or services~~, learned behavioral, or adaptive neurological modifications, ~~psychotherapy, behavioral therapy, or physical therapy~~, ~~which an individual may use to eliminate or reduce the effects of an impairment~~. (42 USC 12102; 28 CFR 35.108 34 CFR 104.3)

Referral, Identification, and Evaluation

Note: 34 CFR 104.35 requires the district to conduct an evaluation of any student who needs or is believed to need special education or related services under Section 504. However, the law does not require a specific procedure for referral of a student for the evaluation. Items #1-2 below provide such a procedure and should be modified to reflect district practice.

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

Any action or decision to be taken by the district involving the referral, identification, or evaluation of a student with disabilities shall be in accordance with the following procedures:

1. A parent/guardian, teacher, other school employee, student success team, or community agency may refer a student to the principal or 504 Coordinator for identification as a student with a disability under Section 504.

(cf. 6164.5 - Student Success Teams)

2. Upon receipt of any such referral, the principal, 504 Coordinator, or other qualified individual with expertise in the area of the student's suspected disability shall consider the referral and determine whether an evaluation is appropriate. This determination shall be based on a review of the student's school records, including those in academic and nonacademic areas of the school program; consultation with the student's teacher(s), other professionals, and the parent/guardian, as appropriate; and analysis of the student's needs.

If it is determined that an evaluation is unnecessary, the principal or 504 Coordinator shall inform the parents/guardians in writing of this decision and of the procedural safeguards available, as described in the "Procedural Safeguards" section below.

3. If **it is determined that** the student needs or is believed to need special education or related services under Section 504, the district shall conduct an evaluation of the student prior to his/her initial placement. (34 CFR 104.35)

Note: OCR has interpreted Section 504 to require districts to obtain **parental****parent/guardian** permission for initial evaluations. Although the law is silent on the form of **parental****parent/guardian** consent, it is recommended that the district obtain such consent in writing. The following paragraph should be modified to reflect district practice.

Prior to conducting an initial evaluation of a student for eligibility under Section 504, the district shall obtain written parent/guardian consent.

Note: 34 CFR 104.35 requires that the district's evaluation and placement procedures include the elements specified in items #a-c below.

The district's evaluation procedures shall ensure that the tests and other evaluation materials: (34 CFR 104.35)

- a. Have been validated and are administered by trained personnel in conformance with the instruction provided by the test publishers
- b. Are tailored to assess specific areas of educational need and are not merely designed to provide a single general intelligence quotient

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

- c. Reflect the student's aptitude or achievement or whatever else the tests purport to measure rather than his/her impaired sensory, manual, or speaking skills, except where those skills are the factors that the tests purport to measure

Section 504 Services Plan and Placement

Services and placement decisions for students with disabilities shall be determined as follows:

1. A multidisciplinary 504 team shall be convened to review the evaluation data in order to make placement decisions.

The 504 team shall consist of a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. (34 CFR 104.35)

In interpreting evaluation data and making placement decisions, the team shall draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The team shall also ensure that information obtained from all such sources is documented and carefully considered and that the placement decision is made in conformity with 34 CFR 104.34. (34 CFR 104.35)

Note: While there is no specific requirement that a Section 504 services plan (sometimes called an accommodation plan) be in writing, it is strongly recommended that the district develop a written plan for each student detailing the regular and/or special education and related services that the student will be provided in order to ensure that the student is receiving FAPE in accordance with 34 CFR 104.33.

2. If, upon evaluation, a student is determined to be eligible for services under Section 504, the team shall meet to develop a written 504 services plan which shall specify the types of regular or special education services, accommodations, and supplementary aids and services necessary to ensure that the student receives FAPE.

The parents/guardians shall be invited to participate in the meeting and shall be given an opportunity to examine all relevant records.

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.23 - Asthma Management)

(cf. 5141.24 - Specialized Health Care Services)

(cf. 5141.26 - Tuberculosis Testing)

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

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

3. If the 504 team determines that no services are necessary for the student, the record of the team's meeting shall reflect whether or not the student has been identified as a **disabled** person **with a disability** under Section 504 and shall state the basis for the determination that no special services are presently needed. The student's parent/guardian shall be informed in writing of his/her rights and procedural safeguards, as described in the "Procedural Safeguards" section below.
4. The student shall be placed in the regular educational environment, unless the district can demonstrate that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. The student shall be educated with those who are not disabled to the maximum extent appropriate to his/her individual needs. (34 CFR 104.34)

Note: The law does not specify a time frame for completion of the evaluation and placement process, but OCR requires completion within "a reasonable amount of time." Generally, compliance with the timelines in **the** IDEA will be considered "reasonable" and thus in compliance with Section 504. However, Section 504 does not provide for an automatic suspension of the timelines during extended breaks or when schools are not in session, **as is permitted for the IDEA-associated timelines pursuant to Education Code 56043 and 56321**. For timelines under **the** IDEA, see AR 6164.4 - Identification and Evaluation of Individuals for Special Education.

5. The district shall complete the identification, evaluation, and placement process within a reasonable time frame. **The district shall adhere to this time frame regardless of any extended school breaks or times that school is otherwise not in session.**
6. A copy of the student's Section 504 services plan shall be kept in his/her student record. The student's teacher(s) and any other staff who provide services to the student shall be informed of the plan's requirements.

If a student transfers to another school within the district, the principal or designee at the school from which the student is transferring shall ensure that the principal or designee at the new school receives a copy of the plan prior to the student's enrollment in the new school.

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5125 - Student Records)

Review and Reevaluation

Note: 34 CFR 104.35 requires a district to establish procedures for the periodic reevaluation of a student who has been identified as needing services under Section 504. A reevaluation procedure consistent with the IDEA is one means of meeting this requirement. The following section should be modified to reflect district practice.

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

The 504 team shall monitor the progress of the student and, at least annually, shall review the effectiveness of the student's Section 504 services plan to determine whether the services are appropriate and necessary and whether the student's needs are being met as adequately as the needs of ~~nondisabled~~ students **without disabilities are met**. In addition, each student with a disability under Section 504 shall be reevaluated at least once every three years.

Note: As part of its responsibilities pursuant to 34 CFR 104.35, the district is required to reevaluate a student's needs before a significant change in his/her placement. Examples of actions that might constitute a "significant change in placement" triggering a reevaluation include, but are not limited to, expulsions;**;** suspensions that exceed 10 school days within a school year;**;** or removal from a fully integrated curriculum to a resource room, home instruction, independent study, or continuation school.

A reevaluation of the student's needs shall be conducted before any subsequent significant change in placement. (34 CFR 104.35)

*(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*

Procedural Safeguards

Note: 34 CFR 104.36 requires districts to adopt a system of procedural safeguards which must include the rights of parents/guardians to receive notice, examine relevant records, have an impartial hearing in which they would have an opportunity to participate and be represented by legal counsel, and a process for review of the hearing and decision as detailed in the following section.

Timelines suggested in this section should be revised to reflect district practice; however, OCR requires that the due process hearing procedures be completed within a "reasonably prompt time frame."

The Superintendent or designee shall notify the parents/guardians of students with disabilities of all actions and decisions by the district regarding the identification, evaluation, or educational placement of their children. He/she also shall notify the parents/guardians of all the procedural safeguards available to them if they disagree with the district's action or decision, including an opportunity to examine all relevant records and an impartial hearing in which they shall have the right to participate. (34 CFR 104.36)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

Note: 34 CFR 104.36 requires that the district's procedural safeguards for Section 504 include an impartial hearing to resolve disagreements about the provision of FAPE. This Section 504 due process hearing is separate from the due process hearing procedures under **the** IDEA and from the district's uniform complaint procedures, which are used to resolve complaints regarding discriminatory treatment (e.g., harassment or accessibility issues). See BP/AR 1312.3 - Uniform Complaint Procedures.

If a parent/guardian disagrees with any district action or decision regarding the identification, evaluation, or educational placement of his/her child under Section 504, he/she may request a Section 504 due process hearing within 30 days of that action or decision.

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

Note: According to OCR, the parent/guardian cannot be required to participate in an administrative review prior to exercising his/her right to a Section 504 due process hearing. Districts with questions should consult legal counsel, as appropriate.

Prior to requesting a Section 504 due process hearing, the parent/guardian may, at his/her discretion, but within 30 days of the district's action or decision, request an administrative review of the action or decision. The Coordinator shall designate an appropriate administrator to meet with the parent/guardian to attempt to resolve the issue and the administrative review shall be held within 14 days of receiving the parent/guardian's request. If the parent/guardian is not satisfied with the resolution of the issue, **or if the parent/guardian did not request an administrative review**, he/she may request a Section 504 due process hearing.

A Section 504 due process hearing shall be conducted in accordance with the following procedures:

1. The parent/guardian shall submit a written request to the Coordinator within 30 days of receiving the district's decision or, if an administrative review is held, within 14 days of the completion of the review. The request for the due process hearing shall include:
 - a. The specific nature of the decision with which he/she disagrees
 - b. The specific relief he/she seeks
 - c. Any other information he/she believes is pertinent to resolving the disagreement
2. Within 30 days of receiving the parent/guardian's request, the Superintendent or designee and 504 Coordinator shall select an impartial hearing officer. This 30-day deadline may be extended for good cause or by mutual agreement of the parties.
3. Within 45 days of the selection of the hearing officer, the Section 504 due process hearing shall be conducted and a written decision mailed to all parties. This 45-day deadline may be extended for good cause or by mutual agreement of the parties.
4. The parties to the hearing shall be afforded the right to:
 - a. Be accompanied and advised by **legal** counsel and by individuals with special knowledge or training related to the problems of students with disabilities under Section 504
 - b. Present written and oral evidence

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

- c. Question and cross-examine witnesses
- d. Receive written findings by the hearing officer stating the decision and explaining the reasons for the decision

If desired, either party may seek a review of the hearing officer's decision by a federal court of competent jurisdiction.

Notifications

The Superintendent or designee shall ensure that the district has taken appropriate steps to notify students and parents/guardians of the district's duty under Section 504. (34 CFR 104.32)

(cf. 5145.6 - Parental Notifications)

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Policy Reference UPDATE Service

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CSBA Sample Board Bylaw

Board Bylaws

BB 9240(a)

BOARD DEVELOPMENT TRAINING

Note: The following **optional** bylaw may be **amended/revised** to reflect district practice.

CSBA's Professional Governance Standards include expectations that each individual Governing Board member will participate in professional development and commit the time and energy necessary to be an informed and effective leader. See CSBA's web site for education opportunities available through CSBA, including, but not limited to, CSBA's Institute for New and First-Term Board Members, Masters in Governance program, Annual Education Conference and Trade Show, Legal Symposium for Experienced Board Members, Board Presidents Workshop, Brown Act Workshop, Back-to-School Webcast, other workshops and webinars on specific topics, and in-district governance consulting services.

Citizens elected to the Governing Board are entrusted with the responsibility of governing district schools. The Board recognizes that its members need training. The Governing Board believes that the Board's ability to effectively and responsibly govern the district is essential to promoting student achievement, building positive community relations, and protecting the public interest in district schools. **Board members shall be provided sufficient opportunities for professional development** that helps them understand their responsibilities, stay abreast of new developments in education, and develop boardsmanship skills.

*(cf. 9000 - Role of the Board)
(cf. 9005 - Governance Standards)*

The Board and/or the Superintendent or designee shall provide an orientation to newly elected or appointed Board members which includes comprehensive information regarding Board roles, policies, and procedures and the district's vision and goals, operations, and current challenges. Throughout their first term, Board members shall continue to participate in additional educational opportunities designed to assist them in understanding the principles of effective governance, including, but not limited to, information on school finance and budgets, student achievement and assessment, labor relations, community relations, program evaluation, open meeting laws (the Brown Act), conflict of interest laws, and other topics necessary to govern effectively and in compliance with law.

(cf. 9230 - Orientation)

All Board members are encouraged to continuously participate in advanced training offered by the California School Boards Association in order to reinforce boardsmanship skills and build knowledge related to key education issues. Such activities may include online courses, webinars, webcasts, and in-person attendance at workshops and conferences. In addition, workshops and consultations may be held within the district on issues that involve the entire governance team.

BOARD DEVELOPMENT TRAINING (continued)

Note: CSBA recommends that **inservice board** training and travel expenses be budgeted as separate items. While **inservice** training is essential to maintain an effective, well-informed Board, travel expenses are incurred for a variety of reasons.

It is also recommended that the Board determine the manner in which board training activities that require the use of district funds will be selected or approved. Districts may allocate funds equally to each Board member and allow each member discretion to select activities that meet his/her needs, or may require that all activities or activities over a specified cost be approved by the full Board. The following paragraph may be revised to reflect district practice.

Funds for **Board development training** shall be budgeted annually for **the Board and** each Board member. **In selecting appropriate activities, the Board and/or individual Board members shall consider activities that are aligned with the district's vision and goals and the needs of the Board or individual member to obtain specific knowledge and skills. The Board shall annually develop a board training calendar in order to schedule and track board training activities and to schedule opportunities for Board members to report on the activities in which they participated.**

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 3100 - Budget)

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

Note: Pursuant to Government Code 54952.2, **added by SB 36 (Ch. 1137, Statutes of 1993)**, a "meeting" subject to Brown Act requirements does not include the attendance of a majority of the Board's members at a conference or similar public gathering, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the Board. **Also see BB 9320 - Meetings and Notices.**

~~All Board members may attend conferences for the purpose of Board development. Board business shall not be discussed at conferences. Board members may attend a conference or similar public gathering with other Board members and/or with the Superintendent or designee in order to develop common knowledge and understanding of an issue or engage in team-building exercises. In such cases, a majority of the Board members shall not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the district's jurisdiction, so as not to violate the Brown Act open meeting laws pursuant to Government Code 54952.2.~~

(cf. 9320 - Meetings and Notices)

Board members shall report **to the Board**, orally or in writing, **as soon as possible** on the **inservice board training** activities they attend, **for the purpose of sharing the acquired knowledge or skills with the full Board and enlarging the benefit of the activity to the Board and district.**

Legal Reference: (see next page)

BOARD DEVELOPMENT TRAINING (continued)

Legal Reference:

[EDUCATION CODE](#)

[33360 Department of Education and statewide association of school district boards; annual workshop](#)

[GOVERNMENT CODE](#)

[54950-54963 The Ralph M. Brown Act, especially:](#)

[54952.2 Meeting](#)

Management Resources:

[CSBA PUBLICATIONS](#)

[Professional Governance Standards for School Boards](#)

[WEB SITES](#)

[CSBA: <http://www.csba.org>](#)

[California County Boards of Education: <http://www.theccbe.org>](#)

[National School Boards Association: <http://www.nsba.org>](#)

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Policy Reference UPDATE Service

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CSBA Sample Board Bylaw

Board Bylaws

BB 9323(a)

MEETING CONDUCT

Note: Education Code 35010 **mandates** the **Governing** Board to "prescribe and enforce" rules for its own governance. These rules must not be inconsistent with law or with regulations prescribed by the State Board of Education. The following bylaw provides suggested rules and procedures for meeting conduct and reflects provisions of law as applicable.

Meeting Procedures

All Governing Board meetings shall begin on time and shall be guided by an agenda prepared in accordance with Board bylaws and posted and distributed in accordance with the Ralph M. Brown Act (open meeting requirements) and other applicable laws.

(cf. 9322 - Agenda/Meeting Materials)

Note: The law does not specify that a particular set of procedures must govern Board meetings. Although Robert's Rules of Order can serve as a useful guide, the Board may adopt any procedure that allows for the efficient and consistent conduct of meetings.

The Board president shall conduct Board meetings in accordance with Board bylaws and procedures that enable the Board to efficiently consider issues and carry out the will of the majority.

(cf. 9121 - President)

Note: The following **optional** paragraph limits the length of Board meetings and should be revised to reflect district practice.

The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Regular Board meetings shall be adjourned at 10:30 p.m. unless extended to a specific time determined by a majority of the Board. The meeting shall be extended no more than once and subsequently may be adjourned to a later date.

(cf. 9320 - Meetings and Notices)

Note: In Rubin v. City of Burbank, an appellate court held that inclusion of "sectarian prayer" at city council meetings, which communicated a preference for a particular religious faith and advanced one faith over another, was unconstitutional by directing the prayer "in the name of Jesus." The court held that it would be constitutional to require the city to advise those people conducting the prayer of this limitation. This opinion is consistent with an unpublished 9th circuit federal court opinion which stated that an invocation "in the name of Jesus" was unconstitutional in that it displayed allegiance to a particular faith.

MEETING CONDUCT (continued)

Some general guidelines for invocations can be found in an Attorney General's opinion (76 Ops.Cal.Atty.Gen. 281 (1993)) which stated that a county board of supervisors could open its sessions with an invocation when the invocation is (1) not required by law as a condition to the official proceedings, (2) not part of the deliberative agenda, (3) not offered, supervised, or approved as to content by a public officer, (4) not officially limited to a particular religion, (5) not disparaging of others, and (6) not directed towards proselytizing. However, because this is an unsettled area of law that is subject to frequent litigation, it is strongly recommended that districts consult legal counsel if they wish to open meetings with an invocation. Note that a different legal analysis applies to student-led or student-initiated prayer; see BP 5127 - Graduation Ceremonies and Activities.

Quorum and Abstentions

The Board shall act by majority vote of all of the membership constituting the Board. (Education Code 35164)

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

Note: According to an Attorney General opinion (61 Ops.Cal.Atty.Gen. 243 (1978)), members of a public body have a duty to vote on issues before them so that the public is represented and receives the services which the public body was created to provide. Issues arise when a motion is tied and one Board member has abstained. The general parliamentary rule is that an abstention is counted as agreeing with the action taken by the majority of those who vote, whether affirmatively or negatively (66 Ops.Cal.Atty.Gen. 336 (1983)). However, a stronger argument could be made that the parliamentary rule is in conflict with Education Code 35164 which requires a majority vote of all of the membership of the Board in order for the Board to act (i.e., a majority of all of the membership of the Board must vote affirmatively in order to approve any action). In 55 Ops.Cal.Atty.Gen. 26 (1972), the Attorney General opined that, when a statutory requirement exists that requires an affirmative action of at least a majority of the members of the Board, the general rule that members not voting were deemed to have agreed with the action taken by the majority of those that voted is not applicable.

The following **optional** paragraph is consistent with CSBA's opinion that a majority of the Board must vote affirmatively for a motion to carry, but the law is not settled and contrary legal opinions may exist. It is strongly recommended that the district consult with legal counsel and modify the following **optional** paragraph to ensure consistency with district practice.

The Board believes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them. When a member abstains, his/her abstention shall not be counted for purposes of determining whether a majority of the membership of the Board has taken action.

(*cf. 9270 - Conflict of Interest*)

Note: The following paragraph applies only to districts with seven member boards and **should be deleted by districts with a three or five member board.**

If a Board consists of seven members and not more than two vacancies occur on the Board,

MEETING CONDUCT (continued)

Provided the Board typically has seven members and there are no more than two vacancies on the Board, the vacant position(s) shall not be counted for purposes of determining how many members of the Board constitute a majority. In addition, if a vacancy exists on the Board, whenever any provisions of the Education Code require unanimous action of all or a specific number of the members, the vacant position(s) shall be not be counted for purposes of determining the total membership constituting the Board. (Education Code 35165)

Public Participation

Note: Pursuant to Government Code 54953.3, a member of the public cannot be required to register his/her name, complete a questionnaire, or provide other information as a condition of attending a Board meeting. If an attendance list or similar document is posted near the entrance or circulated during the meeting, it must clearly state that signing or completing the document is voluntary.

Members of the public are encouraged to attend Board meetings and to address the Board concerning any item on the agenda or within the Board's jurisdiction. So as not to inhibit public participation, persons attending Board meetings shall not be requested to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting.

In order to conduct district business in an orderly and efficient manner, the Board requires that public presentations to the Board comply with the following procedures:

Note: Education Code 35145.5 **mandates** the Board to adopt regulations which ensure that the public can address the Board regarding agenda items, as specified below.

District employees have the same right as members of the public to address the Board during a public Board meeting. In 90 Ops.Cal.Atty.Gen. 47 (2007), the Attorney General opined that, under the Ralph M. Brown Act, an administrative district employee cannot be prohibited from attending a Board meeting or from speaking during the public comment period, including comments on an employment-related issue.

1. The Board shall give members of the public an opportunity to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the Board, either before or during the Board's consideration of the item. (Education Code 35145.5; Government Code 54954.3)
2. At a time so designated on the agenda at a regular meeting, members of the public may bring before the Board matters that are not listed on the agenda. The Board shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law. (Education Code 35145.5; Government Code 54954.2)

MEETING CONDUCT (continued)

3. Without taking action, Board members or district staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the public, a Board or staff member may ask a question for clarification, make a brief announcement, or make a brief report on his/her own activities. (Government Code 54954.2)

Furthermore, the Board or a Board member may provide a reference to staff or other resources for factual information, ask staff to report back to the Board at a subsequent meeting concerning any matter, or take action directing staff to place a matter of business on a future agenda. (Government Code 54954.2)

4. The Board need not allow the public to speak on any item that has already been considered by a committee composed exclusively of Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the Board determines that the item has been substantially changed since the committee heard the item, the Board shall provide an opportunity for the public to speak. (Government Code 54954.3)

(cf. 9130 - Board Committees)

5. A person wishing to be heard by the Board shall first be recognized by the president and shall then proceed to comment as briefly as the subject permits.

Note: Government Code 54954.3 authorizes regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. The following paragraph should be revised to reflect district practice.

If the Board limits the time for public comment, Government Code 54954.3, as amended by AB 1787 (Ch. 507, Statutes of 2016), requires the Board to provide at least twice the allotted time to a member of the public who utilizes a translator, as provided below.

Individual speakers shall be allowed three minutes to address the Board on each agenda or nonagenda item. The Board shall limit the total time for public input on each item to 20 minutes. With Board consent, the **Board** president may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. The president may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add.

In order to ensure that non-English speakers receive the same opportunity to directly address the Board, any member of the public who utilizes a translator shall be provided at least twice the allotted time to address the Board, unless simultaneous translation equipment is used to allow the Board to hear the translated public testimony simultaneously. (Government Code 54954.3)

MEETING CONDUCT (continued)

6. The Board president may rule on the appropriateness of a topic, **subject to the following conditions:**

- a.** If a topic would be suitably addressed at a later time, the Board president may indicate the time and place when it should be presented.
- b.** The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts, or omissions. (Government Code 54954.3) **In addition, the Board may not prohibit public criticism of district employees.**

Note: The following **optional** item addresses the issue of specific charges or complaints against district employees in open Board meetings. **The Board president must first determine that the speech in question is a specific complaint or charge against a specific employee or employees before invoking the following provision. Although the Board may inform the speaker of appropriate district complaint procedures, it cannot prohibit general criticisms of the district and its employees, no matter how harsh, may not be prohibited.** Board members and staff may briefly respond to the concerns raised by the complainant at the meeting.

In Baca v. Moreno Valley Unified School District, a federal district court issued a preliminary injunction against the district prohibiting it from enforcing its policy barring criticism of employees at public Board meetings. The court found that the district's policy violated the plaintiff's First Amendment rights by restricting the content of her speech. The court further noted that the district could not legally prevent a person from speaking in open session, even if the speech was clearly defamatory. **It is recommended that the Board consult legal counsel if a question arises regarding public criticism of a district employee. Districts should note that this decision does not apply to any district other than the Moreno Valley Unified School District at this time. However, a different federal court has also reached the same result in a case involving the Vista Unified School District. Districts should be very cautious in implementing this policy and be guided by the advice of their legal counsel.**

For a district to be safe from litigation, the only option is for the Board to place no content restriction on public comments during the Board meeting. This option, however, would permit accusations to be made against an employee without notice or opportunity for employee response.

- c.** **In addition, the Board shall not prohibit public criticism of district employees. However, whenever a member of the public initiates specific complaints or charges against an individual employee, the Board president shall inform the complainant of the appropriate complaint procedure. that in order to protect the employee's right to adequate notice before a hearing of such complaints and charges, and also to preserve the ability of the Board to legally consider the complaints or charges in any subsequent evaluation of the employee, it is the policy of the Board to hear such complaints or charges, in closed session unless otherwise requested by the employee pursuant to Government Code 54957. The Board president shall also encourage the complainant to file a complaint using the appropriate district complaint procedure.**

MEETING CONDUCT (continued)

Note: As provided in item #7 below, Government Code 54957.9 authorizes the Board to remove persons who willfully disrupt or disturb a meeting. Examples of disruptive conduct might include conduct that is extremely loud, disturbing, or creates a health or safety risk. In McMahon v. Albany Unified School District, the court held that a speaker's constitutional rights were not violated when he was removed from a Board meeting after dumping a substantial amount of garbage on the floor of the meeting room. ~~The speaker had come to the Board meeting to complain about high school students littering, but did not stop dumping garbage when admonished by the Board president.~~ Because ~~the speaker~~ was not removed based on the content of his speech, the court upheld his conviction for a willful disruption of a public meeting. In City of San Jose v. Garbett, the court held that a legislative body may exclude from a meeting a person who has expressed a credible threat of violence that would place a reasonable person in fear for his/her safety or the safety of his/her immediate family and that serves no legitimate purpose.

However, the courts have found that a person's conduct must actually disrupt the meeting in order to warrant ejection. In Norse v. City of Santa Cruz, the court held that the city council improperly ejected a member of the public who gave the council a silent Nazi salute, on the grounds that the action did not interfere with the proceedings of the meeting.

7. The Board president shall not permit any disturbance or willful interruption of Board meetings. Persistent disruption by an individual or group ~~or any conduct or statements that threaten the safety of any person(s) at the meeting~~ shall be grounds for the president to terminate the privilege of addressing the Board.

The Board may remove disruptive individuals and order the room cleared if necessary. In this case, members of the media not participating in the disturbance shall be allowed to remain, and individuals not participating in such disturbances may be allowed to remain at the discretion of the Board. When the room is ordered cleared due to a disturbance, further Board proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9)

When such disruptive conduct occurs, the Superintendent or designee shall contact local law enforcement ~~as necessary~~.

Recording by the Public

Note: Government Code 54953.5 provides that any person attending an open meeting may record it with an audio or video ~~tape~~-recorder or a still or ~~movie-motion picture~~ camera unless the Board makes a reasonable finding that the recording cannot continue without noise, illumination, or obstruction of view which would persistently disrupt the meeting. Government Code 54953.6 requires a similar finding before the Board can prohibit or restrict a broadcast of its meetings.

~~The following paragraph extends the right to record an open meeting to include recordings made by other devices such as a cell phone.~~

MEETING CONDUCT (continued)

Members of the public may record an open Board meeting using an audio or video recorder, still or motion picture camera, cell phone, or other device, provided that the noise, illumination, or obstruction of view does not persistently disrupt the meeting. The Superintendent or designee ~~shall~~ **may** designate locations from which members of the public may ~~broadcast, photograph, or tape record open meetings~~ **make such recordings** without causing a distraction.

(cf. 9324 - Board Minutes and Recordings)

If the Board finds that noise, illumination, or obstruction of view related to these activities would persistently disrupt the proceedings, these activities shall be discontinued or restricted as determined by the Board. (Government Code 54953.5, 54953.6)

Legal Reference: (see next page)

MEETING CONDUCT (continued)

Legal Reference:

EDUCATION CODE

- 5095 Powers of remaining board members and new appointees
- 32210 Willful disturbance of public school or meeting a misdemeanor
- 35010 Prescription and enforcement of rules
- 35145.5 Agenda; public participation; regulations
- 35163 Official actions, minutes and journal
- 35164 Vote requirements
- 35165 Effect of vacancies upon majority and unanimous votes by seven member board

CODE OF CIVIL PROCEDURE

527.8 Workplace Violence Safety Act

GOVERNMENT CODE

54953.3 Prohibition against conditions for attending a board meeting

- 54953.5 Audio or video ~~tape~~ recording of proceedings
- 54953.6 Broadcasting of proceedings
- 54954.2 Agenda; posting; action on other matters
- 54954.3 Opportunity for public to address legislative body; regulations
- 54957 Closed sessions
- 54957.9 Disorderly conduct of general public during meeting; clearing of room

PENAL CODE

- 403 Disruption of assembly or meeting

COURT DECISIONS

City of San Jose v. Garbett, (2010) 190 Cal.App.4th 526

Norse v. City of Santa Cruz, (9th Cir. 2010) 629 F3d 966

McMahon v. Albany Unified School District, (2002) 104 Cal.App.4th 1275

Rubin v. City of Burbank, (2002) 101 Cal.App.4th 1194

Baca v. Moreno Valley Unified School District, (1996) 936 F.Supp. 719

ATTORNEY GENERAL OPINIONS

90 Ops.Cal.Atty.Gen. 47 (2007)

76 Ops.Cal.Atty.Gen. 281 (1993)

66 Ops.Cal.Atty.Gen. 336 (1983)

63 Ops.Cal.Atty.Gen. 215 (1980)

61 Ops.Cal.Atty.Gen. 243, 253 (1978)

59 Ops.Cal.Atty.Gen. 532 (1976)

55 Ops.Cal.Atty.Gen. 26 (1972)

Management Resources:

CSBA PUBLICATIONS

Call to Order: A Blueprint for Great Board Meetings, 2015

The Brown Act: School Boards and Open Meeting Laws, rev. 20052014

Board Presidents' Handbook, rev. 2002

Maximizing School Board Governance: Boardsmanship

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Local Legislative Bodies, 2003

WEB SITES

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

California Attorney General's Office: <http://www.caag.state.ca.ushttps://oag.ca.gov>

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AGENDA ITEM 16.0**DISCUSSION ITEM: School Facilities Master Plan****BACKGROUND**

Goal 9 of the Gold Trail Union School District Local Accountability Plan (LCAP) is to sustain well maintained grounds, facility and infrastructure. It identifies a need for a facilities master plan to help the District identify and prioritize projects. The Board will review this goal and consider actions and/or services to reach this goal.

ATTACHMENTS

- **LCAP Goal 9: Sustain well maintained grounds, facility and infrastructure.**

BUDGETED

NA Yes No Cost Analysis Follows

RECOMMENDATION

Expand discussion.

NOTES

Identified Need :	A facilities master plan is needed to help the district identify and prioritize projects.		
Goal Applies to:	Schools: <input checked="" type="checkbox"/> All	Applicable Pupil Subgroups:	<input checked="" type="checkbox"/> All
LCAP Year 1: 2016-17			
Expected Annual Measurable Outcomes:	Develop master plan and deferred maintenance schedule.		
Actions/Services	Scope of Service	Pupils to be served within identified scope of service	Budgeted Expenditures
9a Hire consultants and work with stakeholders to develop plan.	<input checked="" type="checkbox"/> All	<input checked="" type="checkbox"/> All	\$15K OB 5800 LCFF Base Grant
LCAP Year 2: 2017-18			
Expected Annual Measurable Outcomes:	Implement master plan improvements and continue ongoing plan updates.		
Actions/Services	Scope of Service	Pupils to be served within identified scope of service	Budgeted Expenditures
9a Modify plan as needed and update projections based on plan.	<input checked="" type="checkbox"/> All	<input checked="" type="checkbox"/> All	\$50K OB 6XXX LCFF Base Grant
LCAP Year 3: 2018-19			
Expected Annual Measurable Outcomes:	Implement master plan improvements and continue ongoing plan updates.		
Actions/Services	Scope of Service	Pupils to be served within identified scope of service	Budgeted Expenditures
9a Modify plan as needed and update projections based on plan.	<input checked="" type="checkbox"/> All	<input checked="" type="checkbox"/> All	\$50K OB 6XXX LCFF Base Grant

AGENDA ITEM 17.0**DISCUSSION ITEM: Administrative Reports****BACKGROUND**

Board members will report on activities relevant to District business.

J. Murchison will report on activities relevant to District and Sutter's Mill School business.

S. Lyons will report on activities relevant to Gold Trail School business.

W. Scarlett will be available to answer question relevant to financial business.

ATTACHMENTS

- **Current District Enrollment**

BUDGETED

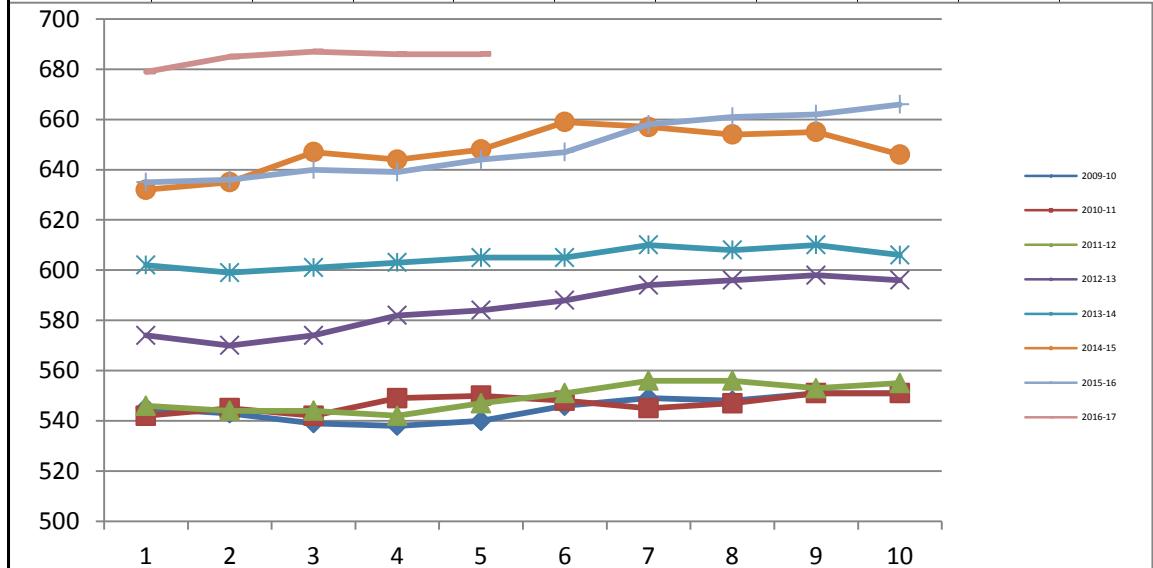
NA Yes No Cost Analysis Follows

RECOMMENDATION

No action needed.

NOTES

Enrollment Report



2016-17 Enrollment this month				
	TK	26	4	81
	K	65	5	86
	1	61	6	74
	2	68	7	77
	3	72	8	76
	Total	292	Total	394
	District Total Enrollment			686

AGENDA ITEM: Closed Session
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18. CLOSED SESSION OPEN HEARING

Members of the public may take this opportunity to comment on Closed Session agenda items.

19. CLOSED SESSION

The Board will adjourn to Closed Session pursuant to Government Code 54956.8.

Closed Session attendants: Board Members and Superintendent.

20. PERSONNEL**.1 Conference with Labor Negotiators (Government Code Section 54957.6)**

The Board will give direction regarding employee bargaining issues with the Gold Trail Federation of Educators and discussion with other non-represented employee groups.

NOTES

The Brown Act and Education Code delineate the circumstances under which a legislative body of a local agency may meet in closed session and limit legislative bodies to the types of closed sessions identified (Government Code 54962.) The Brown Act and Education Code authorize closed sessions for the following:

1. *Real estate negotiations.*
2. *Pending litigation.*
3. *Liability claims.*
4. *Public security.*
5. *Personnel exception.*
6. *Labor negotiations.*
7. *Particular student matters.*
8. *Student assessment instruments used as part of the statewide testing system.*

AGENDA ITEM 21.0**Reconvene Public Session and Closed Session Disclosure***If Vote Taken in Closed Session*

ACTION	<i>Moved</i>	<i>Seconded</i>		
<input type="checkbox"/> <i>Approved as is</i> <input type="checkbox"/> <i>Not approved</i> <input type="checkbox"/> <i>Amended to read:</i>				
Vote	<i>Ayes</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>

AGENDA ITEM 22.0**Future Meetings****Date: February 9, 2017 Time: 6:00 p.m. Location: Gold Trail School Library**

Agenda Items for that meeting may include but are not limited to:

After School Sports Report/Walk On Coach Certification (Annual)

Board Policies, Administrative Regulations and Board Bylaw Updates

BP 4117.3, Relevance of Tie Breaking Criteria (Annual)

BP 6145, Extracurricular and Co-curricular Activities, Review (Annual)

Comprehensive School Safety Plan (Annual)

Consolidated Application and Reporting System (CARS) Winter Collection (Annual)

EDCSBA Award Nominations (Annual)

Local Control Accountability Plan (LCAP) Update

Reduction of Certificated Employees, If Applicable

School Accountability Report Card (SARC) Annual

School Site Council Plans and Budgets (Annual)

*Requests may be made at this time for items to be placed on a future agenda.***AGENDA ITEM:****Adjournment**

ACTION	<i>Moved</i>	<i>Seconded</i>		
<input type="checkbox"/> <i>Approved as is</i> <input type="checkbox"/> <i>Not approved</i> <input type="checkbox"/> <i>Amended to read:</i>				
Vote	<i>Ayes</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>