

# Gold Trail Union School District



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

## BOARD OF TRUSTEES

### Regular and Closed Session Meeting

### Thursday, February 9, 2017

### Gold Trail School

### Agenda

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.

**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*

**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*)

## REPORTS

### 5. REPORT: Student Council

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

### 6. REPORT: Parent Teacher Organization

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

### 7. REPORT: Gold Trail Federation of Educators

D. Matyac, president, will report on Federation activities.

### 8. REPORT: After School Sports Report and Walk-On Coach Certification

J. Perez, athletic director, will present to the Board an overview of the program. (BP6145.2)

### 9. REPORT: Physical Fitness Test—District and School Summary

J. Perez, physical education specialist, will present the annual report and summary. (BP6142.7)

### 10. REPORT: Local Control Accountability Plan (LCAP) Update

J. Murchison, superintendent, will present the District's update on the 2017-18 LCAP. (BP 0640)

## CONSENT

### 11. 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 January 12, 2017**

##### **Special Meeting of January 25, 2017**

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**

T Hanks, playground monitor, 1.0 hour per day, 2 days per week, effective January 26, 2017

##### **Resignation**

A Pratt, playground monitor, 1.0 hour per day, 2 days per week, effective January 10, 2017

#### .4 School Accountability Report Cards (SARC) for both Gold Trail and Sutter's Mill School (BP 0510)

The Board will take action to approve the publications.

#### .5 Comprehensive School Safety Plan (BP0450)

The Board will take action to approve the plan.

- .6 **Consolidated Application and Reporting System (CARS) Winter 2016-17 Data Collection**  
The Board will take action to approve the application.
- .7 **Second Reading and Adoption 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)**  
**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 6154, Homework/Makeup Work (BP Revised/AR Deleted)**  
**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 adopt the roster.

**ACTION ITEMS**

12. **ACTION ITEM: Second Reading and adoption of BP 5030, Student Wellness (BP Revised)**  
The Board will review and adopt the policy.
13. **ACTION ITEM: Board Policy 6170.1, Transitional Kindergarten**  
The Board will review subject policy to make any updates or changes.
14. **ACTION ITEM: Board Policy 6145 and Administrative Regulation 6145, Extracurricular and Cocurricular Activities**  
The Board will review subject policy and regulation to make any updates or changes.
15. **ACTION ITEM: Annual Review of Board Policy 4117.3, Personnel Reduction (Tie Breaking Criteria)**  
The Board will review subject policy for relevance of tie breaking criteria of certificated personnel seniority ranking.
16. **ACTION ITEM: El Dorado County ACSA Distinguished Service Awards Nomination**  
The Board may nominate an awards recipient for the Annual Dinner on February 23, 2017.

## DISCUSSION ITEMS

### 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 54957. Closed Session attendants: Board Members, superintendent interviewees.

#### .1 PUBLIC EMPLOYMENT

Title: Superintendent Interviews

## RECONVENE PUBLIC SESSION

### 20. 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

### 21. FUTURE REGULAR MEETING SCHEDULE

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

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

Board Policies, Administrative Regulations and Board Bylaw Updates

Calendar Adoption (Annual)

CSBA Delegate Assembly Election, If Applicable

EDCOE Agreement for Services (Annual)

Five Year Deferred Maintenance Plan, If Applicable

Local Control Accountability Plan (LCAP) Update

Reduction of Certificated Employees, If Applicable

Reduction of Classified Services, If Applicable

Second Period Interim Financial Report (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](http://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**

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: February 9, 2017*

**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><b>ACTION</b></i>	<i><b>Moved</b></i>	<i><b>Seconded</b></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><b>Vote</b></i>	<i><b>Ayes</b></i>	<i><b>Noes</b></i>	<i><b>Absent</b></i>	<i><b>Abstain</b></i>
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**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)*

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: February 9, 2017*

**AGENDA ITEM 5.0**  
**REPORT: Student Council**

**BACKGROUND**

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

**ATTACHMENTS**

➤ None

**BUDGETED**

NA       Yes       No       Cost Analysis Follows

**RECOMMENDATION**

No action needed.

**NOTES**

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: February 9, 2017*

**AGENDA ITEM 6.0**  
**REPORT: Parent Teacher Organization**

**BACKGROUND**

Tracy Hanks, president, will report on PTO activities.

**ATTACHMENTS**

➤ None

**BUDGETED**

NA       Yes       No       Cost Analysis Follows

**RECOMMENDATION**

No action needed.

**NOTES**

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: February 9, 2017*

**AGENDA ITEM 7.0**  
**REPORT: Gold Trail Federation of Educators**

**BACKGROUND**

Debbi Matyac, president, will report on Federation activities.

**ATTACHMENTS**

➤ None

**BUDGETED**

NA       Yes       No       Cost Analysis Follows

**RECOMMENDATION**

No action needed.

**NOTES**

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: February 9, 2017*

**AGENDA ITEM 8.0**

**REPORT: After School Sports Report and Walk-On Coach Certification**

**BACKGROUND**

All athletic teams shall be supervised by qualified coaches to ensure that student athletes receive appropriate instruction and guidance related to safety, health, sports skills, and sportsmanship (BP6145.2) Jose Perez, Athletic Director, will present to the Board a report of this year's program in addition to walk on coach certification.

**ATTACHMENTS**

- 2016-17 Walk On Coach Certification

**BUDGETED**

NA       Yes       No       Cost Analysis Follows

**RECOMMENDATION**

Accept the report.

**NOTES**



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**TO:** J. MURCHISON  
**FROM:** J. PEREZ, ATHLETIC DIRECOR  
**SUBJECT:** CERTIFICATION OF ATHLETIC COACHES  
**DATE:** FEBRUARY 2017

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This memorandum certifies that the following athletic coaches fulfilled California State and District requirements for the following:

*First Aid  
CPR  
Tb Testing  
Security Clearance  
Certified Coaching Curriculum  
Concussion Training  
Mandated Reporter Training*

The following coaches were utilized by the District during the 2016-17 school year:

Athletic Coach: 7 Boys Basketball	M. Orchard
Athletic Coach: 7 Boys Volleyball	R. Carlton
Athletic Coach: 7 Football	R. Pifferini
Athletic Coach: 7 Girls Basketball:	M. Orchard
Athletic Coach: 7 Girls Volleyball	C. Jackson
Athletic Coach: 8 Boys Basketball	M. Orchard
Athletic Coach: 8 Boys Volleyball	R. Carlton
Athletic Coach: 8 Football	M. Orchard
Athletic Coach: 8 Girls Basketball	M. Orchard
Athletic Coach: 8 Girls Volleyball	J. Perez
Athletic Coach: Cross Country	A. Butler
"    "    "	D. Hornsby
"    "    "	A. Yost
Athletic Coach: Track	J. Perez
Athletic Coach: Wrestling	J. Sanchez

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: February 9, 2017*

**AGENDA ITEM 9.0**

**REPORT: Physical Fitness Test—District and School Summary**

**BACKGROUND**

The Superintendent or designee shall annually administer the physical fitness test designated by the State Board of Education to students in grades 5, 7, and 9. (*Education Code 60800; 5 CCR 1041*). The Superintendent or designee shall annually report to the Board each school's FITNESSGRAM results for each applicable grade level. He/she shall also report to the Board regarding the number of instructional minutes offered in physical education for each grade level, the number of two-year and permanent exemptions granted pursuant to Education Code 51241, and any other data agreed upon by the Board and the Superintendent or designee to evaluate program quality and the effectiveness of the district's program in meeting goals for physical activity. (*BP6142.7*)

Jose Perez, Physical Education Specialist, will present the annual report and summary.

**ATTACHMENTS**

➤ None

**BUDGETED**

NA       Yes       No       Cost Analysis Follows

**RECOMMENDATION**

Accept the report.

**NOTES**

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: February 9, 2017*

**AGENDA ITEM 10.0**  
**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**

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: February 9, 2017*

**AGENDA ITEM 11.0**  
**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 January 12, 2017**  
**Special Meeting of January 25, 2017**  
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**  
T Hanks, Playground Monitor, 1.0 hour per day, 2 days per week, effective January 26, 2017  
**Resignation**  
A Pratt, Playground Monitor, 1.0 hour per day, 2 days per week, effective January 10, 2017
- .4 School Accountability Report Cards (SARC) for both Gold Trail and Sutter's Mill School (BP 0510)**  
The Board will take action to approve the publications.
- .5 Comprehensive School Safety Plan (BP0450)**  
The Board will take action to approve the plan.
- .6 Consolidated Application and Reporting System (CARS) Winter 2016-17 Data Collection**  
The Board will take action to approve the application.
- .7 Second Reading and Adoption 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)**  
**AR 5111.1, District Residency (AR Revised)**  
**BP 5116.2, Involuntary Student Transfers (BP Added)**

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: February 9, 2017*

BP/AR 5141.21, Administering Medication and Monitoring Health Conditions (BP/AR Revised)  
BP/AR 6154, Homework/Makeup Work (BP Revised/AR Deleted)  
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 adopt the roster.

*President Script:*

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

**NOTES**

**PULL (If Applicable)**

<b>ACTION</b>	<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  
Supplemental Information  
Regular Meeting of the Board: February 9, 2017*

<b>AGENDA ITEM</b> <b>Consent</b>
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**11.1 Meeting Minutes (Board Bylaw 9324)**

**BACKGROUND**

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

**ATTACHMENTS**

- Regular Meeting of January 12, 2017
- Special Meeting of January 25, 2017

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

# Gold Trail Union School District

**BOARD OF TRUSTEES**  
**Regular and Closed Session Meeting**  
**Thursday, January 12, 2017**  
**OPEN AND CLOSED SESSION MINUTES**



**District Office**  
1575 Old Ranch Road  
Placerville, CA 95667  
1.530.626.3194  
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Scott Lyons  
*Principal*

*An Equal Opportunity  
Employer*

## **1. CALL TO ORDER**

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

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

## **2. PUBLIC SESSION**

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

## **3. ACTION ITEM: Adoption of Agenda**

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

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

NOES: None

ABSENCES: J. Bauer

ABSTENSIONS: None

**MOTION CARRIED**

## **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 Sierra Asset Management and M. and J. McClone for their continued support of the district.

## **6. REPORT: Student Council**

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

## **7. REPORT: Parent Teacher Organization**

J. Murchison, superintendent, reported on PTO activities.

## **8. REPORT: Equiguide Program**

S. Fadel, Gold Trail Union School District Behavioral Intervention Instructional Assistant, reported on the Equiguide Program.

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

J. Murchison, superintendent, reported on the progress of the District's 2017-18 LCAP.

**10. CONSENT ITEM**

**.1 Meeting Minutes (BB 9324)**

**Regular Meeting of December 8, 2016**

**.2 Warrants (BP 3314)**

**.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**

**.5 Certification of Signatures**

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

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

NOES: None

ABSENCES: J. Bauer

ABSTENSIONS: None

MOTION CARRIED

**11. ACTION ITEM: 2015-16 Audit Report**

MOTION WAS MADE by D. Lander and duly seconded by S. Hennike to accept the report, and the vote was as follows:

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

NOES: None

ABSENCES: J. Bauer

ABSTENSIONS: None

MOTION CARRIED

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

MOTION WAS MADE by M. Howser and duly seconded by J. Barbieri to accept the amendment, and the vote was as follows:

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

NOES: None

ABSENCES: J. Bauer

ABSTENSIONS: None

MOTION CARRIED

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

The Board reviewed the Board Bylaw 9270 and no changes were made. NO ACTION TAKEN.

**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)**

MOTION WAS MADE by J. Barbieri and duly seconded by D. Lander to approve the policy for first reading and to delete the regulation, and the vote was as follows:

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

NOES: None

ABSENCES: J. Bauer

ABSTENSIONS: None

MOTION CARRIED

**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)**

MOTION WAS MADE by J. Barbieri and duly seconded by D. Lander to approve the roster for first reading, and the vote was as follows:

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

NOES: None

ABSENCES: J. Bauer

ABSTENSIONS: None

MOTION CARRIED

**16. DISCUSSION ITEM: School Facilities Master Plan**

The Board discussed the School Facilities Master Plan. No action was taken.

**17. DISCUSSION ITEM: Administrative Reports**

The Board members and administration reported on District activities.

**18. CLOSED SESSION OPEN HEARING**

No one addressed the Board.

**19. CLOSED SESSION**

The Board adjourned to Closed Session at 6:55 p.m. Also present: J. Murchison and T. Orio

**20. PERSONNEL**

**.1 Conference with Labor Negotiators**

**21. RECONVENE PUBLIC SESSION AND CLOSED SESSION DISCLOSURE**

The Board reconvened Public Session at 7:23 p.m. The Board discussed Labor Negotiations.

**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)

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)

There being no further business to come before the Board, MOTION WAS MADE by S. Hennike and duly seconded by D. Lander and carried to adjourn the meeting 7:24 p.m. and the vote was as follows:

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

NOES:                      None

ABSENCES:                J. Bauer

ABSTENSIONS:            None

MOTION CARRIED

---

S. Hennike, President

---

J. Murchison, Secretary

# Gold Trail Union School District



## District Office

1575 Old Ranch Road  
Placerville, CA 95667  
1.530.626.3194  
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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

## BOARD OF TRUSTEES Special and Closed Session Meeting Wednesday, January 25, 2017 OPEN AND CLOSED SESSION MINUTES

### 1. CALL TO ORDER

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

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

Members absent: None

### 2. PUBLIC SESSION

D. Lander, Board member, led the flag salute.

### 3. ACTION ITEM: Adoption of Agenda

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

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

NOES: None

ABSENCES: None

ABSTENSIONS: None

MOTION CARRIED

### 4. OPEN HEARING

The Board president solicited comments in accordance with the Brown Act and Open Meeting laws. L. Havner, D. Matyac, D. Stringer, M. Weekly and J. Reynolds all addressed the Board, sharing their opinions on qualifications they thought were necessary in a new superintendent.

### 5. DISCUSSION ITEM: SUPERINTENDENT SEARCH

MOTION WAS MADE by M. Howser and duly seconded by J. Bauer to direct the district to immediately post internally for a superintendent/principal position and interview all internal candidates for the position in closed session at the regularly scheduled February 9, 2017 Board meeting, and the vote was as follows:

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

NOES: None

ABSENCES: None

ABSTENSIONS: None

MOTION CARRIED

**6. CLOSED SESSION OPEN HEARING**

The Board president solicited comments in accordance with the Brown Act and Open Meeting laws. G. Cain and T. Aguilar both addressed the Board, sharing their opinions on qualifications they thought were necessary in a new superintendent.

**7. CLOSED SESSION**

The Board adjourned to Closed Session at 6:32 p.m. Also present: J. Murchison and T. Orio

**.1 PUBLIC EMPLOYMENT**

**Title: Superintendent**

**8. RECONVENE PUBLIC SESSION AND CLOSED SESSION DISCLOSURE**

The Board reconvened Public Session at 7:05 p.m. The Board discussed the superintendent search.

There being no further business to come before the Board, MOTION WAS MADE by J. Barbieri and duly seconded by J. Bauer and carried to adjourn the meeting 7:06 p.m. and the vote was as follows:

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

NOES: None

ABSENCES: None

ABSTENSIONS: None MOTION CARRIED

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S. Hennike, President

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J. Murchison, Secretary

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: February 9, 2017*

**AGENDA ITEM**  
**Consent**

**11.2 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"/> <i>Approved as is</i>		
<input type="checkbox"/> <i>Not approved</i>		
<input type="checkbox"/> <i>Amended to read:</i>		

APY250 L.00.05

DISTRICT: 005 Gold Trail Union School Dist  
BATCH: 7020 GTUSD ACCOUNTS PAYABLE

EL DORADO COUNTY OFFICE OF EDUCATION  
COMMERCIAL WARRANT REGISTER  
FOR WARRANTS DATED 01/05/2017

01/05/17 PAGE 1

WARRANT	VENDOR/ADDR	NAME (REMIT) REQ#	REFERENCE	LN	FD	RESC	Y	OBJT	GOAL	FUNC	LC1	LOC2	L3	SCH	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	DESCRIPTION	AMOUNT
80541848	076475/	ALL STAR RENTS													PV-170338	01-0000-0-6200-0000-8500-002-0469-00-000 WARRANT TOTAL	647377-6	LIFT RENT SM BKRM PRJ	71.45 \$71.45
80541849	007568/	AMERICAN FIDELITY ASSURANCE CO													PV-170339	01-0000-0-9582-0000-0000-000-0000-00-000 WARRANT TOTAL	1465064A	FEBRUARY 2017	535.00 \$535.00
80541850	020043/	ARC													PV-170354	01-0000-0-5835-1110-1000-003-0600-00-000 WARRANT TOTAL	NATURE BOWL TEAM REG MULLIGAN		25.00 \$25.00
80541851	100912/	BANK OF AMERICA													PV-170340	01-0000-0-9509-0000-0000-000-0000-00-000 WARRANT TOTAL	DECEMBER VISA BALANCE		6,071.69 \$6,071.69
80541852	101618/	DE LAGE LANDEN													175026	PO-170026 1. 01-0000-0-7439-0000-9100-000-1210-00-000	52801678	D O COPIER	241.19
															175026	2. 01-0000-0-7439-0000-9100-002-1210-00-000 WARRANT TOTAL	52801678	SM COPIER	196.33 \$437.52
80541853	000625/	DIAMOND PACIFIC													PV-170341	01-0000-0-6200-0000-8500-002-0469-00-000	192419944	SM BKRM MATERIALS	768.08
															01-0000-0-6200-0000-8500-002-0469-00-000 WARRANT TOTAL	192419945	SM BKRM MATERIALS	202.74 \$970.82	
80541854	076960/	EDUCATIONAL DATA SYSTEMS													PV-170342	01-0000-0-4300-1110-1000-000-0000-00-000 WARRANT TOTAL	111621002	EXCS CELDT TST MATER	21.96 \$21.96
80541855	000738/	EL DORADO DISPOSAL													PV-170343	01-0000-0-5560-0000-8100-002-0000-00-000	172413230	SM	805.78
															01-0000-0-5560-0000-8100-003-0000-00-000 WARRANT TOTAL	172413211	GT	686.13 \$1,491.91	
80541856	101346/	FERRELLGAS													PV-170344	01-0000-0-5530-0000-8100-002-0000-00-000	1094579073	SM	1,427.52

APY250 L.00.05

EL DORADO COUNTY OFFICE OF EDUCATION  
 COMMERCIAL WARRANT REGISTER  
 FOR WARRANTS DATED 01/05/2017

01/05/17 PAGE 2

DISTRICT: 005 Gold Trail Union School Dist  
 BATCH: 7020 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						\$1,427.52
80541857	079952/	GOLD STAR FOODS INC				
	175050	PO-170050	1. 13-5310-0-4700-0000-3700-000-0800-00-000	1892405	LUNCH FOOD	1,562.51
	175050		2. 13-5310-0-4700-0000-3700-000-0801-00-000	1892405	BREAKFAST FOOD	903.99
	175050		3. 13-5310-0-4700-0000-3700-000-0802-00-000	1892405	ALA CARTE FOOD	285.68
			WARRANT TOTAL			\$2,752.18
80541858	100904/	HILLYARD/SACRAMENTO				
	175109	PO-170109	1. 01-0000-0-4300-0000-8100-000-0000-00-000	602360458	CUSTODIAL SUPPLIES	856.86
	175109		1. 01-0000-0-4300-0000-8100-000-0000-00-000	602360689	CUSTODIAL SUPPLIES	10.48
			WARRANT TOTAL			\$867.34
80541859	101314/	LEGALSHIELD				
		PV-170345	01-0000-0-9576-0000-0000-000-0000-00-000	0126086	NOVEMBER 2016	51.80
			WARRANT TOTAL			\$51.80
80541860	012168/	SCOTT LYONS				
		PV-170352	01-0000-0-5210-0000-2700-003-0000-00-000		MILEAGE AUGUST 2016	25.92
			01-0000-0-5210-0000-2700-003-0000-00-000		MILEAGE SEPTEMBER 2016	25.92
			01-0000-0-5210-0000-2700-003-0000-00-000		MILEAGE OCTOBER 2016	12.96
			01-0000-0-5210-0000-2700-003-0000-00-000		MILEAGE NOVEMBER 2016	30.24
			01-0000-0-5210-0000-2700-003-0000-00-000		MILEAGE DECEMBER 2016	17.28
			WARRANT TOTAL			\$112.32
80541861	101233/	MCGRAW-HILL SCHOOL EDUCATION				
	175046	PO-170046	1. 01-5810-0-5875-1110-1000-003-1210-00-000	95266936001	ALEK MATH PGM	100.00
	175046		1. 01-5810-0-5875-1110-1000-003-1210-00-000	95167098001	ALEK MATH PGM	31.25
			WARRANT TOTAL			\$131.25
80541862	003269/	SANDI MORGAN				
		PV-170346	01-0000-0-4300-1110-1000-003-0104-00-000		4TH GR FIELD TRIP SUPPLIES	781.09
			01-0000-0-4300-1110-1000-003-0600-00-000		DOCENT SUPPLIES	108.66

APY250 L.00.05

DISTRICT: 005 Gold Trail Union School Dist  
BATCH: 7020 GTUSD ACCOUNTS PAYABLEEL DORADO COUNTY OFFICE OF EDUCATION  
COMMERCIAL WARRANT REGISTER  
FOR WARRANTS DATED 01/05/2017

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WARRANT	REQ#	VENDOR/ADDR	NAME (REMIT) REFERENCE	LN	FD	RESC	Y	OBJT	DEPOSIT TYPE GOAL FUNC	LC1	LOC2	L3	SCH	ABA NUM	ACCOUNT NUM DESCRIPTION	AMOUNT
WARRANT TOTAL															\$889.75	
80541863	003202/	JOE MURCHISON														
			PV-170348						01-0000-0-5210-0000-7100-000-0000-00-000					MILEAGE DECEMBER 2016		25.92
									WARRANT TOTAL						\$25.92	
80541864	009356/	OFFICE DEPOT														
			PO-173057						1. 01-0000-0-4300-1110-1000-003-0300-80-000					876327289001 YATES CLSRM SUPPL		103.14
			PO-173059						1. 01-0000-0-4300-0000-7100-000-0000-00-000					878021133001 D O SUPPLIES		32.32
									1. 01-0000-0-4300-0000-7100-000-0000-00-000					878021318001 D O SUPPLIES		45.65
			PO-173060						1. 01-0000-0-4300-1110-1000-003-0300-67-000					876663605001 GARCIA CLS SUPPLY		70.12
									1. 01-0000-0-4300-1110-1000-003-0300-67-000					876668005001 GARCIA CLS SUPPLY		17.38
			PO-173063						1. 01-0000-0-4300-1110-1000-000-0000-00-000					880455354003 DISTRICT PAPER		9.40
									1. 01-0000-0-4300-1110-1000-000-0000-00-000					880455354001 DISTRICT PAPER		2,311.26
									1. 01-0000-0-4300-1110-1000-000-0000-00-000					880452981001 DISTRICT PAPER		663.76
			PO-173065						1. 01-0000-0-4300-0000-7100-000-0000-00-000					880847664001 D O SUPPLIES		36.35
									1. 01-0000-0-4300-0000-7100-000-0000-00-000					880847424001 D O SUPPLIES		21.29
			PO-173066						1. 01-0000-0-4300-1110-1000-003-0300-67-000					883511195001 GARCIA CLS SUPPLY		12.92
									1. 01-0000-0-4300-1110-1000-003-0300-67-000					883511014001 GARCIA CLS SUPPLY		47.53
			PO-173068						1. 01-0000-0-4300-0000-2700-002-0000-22-000					884221036001 SM OFC SUPPLY		39.55
									3. 01-0000-0-4300-0000-7200-000-0000-00-000					884221036001 D O SUPPLIES		37.61
									4. 01-0600-0-4300-1110-1000-002-0000-00-000					884221036001 TITLE 1 CLS SUPPL		48.21
									2. 01-6300-0-4100-1110-1000-002-0000-00-000					884221036001 CS KINDER CURRIC		101.91
			PO-173069						1. 01-0000-0-4300-0000-8100-000-0000-00-000					884223248001 CUSTODIAL SUPPLYS		75.49
			PO-173072						1. 01-0000-0-4300-1110-1000-003-0300-70-000					884481671001 LULLA CLS SUPPLY		62.80
			PO-173073						1. 01-0000-0-4300-1110-1000-003-0300-77-000					885003828001 CANFIELD CLS SUPP		57.15
									1. 01-0000-0-4300-1110-1000-003-0300-77-000					885003353001 CANFIELD CLS SUPP		158.51

APY250 L.00.05

EL DORADO COUNTY OFFICE OF EDUCATION  
COMMERCIAL WARRANT REGISTER  
FOR WARRANTS DATED 01/05/2017

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DISTRICT: 005 Gold Trail Union School Dist  
BATCH: 7020 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
		PO-173074	1. 01-0000-0-4300-0000-7100-000-0000-00-000		886460757001 D O SUPPLIES	86.61
			WARRANT TOTAL			\$4,038.96
80541865	021298/	THERESA ORIO				
		PV-170349	01-0000-0-5210-0000-7100-000-0000-00-000		MILEAGE DECEMBER 2016	26.08
			WARRANT TOTAL			\$26.08
80541866	000232/	PACIFIC GAS & ELECTRIC COMPANY				
		PV-170347	01-0000-0-5540-0000-8100-000-0000-00-000		0991367996-6 EXT DAY	154.08
			01-0000-0-5540-0000-8100-002-0000-00-000		0991367996-6 SM	2,554.67
			01-0000-0-5540-0000-8100-003-0000-00-000		0991367996-6 GT	3,879.62
			WARRANT TOTAL			\$6,588.37
80541867	007927/	PLATT ELECTRIC SUPPLY INC				
		PV-170350	01-0000-0-4300-0000-8100-003-0000-00-000		K775769 GT FLAGPOLE LIGHT	313.75
			01-0000-0-6200-0000-8500-002-0469-00-000		L034332 SM BOOKROOM MATERIALS	141.45
			01-0000-0-6200-0000-8500-002-0469-00-000		L034448 SM BOOKROOM MATERIALS	77.12
			01-0000-0-6200-0000-8500-002-0469-00-000		L075025 SM BOOKROOM MATERIALS	39.59
			WARRANT TOTAL			\$571.91
80541868	101128/	SCHOOLS INSURANCE AUTHORITY				
		PV-170351	01-0000-0-3901-1110-1000-000-0000-00-000		DIST PD RET VISION JAN 2017	41.40
			01-0000-0-9570-0000-0000-000-0000-00-000		EMP VISION JAN 2017	1,596.92
			01-0000-0-9570-0000-0000-000-0000-00-000		RET VISION JAN 2017	482.26
			WARRANT TOTAL			\$2,120.58
80541869	100751/	SIGNATURE WIRELESS GROUP				
	175032	PO-170032	1. 01-0000-0-5800-0000-3600-000-0000-00-000		27504 SMR RPTR SVC 1/17	258.05
			WARRANT TOTAL			\$258.05
80541870	100580/	STAPLES ADVANTAGE				
		PO-173075	2. 01-0000-0-4300-0000-2700-002-0000-22-000		3324093265 SM OFC SUPPLIES	7.29
			1. 01-0000-0-4300-0000-7200-000-0000-00-000		3324093265 D O SUPPLIES	320.02

APY250 L.00.05

EL DORADO COUNTY OFFICE OF EDUCATION  
 COMMERCIAL WARRANT REGISTER  
 FOR WARRANTS DATED 01/05/2017

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DISTRICT: 005 Gold Trail Union School Dist  
 BATCH: 7020 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	
WARRANT TOTAL						\$327.31
80541871	101027/	MICHELE WAGSTROM				
		PV-170353	01-0000-0-5210-0000-7200-000-0000-00-000		MILEAGE DECEMBER 2016	52.92
			WARRANT TOTAL			\$52.92
80541872	005002/	WEST COAST JANITORIAL COMPANY				
		PV-170355	01-0000-0-4300-1110-1000-000-0000-00-000		45810 WRESTLING SUPPLIES	114.88
			WARRANT TOTAL			\$114.88
80541873	101802/	YVONNE YATES				
		PV-170356	01-0000-0-5210-1110-1000-003-0000-00-000		HOME/HOSPITAL MILEAGE DEC 2016	19.76
			WARRANT TOTAL			\$19.76
*** BATCH TOTALS ***			TOTAL NUMBER OF CHECKS:	26	TOTAL AMOUNT OF CHECKS:	\$30,002.25*
			TOTAL ACH GENERATED:	0	TOTAL AMOUNT OF ACH:	\$.00*
			TOTAL EFT GENERATED:	0	TOTAL AMOUNT OF EFT:	\$.00*
			TOTAL PAYMENTS:	26	TOTAL AMOUNT:	\$30,002.25*
*** DISTRICT TOTALS ***			TOTAL NUMBER OF CHECKS:	26	TOTAL AMOUNT OF CHECKS:	\$30,002.25*
			TOTAL ACH GENERATED:	0	TOTAL AMOUNT OF ACH:	\$.00*
			TOTAL EFT GENERATED:	0	TOTAL AMOUNT OF EFT:	\$.00*
			TOTAL PAYMENTS:	26	TOTAL AMOUNT:	\$30,002.25*

APY250 L.00.05

EL DORADO COUNTY OFFICE OF EDUCATION  
 COMMERCIAL WARRANT REGISTER  
 FOR WARRANTS DATED 01/19/2017

01/19/17 PAGE 1

DISTRICT: 005 Gold Trail Union School Dist  
 BATCH: 7021 GTUSD ACCOUNTS PAYABLE

WARRANT	VENDOR/ADDR	NAME (REMIT) REQ#	REFERENCE	LN	FD	RESC	Y	OBJT	GOAL	FUNC	LC1	LOC2	L3	SCH	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM DESCRIPTION	AMOUNT
80543245	101330/	MUSIC IN THE PARKS																
			175113	PO-170113	1.	01-0000-0-5835-1110-1000-003-0201-00-000									RES #34024 DEPOSIT		800.00	
																	WARRANT TOTAL	\$800.00
80543246	101209/	SELF-INSURED SCHOOLS OF CALIF																
			PV-170357		01-0000-0-3901-1110-1000-000-0000-00-000										DIST PD RET JAN 2016		1,174.60	
					01-0000-0-3901-1110-1000-000-0000-00-000										DIST PD RET DNTL JAN 2016		150.00	
					01-0000-0-9570-0000-0000-000-0000-00-000										EMP MED JAN 2016		51,453.00	
					01-0000-0-9570-0000-0000-000-0000-00-000										EMP DNTL JAN 2016		6,840.00	
					01-0000-0-9570-0000-0000-000-0000-00-000										RET MED JAN 2016		5,189.40	
					01-0000-0-9570-0000-0000-000-0000-00-000										RET DNTL JAN 2016		1,922.00	
																WARRANT TOTAL	\$66,729.00	
80543247	101857/	MATT SWAIN																
			PV-170358		01-0000-0-8699-0000-0000-003-1206-00-000										REFUND WRESTLING DONATION		50.00	
					WARRANT TOTAL													\$50.00
80543248	101858/	ZUZU ACROBATS INC																
			PV-170359		01-0600-0-5800-1110-1000-000-0000-00-000										2/06 PERFORMANCES DEPOSIT		500.00	
					WARRANT TOTAL													\$500.00
*** BATCH TOTALS ***					TOTAL NUMBER OF CHECKS:		4									TOTAL AMOUNT OF CHECKS:		\$68,079.00*
					TOTAL ACH GENERATED:		0									TOTAL AMOUNT OF ACH:		\$0.00*
					TOTAL EFT GENERATED:		0									TOTAL AMOUNT OF EFT:		\$0.00*
					TOTAL PAYMENTS:		4									TOTAL AMOUNT:		\$68,079.00*
*** DISTRICT TOTALS ***					TOTAL NUMBER OF CHECKS:		4									TOTAL AMOUNT OF CHECKS:		\$68,079.00*
					TOTAL ACH GENERATED:		0									TOTAL AMOUNT OF ACH:		\$0.00*
					TOTAL EFT GENERATED:		0									TOTAL AMOUNT OF EFT:		\$0.00*
					TOTAL PAYMENTS:		4									TOTAL AMOUNT:		\$68,079.00*

APY250 L.00.05

EL DORADO COUNTY OFFICE OF EDUCATION  
 COMMERCIAL WARRANT REGISTER  
 FOR WARRANTS DATED 01/24/2017

01/24/17 PAGE 1

DISTRICT: 005 Gold Trail Union School Dist  
 BATCH: 7022 GTUSD ACCOUNTS PAYABLE

WARRANT REQ#	VENDOR/ADDR REF#	NAME (REMIT) REFERENCE	LN	FD	RESC	Y	OBJT	GOAL	FUNC	LC1	LOC2	L3	SCH	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM DESCRIPTION	AMOUNT
80543599	008233/	AMERICAN FIDELITY ASSURANCE															
			PV-170360		01-0000-0-9582-0000-0000-000-0000-00-000									B558580 FEBRUARY 2017		1,227.03	
					WARRANT TOTAL												\$1,227.03
80543600	007568/	AMERICAN FIDELITY ASSURANCE CO															
			PV-170361		01-0000-0-9582-0000-0000-000-0000-00-000									1465065A MARCH 2017		535.00	
					WARRANT TOTAL												\$535.00
80543601	101719/	ANTHEM SPORTS LLC															
			175103	PO-170105	1. 01-0000-0-4300-1110-1000-000-0000-00-000									174236 ASB BASKETBALLS		1,057.77	
					WARRANT TOTAL												\$1,057.77
80543602	100716/	AT&T															
			PV-170363		01-0000-0-5901-0000-2700-003-1210-00-000									9067517 GT		0.73	
					01-0000-0-5901-0000-7200-000-1210-00-000									9067514 PRI		109.58	
					WARRANT TOTAL										9067515 ALARM LINES		3.94
																	\$114.25
80543603	101503/	LANCE BEESON															
			PV-170364		01-0000-0-5800-1110-1000-003-0104-00-000									MUSICIAN 4TH GR PETALUMA FT		450.00	
					WARRANT TOTAL												\$450.00
80543604	002213/	BOARD OF EQUALIZATION															
			PV-170362		01-0000-0-4370-0000-3600-000-0000-00-000									57-415506 FUEL TX 10/16-12/16		23.44	
					WARRANT TOTAL												\$23.44
80543605	100513/	BUCKEYE UNION SCHOOL DISTRICT															
			175067	PO-170067	1. 01-0000-0-5600-0000-3600-000-0000-00-000									170083 BUS REPAIRS		3,786.34	
					WARRANT TOTAL												\$3,786.34
80543606	100894/03	CAPITOL GOLD ODYSSEY OF THE															
			PV-170384		01-0000-0-5835-1110-1000-003-0600-00-000									#24584 PROBLEM 5 DIV 2		70.00	
					01-0000-0-5835-1110-1000-003-0600-00-000									#24584 PROBLEM 1 DIV 1		70.00	
					WARRANT TOTAL										#24584 PROBLEM 4 DIV 2		70.00
															#24584 PROBLEM 5 DIV 1		70.00

APY250 L.00.05

EL DORADO COUNTY OFFICE OF EDUCATION  
COMMERCIAL WARRANT REGISTER  
FOR WARRANTS DATED 01/24/2017

01/24/17 PAGE 2

DISTRICT: 005 Gold Trail Union School Dist  
BATCH: 7022 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
			01-0000-0-5835-1110-1000-003-0600-00-000	#24584	PROBLEM 3 DIV 1	70.00
			01-0000-0-5835-1110-1000-003-0600-00-000	#24584	PROBLEM 4 DIV 1	70.00
			01-0000-0-5835-1110-1000-003-0600-00-000	#37110	PROBLEM 3 DIV 1	70.00
			WARRANT TOTAL			\$490.00
80543607	101863/	RACHEL CARLTON				
		PV-170365	01-0000-0-4300-5770-1120-003-0300-85-000		CLASSROOM SUPPLIES	171.69
			WARRANT TOTAL			\$171.69
80543608	100309/	CARROT-TOP INDUSTRIES INC				
		PO-173077	1. 01-0000-0-4300-0000-8100-003-0000-00-000		32950200 GT FLAGS/ROPES	247.65
			WARRANT TOTAL			\$247.65
80543609	101860/	CHRISTINE CREVIER				
		PV-170366	01-0000-0-9598-0000-0000-000-0000-00-000		REISSUE LOST PAYROLL CHECK	183.45
			WARRANT TOTAL			\$183.45
80543610	011529/	THE DANIELSEN CO				
	175048	PO-170048	1. 13-5310-0-4700-0000-3700-000-0800-00-000		119795 LUNCH FOOD	2,207.04
	175048		2. 13-5310-0-4700-0000-3700-000-0801-00-000		119795 BREAKFAST FOOD	719.94
	175048		3. 13-5310-0-4700-0000-3700-000-0802-00-000		119795 ALA CARTE FOOD	119.41
			WARRANT TOTAL			\$3,046.39
80543611	100999/	DAWSON OIL COMPANY				
	175068	PO-170068	1. 01-0000-0-4370-0000-3600-000-0000-00-000		73191 BUS FUEL DEC 2016	1,350.29
			WARRANT TOTAL			\$1,350.29
80543612	000625/	DIAMOND PACIFIC				
		PV-170367	01-0000-0-6200-0000-8500-002-0469-00-000		192437003 SM BKRM MATERIALS	126.20
			WARRANT TOTAL			\$126.20
80543613	101564/	VERONICA DILULLO				
		PV-170368	01-0000-0-8675-0000-3600-000-0000-00-000		REFUND BUS FEES	46.00
			WARRANT TOTAL			\$46.00

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WARRANT REQ#	VENDOR/ADDR REF#	NAME (REMIT) REFERENCE	LN	FD	RESC	Y	OBJT	GOAL	FUNC	LC1	LOC2	L3	SCH	ABA NUM	ACCOUNT NUM DESCRIPTION	AMOUNT
80543614	101642/	MAUREEN DODSON														
				PV-170369	01-0000-0-9598-0000-0000-000-0000-00-000 WARRANT TOTAL								REISSUE LOST MILEAGE CHECK	3.90 \$3.90		
80543615	082726/	TROY DUNHAM			PV-170370	01-0000-0-5800-1110-1000-003-0104-00-000 WARRANT TOTAL							LIVNG HSTRY PRSNTATION 4TH GR	250.00 \$250.00		
80543616	000126/	EL DORADO COUNTY OFFICE			PV-170371	01-0000-0-5809-0000-3600-000-0000-00-000 01-0000-0-5809-0000-7700-000-1210-00-000 WARRANT TOTAL							170363 RNDM DRG TSTNG JUL-OCT 170354 ADD'L IT SUPPRT OCT '16	212.18 2,255.04 \$2,467.22		
80543617	101759/	EL DORADO DISPOSAL-MRF			PV-170372	01-0000-0-5560-0000-8100-003-0000-00-000 WARRANT TOTAL							01-00378089 GT DUMP FEES	11.71 \$11.71		
80543618	000626/	EL DORADO IRRIGATION DISTRICT			PV-170373	01-0000-0-5520-0000-8100-000-0000-00-000 01-0000-0-5520-0000-8100-002-0000-00-000 01-0000-0-5520-0000-8100-003-0000-00-000 WARRANT TOTAL								078351-001 EXT DAY 078350-001 SM 052522-001 GT	130.79 253.00 246.34 \$630.13	
80543619	100422/	SUE FADEL			PV-170374	01-0600-0-4300-1110-1000-002-0000-00-000 01-0600-0-4300-1110-1000-003-0000-00-000 WARRANT TOTAL							SM BEHAVIORAL SUPPLIES GT BEHAVIORAL SUPPLIES	44.83 44.82 \$89.65		
80543620	101859/	CLARISSE FANNING			PV-170375	01-0000-0-9598-0000-0000-000-0000-00-000 WARRANT TOTAL							REISSUE LOST PAYCHECK	46.71 \$46.71		
80543621	101346/	FERRELLGAS			PV-170376	01-0000-0-5530-0000-8100-000-0000-00-000 01-0000-0-5530-0000-8100-002-0000-00-000							1094659559 EXT DAY 1094957575 SM	193.75 794.87		

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WARRANT	VENDOR/ADDR	NAME (REMIT) REQ#	REFERENCE	LN	FD	RESC	Y	OBJT	DEPOSIT TYPE GOAL FUNC	LC1	LOC2	L3	SCH	ABA NUM	ACCOUNT NUM DESCRIPTION	AMOUNT
									01-0000-0-5530-0000-8100-003-0000-00-000					1094810118 GT		2,541.34
									01-0000-0-5530-0000-8100-003-0000-00-000					1094810117 GT		457.61
									WARRANT TOTAL							\$3,987.57
80543622	100036/		FOOTHILL FOOD SERVICE INC													
		175049	PO-170049	1.	13-5310-0-4700-0000-3700-000-0800-00-000					474609	LUNCH FOOD					267.52
		175049		1.	13-5310-0-4700-0000-3700-000-0800-00-000					474608	LUNCH FOOD					355.36
		175049		1.	13-5310-0-4700-0000-3700-000-0800-00-000					474311	LUNCH FOOD					32.30
		175049		1.	13-5310-0-4700-0000-3700-000-0800-00-000					474383	LUNCH FOOD					108.06
		175049		1.	13-5310-0-4700-0000-3700-000-0800-00-000					474304	LUNCH FOOD					97.31
		175049		1.	13-5310-0-4700-0000-3700-000-0800-00-000					474186	LUNCH FOOD					160.63
		175049		1.	13-5310-0-4700-0000-3700-000-0800-00-000					473817	LUNCH FOOD					52.16
		175049		1.	13-5310-0-4700-0000-3700-000-0800-00-000					473816	LUNCH FOOD					28.72
		175049		1.	13-5310-0-4700-0000-3700-000-0800-00-000					473705	LUNCH FOOD					287.75
		175049		1.	13-5310-0-4700-0000-3700-000-0800-00-000					473704	LUNCH FOOD					408.64
		175049		2.	13-5310-0-4700-0000-3700-000-0801-00-000					473705	BREAKFAST FOOD					29.04
		175049		2.	13-5310-0-4700-0000-3700-000-0801-00-000					473704	BREAKFAST FOOD					62.21
		175049		3.	13-5310-0-4700-0000-3700-000-0802-00-000					473704	ALA CARTE FOOD					33.32
									WARRANT TOTAL							\$1,923.02
80543623	101708/		GROWING HEALTHY CHILDREN													
			PV-170377		01-6500-0-5806-5770-1120-000-0000-00-000						GTUSD_1612 OT SVCS DEC 2016				1,630.00	
									WARRANT TOTAL							\$1,630.00
80543624	101298/		THE ICEE COMPANY													
			PV-170378		13-5310-0-4700-0000-3700-000-0802-00-000					4276509	ALA CARTE FOOD					541.92
									WARRANT TOTAL							\$541.92
80543625	101087/		CARINA JACKSON													
			PV-170379		01-0000-0-4300-0000-8100-003-0000-00-000						MAINTENANCE OFFICE SUPPLIES				47.56	

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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
			WARRANT TOTAL			
80543626	100979/	DANNY LULLA				\$47.56
		PV-170380	01-0000-0-4300-1110-1000-003-0300-70-000		CLASSROOM SUPPLIES	74.97
			WARRANT TOTAL			\$74.97
80543627	004317/	MAR/CAL				
		PV-170381	01-0000-0-4300-0000-2700-003-0000-33-000		MC7905-9 CUM FILES/INSERTS	67.30
			WARRANT TOTAL			\$67.30
80543628	101861/	STEPHEN MEADOWS				
		PV-170382	01-0000-0-9598-0000-0000-000-0000-00-000		REISSUE LOST PAYROLL CHECK	2.05
			WARRANT TOTAL			\$2.05
80543629	101852/	MID-AMERICA SPORTS ADVANTAGE				
	175104	PO-170106	1. 01-0000-0-4300-1110-1000-000-0000-00-000		357139-00 ASB BALLCART LETTERS	106.90
			WARRANT TOTAL			\$106.90
80543630	100834/	MARGARET MOORE				
		PV-170383	01-0000-0-4300-0000-3140-000-0000-00-000		NURSE ROOM SUPPLIES	52.08
			WARRANT TOTAL			\$52.08
80543631	003269/	SANDI MORGAN				
		PV-170385	01-0000-0-4300-1110-1000-003-0104-00-000		4TH GR FIELD TRIP SUPPLIES	334.93
			01-0000-0-4300-1110-1000-003-0300-74-000		CLASSROOM SUPPLIES	724.68
			WARRANT TOTAL			\$1,059.61
80543632	081131/	PITNEY BOWES				
		PV-170386	01-0000-0-5902-0000-2700-000-0000-00-000		18005942 REFILL POSTAGE METER	600.00
			WARRANT TOTAL			\$600.00
80543633	007927/	PLATT ELECTRIC SUPPLY INC				
		PV-170387	01-0000-0-6200-0000-8500-002-0469-00-000		L102495 SM BOOKROOM MATERIALS	193.88
			01-0000-0-6200-0000-8500-002-0469-00-000		L127224 SM BOOKROOM MATERIALS	225.19
			01-0000-0-6200-0000-8500-002-0469-00-000		L135050 SM BOOKROOM MATERIALS	58.56
			WARRANT TOTAL			\$477.63

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80543634	014416/	RAPID CARE WALK-IN MEDICAL				
		PV-170388	01-0000-0-5815-0000-7200-000-0000-00-000 WARRANT TOTAL	1499	NEW EMP TB TESTING	46.00 \$46.00
80543635	101165/	JULIE REYNOLDS				
		PV-170389	01-9022-0-4300-1110-1000-003-0000-00-000 WARRANT TOTAL	MV	STUDENT SUPPLIES	523.88 \$523.88
80543636	100735/	RIEBES AUTO PARTS				
		PV-170390	01-0000-0-4300-0000-3600-000-0000-00-000 WARRANT TOTAL	946894	BUS SUPPLIES	2.14 \$2.14
80543637	101653/	RIMROCK WATER COMPANY				
		PV-170391	01-0000-0-4300-0000-2700-002-0000-00-000 WARRANT TOTAL	20227	D1/B2 WATER	15.53 \$15.53
80543638	101784/	S E TECHNOLOGIES INC				
	175028	PO-170028	1. 01-0000-0-5800-0000-8100-002-0000-00-000	4423	SM ALARM 01/17-03/17	195.00
	175029	PO-170029	1. 01-0000-0-5800-0000-8100-003-0000-00-000 WARRANT TOTAL	4332	GT ALARM 01/17-03/17	240.00 \$435.00
80543639	100501/	SCHOLASTIC MAGAZINES				
		PV-170392	01-1100-0-4300-1110-1000-002-0000-00-000 WARRANT TOTAL	TK	LETS FIND OUT SUBSCRIP WAGN	109.82 \$109.82
80543640	000895/	SCHOOL SERVICES OF CALIFORNIA				
	175030	PO-170030	1. 01-0000-0-5800-0000-7200-000-0000-00-000 WARRANT TOTAL	0109209	-IN DEC BDGT SVCS	56.00 \$56.00
80543641	004234/	SKI AIR INCORPORATED				
	175108	PO-170108	1. 01-8150-0-6500-0000-8500-003-0000-00-000 WARRANT TOTAL	C31912	GT OFC HVAC REPLACEMENT	19,580.00 \$19,580.00
80543642	101479/	JENNA STIGALL				
		PV-170393	01-0000-0-4300-1110-1000-002-0300-59-000 WARRANT TOTAL		CLASSROOM SUPPLIES	31.06 \$31.06

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WARRANT REQ#	VENDOR/ADDR REF#	NAME (REMIT) REFERENCE	LN	FD	RESC	Y	OBJT	GOAL	FUNC	LC1	LOC2	L3	SCH	ABA NUM	ACCOUNT NUM DESCRIPTION	AMOUNT	
80543643	101607/	DAVE STRINGER															
		PV-170394		01-0000-0-6200-0000-8500-002-0469-00-000										SM BOOKROOM PROJECT	4.31		
															WARRANT TOTAL	\$4.31	
80543644	005977/	BARBARA THOMAS													REPLACE LOST P/R CHECK	689.85	
		PV-170395		01-0000-0-9598-0000-0000-000-0000-00-000										WARRANT TOTAL	\$689.85		
80543645	100981/	VERIZON WIRELESS															
		PV-170396		01-0000-0-5901-0000-3140-000-1210-00-000										9777803573 NURSE	121.35		
				01-0000-0-5901-0000-8100-000-1210-00-000										9777803573 MAINT	61.15		
				01-5810-0-5901-0000-2700-002-1210-00-000										9777803573 SM	39.15		
				01-5810-0-5901-0000-2700-003-1210-00-000										9777803573 GT	39.15		
														WARRANT TOTAL	\$260.80		
80543646	101285/	MICKIE WEEKLY															
		PV-170397		01-9022-0-4300-1110-1000-003-0000-00-000										MV STUDENT SUPPLIES	210.54		
				WARRANT TOTAL												\$210.54	
80543647	101636/	AMY YOST															
		PV-170398		01-0000-0-4300-1110-1000-003-0300-66-000										CLASSROOM LIBRARY BOOKS	48.00		
				01-0000-0-4300-1110-1000-003-0300-66-000										CLASSROOM SUPPLIES	100.98		
				WARRANT TOTAL												\$148.98	
80543648	101858/	ZUZU ACROBATS INC															
		PV-170399		01-0600-0-5800-1110-1000-000-0000-00-000										2/06 PERFORMANCES BAL DUE	500.00		
				WARRANT TOTAL												\$500.00	
*** BATCH TOTALS ***																	
														TOTAL NUMBER OF CHECKS:	50	TOTAL AMOUNT OF CHECKS:	\$49,539.34*
														TOTAL ACH GENERATED:	0	TOTAL AMOUNT OF ACH:	\$ .00*
														TOTAL EFT GENERATED:	0	TOTAL AMOUNT OF EFT:	\$ .00*
														TOTAL PAYMENTS:	50	TOTAL AMOUNT:	\$49,539.34*
*** DISTRICT TOTALS ***																	
														TOTAL NUMBER OF CHECKS:	50	TOTAL AMOUNT OF CHECKS:	\$49,539.34*
														TOTAL ACH GENERATED:	0	TOTAL AMOUNT OF ACH:	\$ .00*
														TOTAL EFT GENERATED:	0	TOTAL AMOUNT OF EFT:	\$ .00*
														TOTAL PAYMENTS:	50	TOTAL AMOUNT:	\$49,539.34*

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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	
80544108	101864/	BRIEGAN AGUILAR				
		PV-170400	01-6264-0-5200-1110-1000-002-0000-00-000		KINDER CONFERENCE MEALS	85.12
			WARRANT TOTAL			\$85.12
80544109	100912/	BANK OF AMERICA				
		PV-170401	01-0000-0-4300-0000-2700-002-0000-22-000		SM YARD DUTY SUPPLIES	30.17
			01-0000-0-4300-0000-3140-000-0000-00-000		GT NURSE ICE MACHINE	109.00
			01-0000-0-4300-0000-3140-000-0000-00-000		NURSE SUPPLIES	35.59
			01-0000-0-4300-0000-3140-000-0000-00-000		SM/GT NURSE SUPPLIES	208.06
			01-0000-0-4300-0000-3600-000-0000-00-000		TRANSPORTATION SUPPLIES	20.09
			01-0000-0-4300-0000-7100-000-0000-00-000		EMPLOYEE APPRECIATION	326.97
			01-0000-0-4300-0000-7100-000-0000-00-000		BOARD SUPPLIES	34.20
			01-0000-0-4300-0000-7200-000-0000-00-000		DISTRICT OFFICE SUPPLIES	95.86
			01-0000-0-4300-0000-8100-002-0000-00-000		SM MAINTENANCE SUPPLIES	155.83
			01-0000-0-4300-0000-8100-002-0000-00-000		SM WALKWAY SAFETY LIGHTS	34.98
			01-0000-0-4300-0000-8100-002-0000-00-000		SM MAINTENANCE LEAF BLOWER	308.34
			01-0000-0-4300-0000-8100-002-0000-00-000		SM MAINTENANCE SUPPLIES	7.88
			01-0000-0-4300-1110-1000-000-0000-00-000		WRESTLING EXP ASB TO REIMBURSE	162.21
			01-0000-0-4300-1110-1000-000-0420-00-000		HALLOWEEN CARNIVAL SUPPLIES	139.36
			01-0000-0-4300-1110-1000-000-0420-00-000		HALLOWEEN CARNIVAL SUPPLIES	76.20
			01-0000-0-4300-1110-1000-002-0000-22-000		2ND GR CLASSROOM SUPPLIES	56.95
			01-0000-0-4300-1110-1000-002-0000-22-000		2ND/3RD GR CLASSROOM SUPPLIES	145.22
			01-0000-0-4300-1110-1000-002-0000-22-000		2ND GR CLASSROOM SUPPLIES	230.09
			01-0000-0-4300-1110-1000-002-0000-22-000		2ND GR CLASSROOM SUPPLIES	56.47
			01-0000-0-4300-1110-1000-002-0000-22-000		SM RAINY DAY RECESS SUPPLIES	209.00
			01-0000-0-4300-1110-1000-002-1210-00-000		SM REPLACEMENT PROJECTOR BULBS	49.16

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									GT SCIENCE SUPP (WEATHER UNIT)	837.21
									7TH GR FIELD TRIP SUPPLIES	24.56
									7TH GR FIELD TRIP SUPPLIES	55.31
									7TH GR FIELD TRIP SUPPLIES	96.64
									7TH GR FIELD TRIP TRAILER FUEL	65.10
									BRAITHWAITE PROJECTOR SCREEN	149.43
									DRIVER LODGING 7TH GR FIELD TR	441.78
									7TH GR FIELD TRIP TRAILER RENT	633.53
									SM BOOKROOM MATERIALS	382.92
									VISA NOVEMBER BALANCE	5,902.45-
									SM REPORT CARD PROJECT	75.00
									SM BEHAVIORAL SUPPLIES	16.06
									SM BEHAVIOR SUPPORT	167.70
									SM BOOKROOM SUPPLIES	295.80
									SP ED IPAD COVERS/CASES	78.94
									MV STUDENT SUPPLIES	68.80
									MV STUDENT SUPPLIES	22.04
PV-170402									GT PRINTER CARTRIDGES	340.92
									NURSE SUPPLIES	52.92
									GT/SM NURSE SUPPLIES	152.10
									NURSE SUPPLIES	18.99
									TRANSPORTATION SUPPLIES	292.91
									BOARD MEETING SUPPLIES	241.37
									DISTRICT OFFICE SUPPLIES	176.74

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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
			01-0000-0-4300-0000-8100-002-0000-00-000				SM	MAINTENANCE	SUPPLIES				30.34	
			01-0000-0-4300-0000-8100-003-0000-00-000				GT	MAINTENANCE	SUPPLIES				173.55	
			01-0000-0-4300-1110-1000-002-0000-22-000				BRANDT	CLASSROOM	PET SUPPLIES				67.05	
			01-0000-0-4300-1110-1000-002-0000-22-000				SM	SCIENCE	SUPPLIES				12.07	
			01-0000-0-4300-1110-1000-002-0000-22-000				SM	DYE CUT	MACHINE SUPPLIES				54.83	
			01-0000-0-4370-0000-8100-002-0000-00-000				SM	MAINTENANCE	FUEL				24.71	
			01-0000-0-4370-0000-8100-003-0000-00-000				GT	MAINTENANCE	FUEL				4.63	
			01-0000-0-4400-1110-1000-002-1210-00-000				STIGALL	CLASSROOM	PRINTER				214.99	
			01-0000-0-4400-1110-1000-002-1210-22-000				KINDER	LISTENING	CENTER				156.03	
			01-0000-0-4400-1110-1000-003-1210-00-000				MOUNT/CABLE	MORGAN	DISPLAY TV				68.83	
			01-0000-0-6200-0000-8500-002-0469-00-000				SM	BOOKROOM	MATERIALS				152.23	
			01-0000-0-6200-0000-8500-002-0469-00-000				SM	BOOKROOM	MATERIALS				1,116.02	
			01-0000-0-9509-0000-0000-000-0000-00-000				VISA	DECEMBER	BALANCE				6,071.69-	
			01-0600-0-4300-1110-1000-002-0000-00-000				SM	BEHAVIOR	SUPPORT				58.05	
			01-0600-0-4300-1110-1000-002-0000-00-000				STUDENT	INCENTIVES					93.67	
			01-5810-0-4300-1110-1000-003-1210-00-000				GT	REPLC	CHRMBOOK	SCREENS			367.55	
			01-5810-0-5875-5770-1120-003-1210-00-000				LEARNING	ALLY	SP ED	SOFTWARE			455.00	
			01-6264-0-5200-1110-1000-002-0000-00-000				KINDER	CONFERENCE	LODGING				464.61	
			01-9022-0-4300-1110-1000-002-0000-00-000				MV	STUDENT	SUPPLIES				95.44	
			01-9022-0-4300-1110-1000-002-0000-00-000				MV	STUDENT	SUPPLIES				27.08	
			01-9022-0-4300-1110-1000-002-0000-00-000				SM	MV	STUDENT	SUPPLIES			21.58	
			01-9022-0-4300-1110-1000-002-0000-00-000				SM	MV	STUDENT	SUPPLIES			1,137.48	
								WARRANT	TOTAL				\$0.00	

80544110 101822/ BENCHMARK EDUCATION COMPANY

175087 PO-170087 1. 01-6300-0-4100-1110-1000-003-0000-00-000 306662 ADD'L 5TH GR ELA TXTS 109.65

APY250 L.00.05

EL DORADO COUNTY OFFICE OF EDUCATION  
COMMERCIAL WARRANT REGISTER  
FOR WARRANTS DATED 01/27/2017

01/27/17 PAGE 4

DISTRICT: 005 Gold Trail Union School Dist  
BATCH: 7023 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						\$109.65
80544111	000042/	BOARD OF EQUALIZATION				
		PV-170403	01-0000-0-4300-0000-7200-000-0000-00-000	USE TAX ADJ	10/16-12/16	0.23
			01-0000-0-9512-0000-0000-000-0000-00-000	USE TAX	10/16-12/16	101.86
			01-0600-0-9512-0000-0000-000-0000-00-000	USE TAX	10/16-12/16	2.29
			01-6500-0-9512-0000-0000-000-0000-00-000	USE TAX	10/16-12/16	7.87
			01-9021-0-9512-0000-0000-000-0000-00-000	USE TAX	10/16-12/16	9.75
			13-5310-0-4300-0000-3700-000-0000-00-000	CAFE SALES TAX	10/16-12/16	157.00
			WARRANT TOTAL			\$279.00
80544112	007489/	GLEN CAIN				
		PV-170404	01-0000-0-4300-1110-1000-003-0201-00-000	MUSIC SUPPLIES		500.44
			WARRANT TOTAL			\$500.44
80544113	101104/	CIT TECHNOLOGY FIN SERV INC				
		175024	PO-170024 1. 01-1100-0-5600-1110-1000-003-1210-00-000	29721203 GT COPIER LEASE		569.60
			WARRANT TOTAL			\$569.60
80544114	100594/	TULEN EMERY				
		PV-170405	01-0000-0-4300-1110-1000-003-0104-00-000	4TH GR FIELD TRIP FOOD ADVANCE		1,200.00
			WARRANT TOTAL			\$1,200.00
80544115	003269/	SANDI MORGAN				
		PV-170406	01-0000-0-4300-1110-1000-003-0104-00-000	4TH GR FIELD TRIP SUPPLIES ADV		600.00
			WARRANT TOTAL			\$600.00
80544116	004226/	JANET NIXON				
		PV-170407	01-0000-0-5835-1110-1000-003-0600-00-000	OOTM STATE REG-2ND TEAM		75.00
			WARRANT TOTAL			\$75.00
80544117	000232/	PACIFIC GAS & ELECTRIC COMPANY				
		PV-170408	01-0000-0-5540-0000-8100-003-0000-00-000	1274317581-7 GT STREET LIGHT		41.48
			WARRANT TOTAL			\$41.48

APY250 L.00.05

EL DORADO COUNTY OFFICE OF EDUCATION  
 COMMERCIAL WARRANT REGISTER  
 FOR WARRANTS DATED 01/27/2017

01/27/17 PAGE 5

DISTRICT: 005 Gold Trail Union School Dist  
 BATCH: 7023 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		
80544118	100751/	SIGNATURE WIRELESS GROUP				
	175032	PO-170032	1. 01-0000-0-5800-0000-3600-000-0000-00-000 WARRANT TOTAL	27601	SMR RPTR SVC 2/17	258.05 \$258.05
80544119	101638/	SONOMA STATE HISTORIC PARK				
		PV-170410	01-0000-0-5835-1110-1000-003-0104-00-000 WARRANT TOTAL	4TH GR FT MISSION ENTRY FEE	50.00 \$50.00	
80544120	101638/	SONOMA STATE HISTORIC PARK				
		PV-170411	01-0000-0-5835-1110-1000-003-0104-00-000 WARRANT TOTAL	4TH GR FT MISSION ENTRY FEE	50.00 \$50.00	
80544121	101575/	SONOMA VALLEY U S D				
		PV-170409	01-0000-0-5835-1110-1000-003-0104-00-000 WARRANT TOTAL	4TH GR FT OVRNT SCHOOL USE	60.00 \$60.00	
80544122	101865/	SUMMITVIEW				
		PV-170412	01-6500-0-5806-5770-1120-000-0000-00-000 01-6500-0-5806-5770-1120-000-0000-00-000 01-6500-0-5806-5770-1120-000-0000-00-000 WARRANT TOTAL	SOC WORK SVCS 10/2016 SOC WORK SVCS 11/2016 SOC WORK SVCS 12/2016	202.80 202.80 202.80 \$608.40	
*** BATCH TOTALS ***			TOTAL NUMBER OF CHECKS: 15 TOTAL ACH GENERATED: 0 TOTAL EFT GENERATED: 0 TOTAL PAYMENTS: 15	TOTAL AMOUNT OF CHECKS: TOTAL AMOUNT OF ACH: TOTAL AMOUNT OF EFT: TOTAL AMOUNT:	\$4,486.74* \$.00* \$.00* \$4,486.74*	
*** DISTRICT TOTALS ***			TOTAL NUMBER OF CHECKS: 15 TOTAL ACH GENERATED: 0 TOTAL EFT GENERATED: 0 TOTAL PAYMENTS: 15	TOTAL AMOUNT OF CHECKS: TOTAL AMOUNT OF ACH: TOTAL AMOUNT OF EFT: TOTAL AMOUNT:	\$4,486.74* \$.00* \$.00* \$4,486.74*	

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: February 9, 2017*

**AGENDA ITEM**  
**Consent**

**11.3 Personnel**

**BACKGROUND**

*Hiring*

T Hanks, Playground Monitor, 1.0 hour per day, 2 days per week, effective January 26, 2017

*Resignation*

A Pratt, Playground Monitor, 1.0 hour per day, 2 days per week, effective January 10, 2017

**ATTACHMENTS**

- None

**BUDGETED**

NA       Yes       No       Cost Analysis Follows

**RECOMMENDATION**

Approve the Action.

**NOTES**

*If pulled from Consent*

<b>ACTION</b>	<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  
Supplemental Information  
Regular Meeting of the Board: February 9, 2017*

**AGENDA ITEM**

**Consent**

**11.4 School Accountability Report Cards (SARC) for both Gold Trail and Sutter's Mill School (BP 0510)**

**BACKGROUND**

The Board of Trustees recognizes its responsibility to inform parents/guardians and the community about the conditions, needs, and progress at each district school and to provide data by which parents/guardians can make meaningful comparisons between schools. The process of gathering and analyzing data also provides opportunities for school and district staff to review achievements and identify areas for improvement.

The Board issues annually a school accountability report card (SARC) for each school site. The Board approves annually the SARCs for all district schools and shall evaluate the data contained in the SARCs as part of the Board's regular review of the effectiveness of the district's programs, personnel, and fiscal operations.

**ATTACHMENTS**

- School Accountability Report Card—Gold Trail School
- School Accountability Report Card—Sutter's Mill School

**BUDGETED**

NA       Yes       No       Cost Analysis Follows

**RECOMMENDATION**

Approve the publications.

**NOTES**

*If pulled from Consent*

<b>ACTION</b>	<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 School**

## **School Accountability Report Card**

### **Reported Using Data from the 2015-16 School Year**

#### **Published During 2016-17**

By February 1 of each year, every school in California is required by state law to publish a School Accountability Report Card (SARC). The SARC contains information about the condition and performance of each California public school. Under the Local Control Funding Formula (LCFF) all local educational agencies (LEAs) are required to prepare a Local Control and Accountability Plan (LCAP), which describes how they intend to meet annual school-specific goals for all pupils, with specific activities to address state and local priorities. Additionally, data reported in an LCAP is to be consistent with data reported in the SARC.

- For more information about SARC requirements, see the California Department of Education (CDE) SARC Web page at <http://www.cde.ca.gov/ta/ac/sa/>.
- For more information about the LCFF or LCAP, see the CDE LCFF Web page at <http://www.cde.ca.gov/fg/aa/lc/>.
- For additional information about the school, parents/guardians and community members should contact the school principal or the district office.

#### **DataQuest**

DataQuest is an online data tool located on the CDE DataQuest Web page at <http://dq.cde.ca.gov/dataquest/> that contains additional information about this school and comparisons of the school to the district and the county. Specifically, DataQuest is a dynamic system that provides reports for accountability (e.g., test data, enrollment, high school graduates, dropouts, course enrollments, staffing, and data regarding English learners).

#### **Internet Access**

Internet access is available at public libraries and other locations that are publicly accessible (e.g., the California State Library). Access to the Internet at libraries and public locations is generally provided on a first-come, first-served basis. Other use restrictions may include the hours of operation, the length of time that a workstation may be used (depending on availability), the types of software programs available on a workstation, and the ability to print documents.

## **About This School**

#### **Contact Information (School Year 2016-17)**

<b>School Contact Information</b>	
<b>School Name</b>	Gold Trail School
<b>Street</b>	889 Cold Springs Rd.
<b>City, State, Zip</b>	Placerville, CA 95667
<b>Phone Number</b>	530.626.2595
<b>Principal</b>	Scott Lyons
<b>E-mail Address</b>	<a href="mailto:slyons@gtusd.org">slyons@gtusd.org</a>
<b>Web Site</b>	<a href="http://goldtrail-gtusd-ca.schoolloop.com/">http://goldtrail-gtusd-ca.schoolloop.com/</a>
<b>CDS Code</b>	09618876005516

<b>District Contact Information</b>	
<b>District Name</b>	Gold Trail Union Elementary School District
<b>Phone Number</b>	530.626.3194
<b>Superintendent</b>	Joe Murchison
<b>E-mail Address</b>	jmurchison@gtusd.org
<b>Web Site</b>	www.gtusd.org

#### **School Description and Mission Statement (School Year 2016-17)**

##### **OUR DISTRICT VISION**

The vision for Gold Trail School District is to create and maintain an environment where every child receives a high quality education and comes to school feeling safe, cared for, and optimistic about his or her ability to learn.

##### **OUR SCHOOL MISSION**

We strive to make Gold Trail School a place where students, parents, and staff work together to provide a positive, caring, and safe place where each student can achieve his or her personal best.

##### **SCHOOL DESCRIPTION (FY 15/16)**

Gold Trail School is located in a beautiful rural setting located three miles from Coloma where gold was first discovered in California. The school property is completely surrounded by Gold Hill Ranch, a 272 acre property recently acquired by American River Conservancy for its historical and natural value. The school has a student enrollment of 351 (CBEDS 2015) and serves grades 4 through 8. Gold Trail's 4th grade has a self contained classroom option. Grades 5 and 6 are served by core teachers at each grade level providing instruction in Language Arts, History, Science, and Math. All students in grades 4 through 6 attend Music or Band class, as well as physical education. Both of these programs are taught by credentialed specialists. 7th and 8th grade students attend core classes as well as an offering of elective courses. As with grades 4 - 6, all students in grades 7 and 8 receive physical education instruction and have the opportunity to attend classes with our Grammy-nominated Fine Arts instructor or to learn Spanish.

#### **Student Enrollment by Grade Level (School Year 2015-16)**

<b>Grade Level</b>	<b>Number of Students</b>
<b>Grade 4</b>	75
<b>Grade 5</b>	75
<b>Grade 6</b>	71
<b>Grade 7</b>	76
<b>Grade 8</b>	54
<b>Total Enrollment</b>	351

**Student Enrollment by Group (School Year 2015-16)**

Student Group	Percent of Total Enrollment
Black or African American	0.9
American Indian or Alaska Native	0.9
Asian	0.6
Filipino	0.3
Hispanic or Latino	9.7
Native Hawaiian or Pacific Islander	0.6
White	82.6
Two or More Races	4.6
Socioeconomically Disadvantaged	30.5
English Learners	2.6
Students with Disabilities	11.7
Foster Youth	0.9

## A. Conditions of Learning

### State Priority: Basic

The SARC provides the following information relevant to the Basic State Priority (Priority 1):

- Degree to which teachers are appropriately assigned and fully credentialed in the subject area and for the pupils they are teaching;
- Pupils have access to standards-aligned instructional materials; and
- School facilities are maintained in good repair.

### Teacher Credentials

Teachers	School			District
	2014-15	2015-16	2016-17	2016-17
With Full Credential	15.2	16.2	18.4	34.1
Without Full Credential	0	0	0	0
Teaching Outside Subject Area of Competence (with full credential)	0	0	0	0

### Teacher Misassignments and Vacant Teacher Positions

Indicator	2014-15	2015-16	2016-17
Misassignments of Teachers of English Learners	0	0	0
Total Teacher Misassignments *	0	0	0
Vacant Teacher Positions	0	0	0

Note: "Misassignments" refers to the number of positions filled by teachers who lack legal authorization to teach that grade level, subject area, student group, etc.

\* Total Teacher Misassignments includes the number of Misassignments of Teachers of English Learners.

### Core Academic Classes Taught by Highly Qualified Teachers (School Year 2015-16)

Location of Classes	Percent of Classes In Core Academic Subjects	
	Taught by Highly Qualified Teachers	Not Taught by Highly Qualified Teachers
This School	100.0	0.0
All Schools in District	100.0	0.0
High-Poverty Schools in District	0.0	0.0
Low-Poverty Schools in District	100.0	0.0

Note: High-poverty schools are defined as those schools with student eligibility of approximately 40 percent or more in the free and reduced price meals program. Low-poverty schools are those with student eligibility of approximately 39 percent or less in the free and reduced price meals program.

### Quality, Currency, Availability of Textbooks and Instructional Materials (School Year 2016-17)

**Year and month in which data were collected:** August 2016

We provide at least one state adopted textbook per child for all core curricular subject areas. All of our instructional materials are current and of good quality. Additional resources supporting our instructional program are: an instrumental music room and a performing arts stage, a school library/media center, and six Computer on Wheels (COW) which consists of 36 Chromebooks and can be moved to any location on campus. Our gymnasium, complete with locker rooms, supports our full physical education program, our school athletic programs and is available for community use.

#### CURRICULUM IMPROVEMENT

Gold Trail's School Site Council meets regularly during the year to provide a forum for an exchange of views and information between the administration, teachers, other school personnel, parents, and interested members of the community. Staff, student and community input is valued for master planning each year. Current targets for improvement include the use of a web-based software for student use to enhance instruction and improve student performance. Trained teacher leaders provide training for curriculum teams and beginning teachers. Teachers are currently attending Common Core staff development programs provided by the El Dorado County Office of Education.

In Spring 2016, teachers attended county review meetings to evaluate language arts curriculum to be considered for adoption. Vendors provided additional information and grade level teams further discussed and investigated programs before choosing.

Subject	Textbooks and Instructional Materials/ Year of Adoption	From Most Recent Adoption?	Percent of Students Lacking Own Assigned Copy
Reading/Language Arts	Benchmark Education Company grades 4-5, McGraw-Hill Education Study Sync grades 6-8.	Yes	0
Mathematics	Pearson enVision Math, Common Core Curriculum 2015, grades 4-5. Houghton Mifflin Harcourt Big Ideas Math, CCC Pathways for Middle School Mathematics 2015, grades 6-8.	Yes	0
Science	Scott Foresman (6/2007), California Science, grades 4-5; Prentice Hall (6/2007), Focus on Earth Science, grade 6, Focus on Life Science, grade 7, Focus on Physical Science, grade 8 and STEMscopes Science Program grades 4,5,6 and 8.	Yes	0
History-Social Science	Scott Foresman (6/2006), History Social Science "California," grade 4; Scott Foresman (6/2006), History Social Science "Our Nation," grade 5; Prentice Hall (6/2006), Ancient Civilization, grade 6 Medieval and Early Modern Times, grade 7; Glencoe/McGraw Hill (6/2006), Discovering our Past: The American Journey to World War I, grade 8.	Yes	0
Foreign Language	Holt McDougal Advancemos!, grades 7 & 8 elective.	No	N/A

Subject	Textbooks and Instructional Materials/ Year of Adoption	From Most Recent Adoption?	Percent of Students Lacking Own Assigned Copy
<b>Health</b>	Positive Action (5/2005), social skills, grades K-8.	Yes	0
<b>Visual and Performing Arts</b>	Sound Innovations, Alfred 2010, grades 5-6; National Textbook Co. "Theater Arts," grades 7-8; Silver Burdette & Ginn, "World of Music," grades 4-8; Silver Burdette & Ginn, "The Music Connection," grades 4-6.	No	N/A
<b>Science Laboratory Equipment (grades 9-12)</b>	N/A	No	N/A

### School Facility Conditions and Planned Improvements (Most Recent Year)

#### Cleaning Process

The Principal meets regularly with the full time Maintenance/Custodial Supervisor who supervises the district maintenance/custodial staff of two full time and two part time employees shared by two campuses. The priority is to provide custodial services to ensure a clean and safe environment for learning.

#### Maintenance and Repair

District personnel provide services necessary to keep the school in good repair, with the primary focus of safety and adequate facilities. A work order process is used to ensure the highest priority is given to emergency repairs. Repairs beyond the scope of staff or scheduling limitations are completed by industry professionals and supervised by the Maintenance Supervisor. Playground and emergency equipment are inspected regularly and certified annually.

#### Maintenance Budget

The district continued to fund the maintenance repair position. Projects in fiscal year 15-16 include completion of the docent storage shed, addition of music and PE storage sheds and other classroom upgrades. Major projects included asphalt repair and resurfacing the back and front parking lots. In addition parking lot lights were replaced with LED fixtures as part of the Proposition 39 energy plan.

### School Facility Good Repair Status (Most Recent Year)

School Facility Good Repair Status (Most Recent Year)				
Year and month of the most recent FIT report: September 2016				
System Inspected	Repair Status			Repair Needed and Action Taken or Planned
	Good	Fair	Poor	
<b>Systems:</b> Gas Leaks, Mechanical/HVAC, Sewer	X			
<b>Interior:</b> Interior Surfaces	X			
<b>Cleanliness:</b> Overall Cleanliness, Pest/Vermilion Infestation	X			
<b>Electrical:</b> Electrical	X			
<b>Restrooms/Fountains:</b> Restrooms, Sinks/Fountains	X			
<b>Safety:</b> Fire Safety, Hazardous Materials	X			
<b>Structural:</b> Structural Damage, Roofs		X		The library ceiling leaks and has water damage. Ceilings in boys and girls gym locker rooms leak and show water damage. Rooms 12-16 gutters need replacement.

School Facility Good Repair Status (Most Recent Year)					
Year and month of the most recent FIT report: September 2016					
System Inspected	Repair Status			Repair Needed and Action Taken or Planned	
	Good	Fair	Poor		
External: Playground/School Grounds, Windows/ Doors/Gates/Fences	X				

#### Overall Facility Rating (Most Recent Year)

Year and month of the most recent FIT report: September 2016				
Overall Rating	Exemplary	Good	Fair	Poor
		X		

## B. Pupil Outcomes

### State Priority: Pupil Achievement

The SARC provides the following information relevant to the State priority: Pupil Achievement (Priority 4):

- **Statewide assessments** (i.e., California Assessment of Student Performance and Progress [CAASPP] System, which includes the Smarter Balanced Summative Assessments for students in the general education population and the California Alternate Assessments [CAAs] for English language arts/literacy [ELA] and mathematics given in grades three through eight and grade eleven. The CAAs have replaced the California Alternate Performance Assessment [CAPA] for ELA and mathematics, which were eliminated in 2015. Only eligible students may participate in the administration of the CAAs. CAA items are aligned with alternate achievement standards, which are linked with the Common Core State Standards [CCSS] for students with significant cognitive disabilities); and
- The percentage of students who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University, or career technical education sequences or programs of study

#### CAASPP Test Results in English Language Arts/Literacy (ELA) and Mathematics for All Students

Subject	Percent of Students Meeting or Exceeding the State Standards (grades 3-8 and 11)					
	School		District		State	
	2014-15	2015-16	2014-15	2015-16	2014-15	2015-16
English Language Arts/Literacy	56	57	54	56	44	48
Mathematics	48	47	50	49	34	36

Note: Percentages are not calculated when the number of students tested is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.

#### CAASPP Test Results in ELA by Student Group

##### Grades Three through Eight and Grade Eleven (School Year 2015-16)

Student Group	Grade	Number of Students		Percent of Students	
		Enrolled	Tested	Tested	Standard Met or Exceeded
All Students	4	75	73	97.3	52.0
	5	76	74	97.4	54.0
	6	74	72	97.3	58.3
	7	79	78	98.7	56.4
	8	55	55	100.0	63.6
Male	4	42	41	97.6	53.7
	5	35	35	100.0	37.1
	6	39	37	94.9	48.6

Student Group	Grade	Number of Students		Percent of Students	
		Enrolled	Tested	Tested	Standard Met or Exceeded
	7	38	38	100.0	44.7
	8	29	29	100.0	65.5
<b>Female</b>	4	33	32	97.0	50.0
	5	41	39	95.1	69.2
	6	35	35	100.0	68.6
	7	41	40	97.6	67.5
	8	26	26	100.0	61.5
<b>Black or African American</b>	4	--	--	--	--
	6	--	--	--	--
	7	--	--	--	--
<b>American Indian or Alaska Native</b>	4	--	--	--	--
	7	--	--	--	--
	8	--	--	--	--
<b>Asian</b>	4	--	--	--	--
	5	--	--	--	--
<b>Filipino</b>	6	--	--	--	--
<b>Hispanic or Latino</b>	4	11	10	90.9	60.0
	5	--	--	--	--
	6	--	--	--	--
	7	--	--	--	--
	8	--	--	--	--
<b>Native Hawaiian or Pacific Islander</b>	5	--	--	--	--
	8	--	--	--	--
<b>White</b>	4	59	59	100.0	49.1
	5	62	60	96.8	53.3
	6	61	59	96.7	59.3
	7	69	68	98.5	58.8
	8	49	49	100.0	65.3
<b>Two or More Races</b>	4	--	--	--	--
	5	--	--	--	--
	6	--	--	--	--
	7	--	--	--	--
	8	--	--	--	--
<b>Socioeconomically Disadvantaged</b>	4	28	26	92.9	38.5
	5	18	18	100.0	16.7
	6	21	20	95.2	45.0
	7	25	24	96.0	37.5

Student Group	Grade	Number of Students		Percent of Students	
		Enrolled	Tested	Tested	Standard Met or Exceeded
	8	17	17	100.0	58.8
<b>English Learners</b>	4	--	--	--	--
	5	--	--	--	--
	6	--	--	--	--
	7	--	--	--	--
	8	--	--	--	--
<b>Students with Disabilities</b>	4	12	10	83.3	20.0
	5	--	--	--	--
	6	--	--	--	--
	7	12	12	100.0	8.3
	8	--	--	--	--
<b>Foster Youth</b>	4	--	--	--	--
	5	--	--	--	--
	6	--	--	--	--
	7	--	--	--	--
	8	--	--	--	--

Note: ELA test results include the Smarter Balanced Summative Assessment and the CAA. The "Percent Met or Exceeded" is calculated by taking the total number of students who met or exceeded the standard on the Smarter Balanced Summative Assessment plus the total number of students who met the standard on the CAAs divided by the total number of students who participated in both assessments.

Double dashes (--) appear in the table when the number of students is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.

Note: The number of students tested includes all students who participated in the test whether they received a score or not; however, the number of students tested is not the number that was used to calculate the achievement level percentages. The achievement level percentages are calculated using only students who received scores.

#### **CAASPP Test Results in Mathematics by Student Group Grades Three through Eight and Grade Eleven (School Year 2015-16)**

Student Group	Grade	Number of Students		Percent of Students	
		Enrolled	Tested	Tested	Standard Met or Exceeded
<b>All Students</b>	4	75	73	97.3	46.6
	5	76	74	97.4	35.1
	6	74	72	97.3	52.8
	7	79	78	98.7	42.3
	8	55	55	100.0	65.5
<b>Male</b>	4	42	41	97.6	58.5
	5	35	35	100.0	37.1
	6	39	37	94.9	54.0
	7	38	38	100.0	42.1
	8	29	29	100.0	65.5
<b>Female</b>	4	33	32	97.0	31.3

Student Group	Grade	Number of Students		Percent of Students	
		Enrolled	Tested	Tested	Standard Met or Exceeded
	5	41	39	95.1	33.3
	6	35	35	100.0	51.4
	7	41	40	97.6	42.5
	8	26	26	100.0	65.4
Black or African American	4	--	--	--	--
	6	--	--	--	--
	7	--	--	--	--
American Indian or Alaska Native	4	--	--	--	--
	7	--	--	--	--
	8	--	--	--	--
Asian	4	--	--	--	--
	5	--	--	--	--
Filipino	6	--	--	--	--
Hispanic or Latino	4	11	10	90.9	40.0
	5	--	--	--	--
	6	--	--	--	--
	7	--	--	--	--
	8	--	--	--	--
Native Hawaiian or Pacific Islander	5	--	--	--	--
	8	--	--	--	--
White	4	59	59	100.0	45.8
	5	62	60	96.8	36.7
	6	61	59	96.7	55.9
	7	69	68	98.5	42.6
	8	49	49	100.0	67.3
Two or More Races	4	--	--	--	--
	5	--	--	--	--
	6	--	--	--	--
	7	--	--	--	--
	8	--	--	--	--
Socioeconomically Disadvantaged	4	28	26	92.9	11.5
	5	18	18	100.0	16.7
	6	21	20	95.2	40.0
	7	25	24	96.0	25.0
	8	17	17	100.0	47.1
English Learners	4	--	--	--	--
	5	--	--	--	--

Student Group	Grade	Number of Students		Percent of Students	
		Enrolled	Tested	Tested	Standard Met or Exceeded
	<b>6</b>	--	--	--	--
	<b>7</b>	--	--	--	--
	<b>8</b>	--	--	--	--
<b>Students with Disabilities</b>	<b>4</b>	12	10	83.3	10.0
	<b>5</b>	--	--	--	--
	<b>6</b>	--	--	--	--
	<b>7</b>	12	12	100.0	
	<b>8</b>	--	--	--	--
<b>Foster Youth</b>	<b>4</b>	--	--	--	--
	<b>5</b>	--	--	--	--
	<b>6</b>	--	--	--	--
	<b>7</b>	--	--	--	--
	<b>8</b>	--	--	--	--

Note: Mathematics test results include the Smarter Balanced Summative Assessment and the CAA. The "Percent Met or Exceeded" is calculated by taking the total number of students who met or exceeded the standard on the Smarter Balanced Summative Assessment plus the total number of students who met the standard on the CAAs divided by the total number of students who participated in both assessments.

Double dashes (--) appear in the table when the number of students is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.

Note: The number of students tested includes all students who participated in the test whether they received a score or not; however, the number of students tested is not the number that was used to calculate the achievement level percentages. The achievement level percentages are calculated using only students who received scores.

#### CAASPP Test Results in Science for All Students

Subject	Percent of Students Scoring at Proficient or Advanced (meeting or exceeding the state standards)								
	School			District			State		
	2013-14	2014-15	2015-16	2013-14	2014-15	2015-16	2013-14	2014-15	2015-16
<b>Science (grades 5, 8, and 10)</b>	77	84	77	77	84	77	60	56	54

Note: Science test results include California Standards Tests (CSTs), California Modified Assessment (CMA), and California Alternate Performance Assessment (CAPA) in grades five, eight, and ten.

Note: Scores are not shown when the number of students tested is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.

**CAASPP Test Results in Science by Student Group  
Grades Five, Eight, and Ten (School Year 2015-16)**

Student Group	Total Enrollment	# of Students with Valid Scores	% of Students with Valid Scores	% of Students Proficient or Advanced
All Students	131	131	100.0	77.1
Male	64	64	100.0	76.6
Female	67	67	100.0	77.6
White	111	111	100.0	78.4
Socioeconomically Disadvantaged	35	35	100.0	71.4
Students with Disabilities	14	14	100.0	28.6

Note: Science test results include CSTs, CMA, and CAPA in grades five, eight, and ten. The "Proficient or Advanced" is calculated by taking the total number of students who scored at Proficient or Advanced on the science assessment divided by the total number of students with valid scores.

Note: Scores are not shown when the number of students tested is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.

**State Priority: Other Pupil Outcomes**

The SARC provides the following information relevant to the Other Pupil Outcomes State Priority (Priority 8):

- Pupil outcomes in the subject areas of physical education.

**California Physical Fitness Test Results (School Year 2015-16)**

Grade Level	Percent of Students Meeting Fitness Standards		
	Four of Six Standards	Five of Six Standards	Six of Six Standards
5	26	20.8	9.1
7	15.9	17.1	59.8

Note: Percentages are not calculated when the number of students tested is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.

**C. Engagement**

**State Priority: Parental Involvement**

The SARC provides the following information relevant to the Parental Involvement State Priority (Priority 3):

- Efforts the school district makes to seek parent input in making decisions for the school district and each schoolsite.

**Opportunities for Parental Involvement (School Year 2016-17)**

There are a number of opportunities to become involved at Gold Trail School. Parents can volunteer to work in the classroom, with the Parent Teacher Organization (PTO), and participate in the District Advisory Committee/School Site Council. Visit our website at [www.gtusd.org](http://www.gtusd.org) or contact Julie Reynolds, Gold Trail Office Manager at 530.636.2595. Parents and community members are always encouraged to contact Gold Trail district staff with questions, concerns and ideas.

## State Priority: School Climate

The SARC provides the following information relevant to the School Climate State Priority (Priority 6):

- Pupil suspension rates;
- Pupil expulsion rates; and
- Other local measures on the sense of safety.

### Suspensions and Expulsions

Rate	School			District			State		
	2013-14	2014-15	2015-16	2013-14	2014-15	2015-16	2013-14	2014-15	2015-16
Suspensions	1.8	1.9	3.8	0.9	1.2	2.5	4.4	3.8	3.7
Expulsions	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.1	0.1

### School Safety Plan (School Year 2016-17)

Students who feel good about themselves and have opportunities to receive recognition are inclined to perform better academically and socially. Gold Trail reinforces positive learning through Honor Roll Awards, Athletic Awards, Honor Band, and many individual classroom award programs. There are many enrichment opportunities, including groups and clubs that students may join to promote learning and a positive school climate. Community members may be recognized by the Board for service to the district through the Gold Nugget Award or other acknowledgements. Gold Trail School offers many after-school sports opportunities to develop athletic prowess, sportsmanship, and teamwork.

The staff at Gold Trail School does not tolerate name calling, teasing, and bullying. Each behavior and discipline case is handled individually and options are fully explored to remedy the situation. The students have on-going awareness and incentive programs to discourage bullying and harassment. Students in grades four through seven participate in weekly classes of TEACH which is a student empowerment and bullying prevention program. Eighth grade students can participate in the We Belong (WEB) program which is a leadership and community building program.

Cameras were installed on the school site in various locations and are monitored during the day to increase campus security. Gold Trail School has a safety plan located in every classroom. The plan details procedures for such emergencies as bomb threats, intruders, and earthquakes. Earthquake and fire drills are practiced each trimester and an entire site evacuation-by-bus drill is conducted annually. Every year the comprehensive plan is reviewed by staff and parents, modified if necessary, and updated with county and emergency service providers. The final document is approved by the board annually.

## D. Other SARC Information

The information in this section is required to be in the SARC but is not included in the state priorities for LCFF.

### Federal Intervention Program (School Year 2016-17)

Indicator	School	District
Program Improvement Status		Not In PI
First Year of Program Improvement		
Year in Program Improvement*		
Number of Schools Currently in Program Improvement	N/A	0
Percent of Schools Currently in Program Improvement	N/A	.0

Note: Cells with N/A values do not require data.

### Average Class Size and Class Size Distribution (Secondary)

Subject	2013-14			2014-15			2015-16		
	Avg. Class Size	Number of Classrooms		Avg. Class Size	Number of Classrooms		Avg. Class Size	Number of Classrooms	
		1-22	23-32		1-22	23-32		1-22	23-32
English	26		5		27		4	1	27
Mathematics	26		5		26		5		21
Science	27		4	1	25	1	5		27
Social Science	27		4	1	27		4	1	26
									3
									1

Note: Number of classes indicates how many classrooms fall into each size category (a range of total students per classroom). At the secondary school level, this information is reported by subject area rather than grade level.

### Academic Counselors and Other Support Staff (School Year 2015-16)

Title	Number of FTE Assigned to School	Average Number of Students per Academic Counselor
Academic Counselor		
Counselor (Social/Behavioral or Career Development)		N/A
Library Media Teacher (Librarian)		N/A
Library Media Services Staff (Paraprofessional)	.375	N/A
Psychologist	.12	N/A
Social Worker		N/A
Nurse	.48	N/A
Speech/Language/Hearing Specialist	.4	N/A
Resource Specialist	1.0	N/A
Other		N/A

Note: Cells with N/A values do not require data.

\*One Full Time Equivalent (FTE) equals one staff member working full time; one FTE could also represent two staff members who each work 50 percent of full time.

### Expenditures per Pupil and School Site Teacher Salaries (Fiscal Year 2014-15)

Level	Expenditures Per Pupil			Average Teacher Salary
	Total	Supplemental/ Restricted	Basic/ Unrestricted	
School Site	\$8,526	\$1,236	\$7,290	\$62,605
District	N/A	N/A	\$7,173	\$60,525
Percent Difference: School Site and District	N/A	N/A	1.6	3.4
State	N/A	N/A	\$5,677	\$60,985
Percent Difference: School Site and State	N/A	N/A	28.4	2.7

Note: Cells with N/A values do not require data.

### Types of Services Funded (Fiscal Year 2015-16)

Additional federal and state programs which supplement the regular education program are: Lottery, Common Core, BTSA new teacher mentoring program, Title II Teacher Training, Special Education, Tobacco Use Prevention Education, Rural Education Achievement Program, McKinney Vento Homeless and Limited English Proficient. The new Local Control Funding Formula includes supplemental revenue generated by English Learners, Free and Reduced qualifying students and Foster Youth. This funding has been targeted to serve educationally disadvantaged youth.

Gold Trail has a school nurse on campus daily, a school psychologist one day a week, a mental health counselor one day a week and a speech/language specialist two days a week. We provide Special Education teachers for students with Individual Education Plans, as well as access to services for students identified with needs for occupational therapy and adapted physical education.

Additional support programs provided to students are tutorial and after school enrichment programs. An extended day child care program for District students is housed at Sutter's Mill which is a few miles from Gold Trail School with transportation available between sites.

#### Teacher and Administrative Salaries (Fiscal Year 2014-15)

Category	District Amount	State Average for Districts In Same Category
Beginning Teacher Salary		\$41,085
Mid-Range Teacher Salary		\$59,415
Highest Teacher Salary		\$75,998
Average Principal Salary (Elementary)		\$100,438
Average Principal Salary (Middle)		\$101,868
Average Principal Salary (High)		
Superintendent Salary		\$116,069
Percent of Budget for Teacher Salaries	39%	33%
Percent of Budget for Administrative Salaries	5%	7%

For detailed information on salaries, see the CDE Certificated Salaries & Benefits Web page at <http://www.cde.ca.gov/ds/fd/cs/>.

#### Professional Development (Most Recent Three Years)

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The district calendar schedules 1 staff work day, 2 full and 7 early release days for school directed staff development. Grade level collaborations between county schools provided teacher opportunities to share best practices. El Dorado County Office of Education provides training to teachers for Common Core method of curriculum delivery. Staff development time is used to identify intervention tools, to implement these tools and assess effectiveness. Staff development is focused on providing technology tools for teacher and student use. Where possible, the District provides release time for staff to participate in conference courses as resources will allow.

Beginning Teacher Support and Assessment (BTSA) services are provided to newly credentialed teachers in their first and second year. This program provides the new teacher individualized support by a veteran mentor teacher to develop skills, effective lesson plans, teaching strategies and classroom management.

**Sutter's Mill School**  
**School Accountability Report Card**  
**Reported Using Data from the 2015-16 School Year**  
**Published During 2016-17**

By February 1 of each year, every school in California is required by state law to publish a School Accountability Report Card (SARC). The SARC contains information about the condition and performance of each California public school. Under the Local Control Funding Formula (LCFF) all local educational agencies (LEAs) are required to prepare a Local Control and Accountability Plan (LCAP), which describes how they intend to meet annual school-specific goals for all pupils, with specific activities to address state and local priorities. Additionally, data reported in an LCAP is to be consistent with data reported in the SARC.

- For more information about SARC requirements, see the California Department of Education (CDE) SARC Web page at <http://www.cde.ca.gov/ta/ac/sa/>.
- For more information about the LCFF or LCAP, see the CDE LCFF Web page at <http://www.cde.ca.gov/fg/aa/lc/>.
- For additional information about the school, parents/guardians and community members should contact the school principal or the district office.

**DataQuest**

DataQuest is an online data tool located on the CDE DataQuest Web page at <http://dq.cde.ca.gov/dataquest/> that contains additional information about this school and comparisons of the school to the district and the county. Specifically, DataQuest is a dynamic system that provides reports for accountability (e.g., test data, enrollment, high school graduates, dropouts, course enrollments, staffing, and data regarding English learners).

**Internet Access**

Internet access is available at public libraries and other locations that are publicly accessible (e.g., the California State Library). Access to the Internet at libraries and public locations is generally provided on a first-come, first-served basis. Other use restrictions may include the hours of operation, the length of time that a workstation may be used (depending on availability), the types of software programs available on a workstation, and the ability to print documents.

**About This School**

**Contact Information (School Year 2016-17)**

<b>School Contact Information</b>	
<b>School Name</b>	Sutter's Mill School
<b>Street</b>	4801 Luneman Rd.
<b>City, State, Zip</b>	Placerville, CA 95667
<b>Phone Number</b>	530.626.2591
<b>Principal</b>	Joe Murchison
<b>E-mail Address</b>	<a href="mailto:jmurchison@gtusd.org">jmurchison@gtusd.org</a>
<b>Web Site</b>	<a href="http://suttersmill-gtusd-ca.schoolloop.com/">http://suttersmill-gtusd-ca.schoolloop.com/</a>
<b>CDS Code</b>	09618876110167

<b>District Contact Information</b>	
<b>District Name</b>	Gold Trail Union School District
<b>Phone Number</b>	530.626.3194
<b>Superintendent</b>	Joe Murchison
<b>E-mail Address</b>	jmurchison@gtusd.org
<b>Web Site</b>	www.gtusd.org

### **School Description and Mission Statement (School Year 2016-17)**

#### **OUR DISTRICT VISION**

The District vision is to create and maintain an environment where every child receives a high quality education and comes to school feeling safe, cared for, and optimistic about his or her ability to learn.

#### **OUR SCHOOL MISSION**

We are committed to providing academic programs that will lead to high achievement and assist our children to have well developed life skills for the world of the future. We are a community founded on the principle of treating others as we want to be treated and dedicated stewards of the funds entrusted to us to educate children. The motto of Gold Trail Union School District reflects our educational goal to provide all students, regardless of background or socioeconomic status, with the comprehensive education to prepare them for success in a literate world. To attain this goal, the Sutter's Mill professional staff has adopted research and standards-based curricula, which provides a sound educational foundation for all students, yet is flexible enough to accommodate their individual needs and interests.

#### **SCHOOL DESCRIPTION (FY 15/16)**

Sutter's Mill School is located in a beautiful rural setting, nestled in the foothills, three miles from Coloma the California gold discovery site. The Sutter's Mill School site was dedicated October 26, 1989 and opened with temporary facilities in September 1991. Permanent construction was completed in September 1992. Sutter's Mill School currently serves 283 (CBEDS 2015) students in grades TK-3.

#### **PROGRAMS**

The school has a parent/school advisory council that annually writes a school based curricular plan and includes a transitional kindergarten program to optimize learning at an early age. The Gold Trail Board of Trustees approves the school plan annually. The plan allows the school to mix various instructional funds to support enriched and cooperative school goals for integrated learning based on state grade level standards, thematic teaching, and parent involvement.

### **Student Enrollment by Grade Level (School Year 2015-16)**

<b>Grade Level</b>	<b>Number of Students</b>
<b>Kindergarten</b>	82
<b>Grade 1</b>	70
<b>Grade 2</b>	61
<b>Grade 3</b>	70
<b>Total Enrollment</b>	283

**Student Enrollment by Group (School Year 2015-16)**

Student Group	Percent of Total Enrollment
Black or African American	1.4
American Indian or Alaska Native	1.8
Asian	0
Filipino	0
Hispanic or Latino	9.5
Native Hawaiian or Pacific Islander	1.1
White	84.1
Two or More Races	2.1
Socioeconomically Disadvantaged	32.2
English Learners	2.8
Students with Disabilities	7.8
Foster Youth	0.4

## A. Conditions of Learning

### State Priority: Basic

The SARC provides the following information relevant to the Basic State Priority (Priority 1):

- Degree to which teachers are appropriately assigned and fully credentialed in the subject area and for the pupils they are teaching;
- Pupils have access to standards-aligned instructional materials; and
- School facilities are maintained in good repair.

### Teacher Credentials

Teachers	School			District
	2014-15	2015-16	2016-17	2016-17
With Full Credential	12.8	12.8	15.7	34.1
Without Full Credential	0	0	0	0
Teaching Outside Subject Area of Competence (with full credential)	0	0	0	0

### Teacher Misassignments and Vacant Teacher Positions

Indicator	2014-15	2015-16	2016-17
Misassignments of Teachers of English Learners	0	0	0
Total Teacher Misassignments *	0	0	0
Vacant Teacher Positions	0	0	0

Note: "Misassignments" refers to the number of positions filled by teachers who lack legal authorization to teach that grade level, subject area, student group, etc.

\* Total Teacher Misassignments includes the number of Misassignments of Teachers of English Learners.

**Core Academic Classes Taught by Highly Qualified Teachers (School Year 2015-16)**

Location of Classes	Percent of Classes In Core Academic Subjects	
	Taught by Highly Qualified Teachers	Not Taught by Highly Qualified Teachers
This School	100.0	0.0
All Schools in District	100.0	0.0
High-Poverty Schools in District	0.0	0.0
Low-Poverty Schools in District	100.0	0.0

Note: High-poverty schools are defined as those schools with student eligibility of approximately 40 percent or more in the free and reduced price meals program. Low-poverty schools are those with student eligibility of approximately 39 percent or less in the free and reduced price meals program.

**Quality, Currency, Availability of Textbooks and Instructional Materials (School Year 2016-17)**

**Year and month in which data were collected:** August 2016

**CURRICULUM IMPROVEMENT**

Curriculum improvement is a key component to guaranteeing the best educational program for our students. The El Dorado County Office of Education, every year, offers a variety of high quality seminars, workshops, and classes for teachers. Our teachers are encouraged and sometimes required to attend these teacher trainings and the district pays for the costs. In addition, we have a number of student early release days so that the teachers can work in grade level teams to plan and improve units of study or can work on school-wide articulation of the academic and social programs at Sutter's Mill.

**INSTRUCTION**

Monitoring of progress of under-performing students is ongoing and assessed continually through teacher observation and a variety of informal and formal assessments. When intervention efforts do not result in satisfactory academic progress, teachers refer students to the Student Success Team.

English language proficiency in listening, speaking, reading, and writing is assessed annually through the California English Language Development Test (CELDT). Teachers monitor progress on an ongoing basis, and students not making progress are referred to the Student Success Team. Title I students receive a pre- and post-test to assess eligibility, progress, and to determine when they should be exited from the program. Students also demonstrate achievement through a variety of ongoing assessments that include basic reading inventories, writing samples, and mathematical computations. Students not achieving as a result of this intensive intervention program may be referred to the Student Success Team for special education assessment.

Students with special instructional requirements benefit from an integrated teaching approach. Effective communication between regular class teachers, special services teachers and student support personnel provides for adequate assistance and equal access and participation.

Supporting instructional components include: one resource class, a bilingual assistance/tutorial program and a speech/language program. All students are formally assessed in reading, writing, and arithmetic a minimum of three times a year to determine academic progress.

If you have any questions regarding the information presented in this report, please contact your principal, Joe Murchison, at 530.626.2591.

The following textbooks and supplemental materials are currently in use: Open Court (2002) Language Arts program grades K-3, Wright Group K-3; Pearson enVision Math (2015); Science –Scott Foresman (2007); History/Social Studies – Harcourt (2006); Visual & Performing Arts - Silver Burdette. We have a 1:1 textbook to student ratio. All of the instructional materials are current and of good quality.

Subject	Textbooks and Instructional Materials/ Year of Adoption	From Most Recent Adoption?	Percent of Students Lacking Own Assigned Copy
<b>Reading/Language Arts</b>	Benchmark-Benchmark Education Publisher grade 1, Teacher developed standards based small group instruction plus Raz Kids web-based reading program grades TK, K, 2 and 3.	Yes	0
<b>Mathematics</b>	Pearson enVision MATH, Common Core Curriculum 2015, grades K-3.	Yes	0
<b>Science</b>	Scott Foresman (2007), K-3.	Yes	0
<b>History-Social Science</b>	Harcourt, K-3, (2006).	Yes	0
<b>Foreign Language</b>	N/A		N/A
<b>Health</b>	Positive Action (5/2005), social skills, grades K-8.	Yes	0
<b>Visual and Performing Arts</b>	N/A		N/A
<b>Science Laboratory Equipment (grades 9-12)</b>	N/A		N/A

#### School Facility Conditions and Planned Improvements (Most Recent Year)

##### Cleaning Process

The Principal meets regularly with the full time Maintenance/Custodial Supervisor who supervises the district maintenance/custodial staff of two full time and two part time employees shared by two campuses. The priority is to provide custodial services to ensure a clean and safe environment for learning.

##### Maintenance and Repair

District personnel provide services necessary to keep the school in good repair, with the primary focus being safety and adequate facilities. A work order process is used to ensure the highest priority is given to emergency repairs. Repairs beyond the scope of staff or scheduling limitations are completed by industry professionals and supervised by the Maintenance Supervisor. Playground and emergency equipment are inspected regularly and certified annually.

##### Maintenance Budget and Most Recent Projects

The district continued to fund the maintenance repair position. Projects include classroom repairs, renovation and improvement of the grounds. Other major projects include resurfacing and re-striping the parking lots, additional parking lot access and an upgrade to the security system.

#### School Facility Good Repair Status (Most Recent Year)

School Facility Good Repair Status (Most Recent Year)				
System Inspected	Repair Status			Repair Needed and Action Taken or Planned
	Good	Fair	Poor	
<b>Systems:</b> Gas Leaks, Mechanical/HVAC, Sewer	X			
<b>Interior:</b> Interior Surfaces	X			
<b>Cleanliness:</b> Overall Cleanliness, Pest/Vermin Infestation	X			
<b>Electrical:</b> Electrical		X		No lighting between G2 and G3. Develop repair schedule by Spring 2017.

School Facility Good Repair Status (Most Recent Year)						
Year and month of the most recent FIT report: September 8, 2016						
System Inspected	Repair Status			Repair Needed and Action Taken or Planned		
	Good	Fair	Poor			
<b>Restrooms/Fountains:</b> Restrooms, Sinks/ Fountains	X			Prep sink in kitchen has faucet leak.		
<b>Safety:</b> Fire Safety, Hazardous Materials	X					
<b>Structural:</b> Structural Damage, Roofs			X	Downspouts need replacement all classroom building wings. Develop in house repair schedule by Spring 2017.		
<b>External:</b> Playground/School Grounds, Windows/ Doors/Gates/Fences	X			Cracks are developing in asphalt and are becoming a tripping hazard. Develop repair schedule by Spring 2017.		

#### Overall Facility Rating (Most Recent Year)

Year and month of the most recent FIT report: September 8, 2016				
Overall Rating	Exemplary	Good	Fair	Poor
		X		

## B. Pupil Outcomes

### State Priority: Pupil Achievement

The SARC provides the following information relevant to the State priority: Pupil Achievement (Priority 4):

- **Statewide assessments** (i.e., California Assessment of Student Performance and Progress [CAASPP] System, which includes the Smarter Balanced Summative Assessments for students in the general education population and the California Alternate Assessments [CAAs] for English language arts/literacy [ELA] and mathematics given in grades three through eight and grade eleven. The CAAs have replaced the California Alternate Performance Assessment [CAPA] for ELA and mathematics, which were eliminated in 2015. Only eligible students may participate in the administration of the CAAs. CAA items are aligned with alternate achievement standards, which are linked with the Common Core State Standards [CCSS] for students with significant cognitive disabilities); and
- The percentage of students who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University, or career technical education sequences or programs of study

#### CAASPP Test Results in English Language Arts/Literacy (ELA) and Mathematics for All Students

Subject	Percent of Students Meeting or Exceeding the State Standards (grades 3-8 and 11)					
	School		District		State	
	2014-15	2015-16	2014-15	2015-16	2014-15	2015-16
English Language Arts/Literacy	43	55	54	56	44	48
Mathematics	61	55	50	49	34	36

Note: Percentages are not calculated when the number of students tested is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.

**CAASPP Test Results in ELA by Student Group**  
**Grades Three through Eight and Grade Eleven (School Year 2015-16)**

Student Group	Grade	Number of Students		Percent of Students	
		Enrolled	Tested	Tested	Standard Met or Exceeded
All Students	3	73	69	94.5	55.1
Male	3	38	34	89.5	50.0
Female	3	35	35	100.0	60.0
Black or African American	3	--	--	--	--
Hispanic or Latino	3	--	--	--	--
White	3	63	61	96.8	55.7
Two or More Races	3	--	--	--	--
Socioeconomically Disadvantaged	3	19	19	100.0	42.1
English Learners	3	--	--	--	--
Students with Disabilities	3	--	--	--	--
Foster Youth	3	--	--	--	--

Note: ELA test results include the Smarter Balanced Summative Assessment and the CAA. The "Percent Met or Exceeded" is calculated by taking the total number of students who met or exceeded the standard on the Smarter Balanced Summative Assessment plus the total number of students who met the standard on the CAAs divided by the total number of students who participated in both assessments.

Double dashes (--) appear in the table when the number of students is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.

Note: The number of students tested includes all students who participated in the test whether they received a score or not; however, the number of students tested is not the number that was used to calculate the achievement level percentages. The achievement level percentages are calculated using only students who received scores.

**CAASPP Test Results in Mathematics by Student Group**  
**Grades Three through Eight and Grade Eleven (School Year 2015-16)**

Student Group	Grade	Number of Students		Percent of Students	
		Enrolled	Tested	Tested	Standard Met or Exceeded
All Students	3	73	69	94.5	55.1
Male	3	38	34	89.5	47.1
Female	3	35	35	100.0	62.9
Black or African American	3	--	--	--	--
Hispanic or Latino	3	--	--	--	--
White	3	63	61	96.8	55.7
Two or More Races	3	--	--	--	--
Socioeconomically Disadvantaged	3	19	19	100.0	42.1
English Learners	3	--	--	--	--
Students with Disabilities	3	--	--	--	--
Foster Youth	3	--	--	--	--

Note: Mathematics test results include the Smarter Balanced Summative Assessment and the CAA. The "Percent Met or Exceeded" is calculated by taking the total number of students who met or exceeded the standard on the Smarter Balanced Summative Assessment plus the total number of students who met the standard on the CAAs divided by the total number of students who participated in both assessments.

Double dashes (--) appear in the table when the number of students is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.

Note: The number of students tested includes all students who participated in the test whether they received a score or not; however, the number of students tested is not the number that was used to calculate the achievement level percentages. The achievement level percentages are calculated using only students who received scores.

#### CAASPP Test Results in Science for All Students

Subject	Percent of Students Scoring at Proficient or Advanced (meeting or exceeding the state standards)								
	School			District			State		
	2013-14	2014-15	2015-16	2013-14	2014-15	2015-16	2013-14	2014-15	2015-16
Science (grades 5, 8, and 10)									

Note: Science test results include California Standards Tests (CSTs), California Modified Assessment (CMA), and California Alternate Performance Assessment (CAPA) in grades five, eight, and ten.

Note: Scores are not shown when the number of students tested is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.

#### CAASPP Test Results in Science by Student Group

##### Grades Five, Eight, and Ten (School Year 2015-16)

Student Group	Total Enrollment	# of Students with Valid Scores	% of Students with Valid Scores	% of Students Proficient or Advanced
All Students				

Note: Science test results include CSTs, CMA, and CAPA in grades five, eight, and ten. The "Proficient or Advanced" is calculated by taking the total number of students who scored at Proficient or Advanced on the science assessment divided by the total number of students with valid scores.

Note: Scores are not shown when the number of students tested is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.

#### State Priority: Other Pupil Outcomes

The SARC provides the following information relevant to the Other Pupil Outcomes State Priority (Priority 8):

- Pupil outcomes in the subject areas of physical education.

#### California Physical Fitness Test Results (School Year 2015-16)

Grade Level	Percent of Students Meeting Fitness Standards		
	Four of Six Standards	Five of Six Standards	Six of Six Standards

Note: Percentages are not calculated when the number of students tested is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.

## C. Engagement

#### State Priority: Parental Involvement

The SARC provides the following information relevant to the Parental Involvement State Priority (Priority 3):

- Efforts the school district makes to seek parent input in making decisions for the school district and each schoolsite.

#### Opportunities for Parental Involvement (School Year 2016-17)

Parents play an important role in the education of their children at home and at school. There are a number of opportunities for parents to become involved at Sutter's Mill. Parents can volunteer to work in the classroom, join the Parent Teacher Organization (PTO), participate in the School Site Council, become a member of the Technology Advisory Committee and more. Please contact Lisa Kramer, Site Secretary at 530.626.2591 for more information. Or, visit our website at [www.gtusd.org](http://www.gtusd.org).

## State Priority: School Climate

The SARC provides the following information relevant to the School Climate State Priority (Priority 6):

- Pupil suspension rates;
- Pupil expulsion rates; and
- Other local measures on the sense of safety.

### Suspensions and Expulsions

Rate	School			District			State		
	2013-14	2014-15	2015-16	2013-14	2014-15	2015-16	2013-14	2014-15	2015-16
<b>Suspensions</b>	0.0	0.3	1.0	0.9	1.2	2.5	4.4	3.8	3.7
<b>Expulsions</b>	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.1	0.1

### School Safety Plan (School Year 2016-17)

Our goal is to provide a physically and emotionally safe environment for the entire school community, with emphasis on our children. Our School Safety Plan is discussed with faculty, reviewed for improvements, updated with county and state emergency service providers and approved by the board, annually. The school conducts monthly fire drills. At least three times a year there are earthquake drills. In addition, at least three times a year we practice lock down drills with one of them being an all-person-site-evacuation by bus drill. Emergency bags, with current information and supplies, are located in every classroom and office on campus. Cameras are installed on the site in various locations and monitored during the day to increase campus security. An emergency alert alarm has recently been installed and is operational. The comprehensive safety plan is annually reviewed by parents and staff and is approved by the board every year.

The district hired two staff members who have extensive training in applied behavioral analysis. These two behaviorists can be asked to observe students who are exhibiting negative or atypical behavior. From their observation the behaviorists develop strategies to enable the teachers and administration to help these students develop more positive conduct both inside and outside the classroom. The behaviorists also meet with teacher assistants and recess supervisors to help them create positive relations with the students.

Grounds, equipment, and safety systems are inspected regularly. The buildings and grounds are maintained to the highest standards and are free of litter, safety hazards, and graffiti.

## D. Other SARC Information

The information in this section is required to be in the SARC but is not included in the state priorities for LCFF.

### Federal Intervention Program (School Year 2016-17)

Indicator	School	District
<b>Program Improvement Status</b>	Not in PI	Not In PI
<b>First Year of Program Improvement</b>		
<b>Year in Program Improvement*</b>		
<b>Number of Schools Currently in Program Improvement</b>	N/A	0
<b>Percent of Schools Currently in Program Improvement</b>	N/A	.0

Note: Cells with N/A values do not require data.

### Average Class Size and Class Size Distribution (Elementary)

Grade Level	2013-14			2014-15			2015-16		
	Avg. Class Size	Number of Classes		Avg. Class Size	Number of Classes		Avg. Class Size	Number of Classes	
		1-20	21-32		1-20	21-32		1-20	21-32
K	21	2	2	23	1	3	19		4
1	21		3	20	2	1	23		3
2	25		2	23		3	21	1	2
3	27		3	22		3	24		3

Number of classes indicates how many classes fall into each size category (a range of total students per class).

### Academic Counselors and Other Support Staff (School Year 2015-16)

Title	Number of FTE Assigned to School	Average Number of Students per Academic Counselor
Academic Counselor		
Counselor (Social/Behavioral or Career Development)		N/A
Library Media Teacher (Librarian)		N/A
Library Media Services Staff (Paraprofessional)	.375	N/A
Psychologist	.12	N/A
Social Worker		N/A
Nurse	.48	N/A
Speech/Language/Hearing Specialist	.4	N/A
Resource Specialist	1.	N/A
Other		N/A

Note: Cells with N/A values do not require data.

\*One Full Time Equivalent (FTE) equals one staff member working full time; one FTE could also represent two staff members who each work 50 percent of full time.

### Expenditures per Pupil and School Site Teacher Salaries (Fiscal Year 2014-15)

Level	Expenditures Per Pupil			Average Teacher Salary
	Total	Supplemental/ Restricted	Basic/ Unrestricted	
School Site	\$8,480	\$1,452	\$7,028	\$58,204
District	N/A	N/A	\$7,173	\$60,525
Percent Difference: School Site and District	N/A	N/A	-2.0	-3.8
State	N/A	N/A	\$5,677	\$60,985
Percent Difference: School Site and State	N/A	N/A	23.8	-4.6

Note: Cells with N/A values do not require data.

### Types of Services Funded (Fiscal Year 2015-16)

Additional federal and state programs that supplement the regular education program are: Lottery, Title I intervention for Disadvantaged Youth; Title IV Teacher Training; Special Education; Beginning Teacher Support Assistance, Rural Education Achievement Program; McKinney Vento Homeless and Limited English Proficient. The new Local Control Funding Formula includes supplemental revenue generated by English Learners, Free and Reduced meal qualifying students and Foster Youth which has been targeted to serve educationally disadvantaged youth.

Sutter's Mill has access to a school nurse, a school psychologist one-half day a week, a speech/language specialist serving students in grades K-3 three days a week, one full-time resource specialist for students with learning disabilities, a physical education specialist and a full time behaviorist.

Additional support programs provided to students include computers on wheels and classroom sets of ipads, a reading resource assistance program (grades 1-3), a bilingual assistance program, a garden lab, and an extended day child care program (grades K-8).

#### Teacher and Administrative Salaries (Fiscal Year 2014-15)

Category	District Amount	State Average for Districts In Same Category
Beginning Teacher Salary		\$41,085
Mid-Range Teacher Salary		\$59,415
Highest Teacher Salary		\$75,998
Average Principal Salary (Elementary)		\$100,438
Average Principal Salary (Middle)		\$101,868
Average Principal Salary (High)		
Superintendent Salary		\$116,069
Percent of Budget for Teacher Salaries	39%	33%
Percent of Budget for Administrative Salaries	5%	7%

For detailed information on salaries, see the CDE Certificated Salaries & Benefits Web page at <http://www.cde.ca.gov/ds/fd/cs/>.

#### Professional Development (Most Recent Three Years)

The district calendar schedules one staff work day, two full staff development days and seven early release days for school directed staff development. The focus for the 2015-16 school year was to develop report cards and assessment tools to more effectively track student learning. These are standards based and include trimester benchmarks. The teachers are encouraged to attend Common Core Workshops and IT classes provided by the El Dorado Office of Education. Beginning Teacher Support and Assessment (BTSA) is provided to newly credentialed teachers in their first and second year. This program provides the new teacher individualized support by a veteran mentor teacher to develop skills, effective lesson plans, teaching strategies and classroom management.

Under the No Child Left Behind Act, parents may also request the following information: 1) The teacher's college major, and the types of college or graduate degree(s) the teacher holds; and 2) whether their child is provided services by paraprofessionals and, if so, their qualifications. (Information available from district office at 626.3194)

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: February 9, 2017*

<b>AGENDA ITEM</b> <b>Consent</b>
--------------------------------------

### **11.5 Comprehensive School Safety Plan**

#### **BACKGROUND**

It is the intent of the Legislature that all California public schools, in kindergarten, and grades 1 to 12, inclusive, operated by school districts, in cooperation with local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, and other persons who may be interested in the prevention of campus crime and violence, develop a comprehensive school safety plan that addresses the safety concerns identified through a systematic planning process.

The Superintendent or designee shall oversee the development of a district-wide comprehensive safety plan. (*Education Code 32280, 32281, 32282*) The Board shall review the comprehensive safety plan(s) in order to ensure compliance with state law, Board policy, and administrative regulation and shall approve the plan(s) at a regularly scheduled meeting. (*BP0450*)

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public. (*Education Code 32282*) However, those portions of the comprehensive safety plan that include tactical responses to criminal incidents shall not be publicly disclosed.

#### **ATTACHMENTS**

- **Comprehensive School Safety Plan Template**

#### **BUDGETED**

NA       Yes       No       Cost Analysis Follows

#### **RECOMMENDATION**

Approve the plan.

#### **NOTES**

*If pulled from Consent*

<b>ACTION</b>	<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**  
**Grades K-8**  
**Comprehensive School Safety Plan Compliance Checklist**

*California Education Code Sections 32280-32289*

Required Components	Mandate Met (Date)	Comments, Suggested Details (resources, activities, etc.)
<i>California Education Code (EC) Section 32281</i>		
1. (a) Plan is written and developed by a School Site Council (SSC) or a Safety Planning Committee  (b) The school Safety Planning Committee is made up of principal/designee, teacher(s), parents(s), and certificated/classified employees	January 2017	(a) Agendas (enclosed) (b) Planning committee roster (enclosed)
2. SSC/Safety Planning Committee consulted with a representative from a law enforcement agency in the writing and development of the comprehensive school safety plan	January 2017	Superintendent, GT principal and district head of transportation regularly attend SCALE (School Community and Law Enforcement) meetings. Law Enforcement MOU (enclosed)
<i>EC Section 32282</i>		
3. The comprehensive school safety plan includes, but is not limited to, all of the following:		
(a) An assessment of the current status of school crime at the school and at school-related functions, which may be accomplished by reviewing the following types of information:  ✓ Office Referrals ✓ Attendance Rates/School Attendance Review Board Data ✓ Suspension/Expulsion Data ✓ California Healthy Kids Survey ✓ School Improvement plan ✓ Local Law Enforcement Juvenile Crime Data ✓ Property Damage Data ✓ Other:	January 2017	<p>Data reviewed includes:</p> <p>✓ CALPADS End of Year summary of discipline incidents (enclosed)  ✓ Attendance rates/SARB Data (enclosed)  ✓ California Healthy Kids Survey (enclosed)  ✓ School Improvement Plans (enclosed)  ✓ Law Enforcement Crime Data is received at SCALE meetings  ✓ Property Damage Data is negligible</p> <p>All office referrals are reviewed for chronic problems, corrective action, and intervention strategy. Data shows that this technique is successful, with fewer suspensions and no expulsions this past year. Crime is negligible.</p>
(b) Identify appropriate strategies and programs that provide and maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including, but not limited to the following:	January 2017	

A. Child Abuse Reporting Procedures	January 2017	Mandated employee training upon employment, and annually after that. Also, noted in the new employee packet, and in both the employee and student handbooks (enclosed).
B. Disaster Procedures, routine and emergency, crisis response plan, including adaptations for pupils with disabilities and the following:	January 2017	Included in BOWMAC, School Site Safety Plans, and drill logs (enclosed)
(i) Earthquake emergency procedures that include: (I) A school building disaster plan (II) A drop procedure (students and staff take cover) dates/times of drop procedure drills held once each quarter in elementary; once each semester in secondary schools (III) Protective measures to be taken before, during and after an earthquake (IV) A program to ensure that pupils, and certificated and classified staff, are aware of and are trained in the procedures	January 2017	All rooms have escape routes clearly marked.  Utility maps, drill logs, earthquake simulation scripts and listings of protective measures (enclosed)
(ii) Establish procedures to allow a public agency, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during an emergency.	January 2017	American Red Cross Shelter Agreement (enclosed)
C. Suspension/Expulsion policies and procedures	January 2017	Student handbook(s) and policies (enclosed)
D. Teacher notification of dangerous pupils procedures.	January 2017	Employee handbook and AR 4158 (enclosed)
E. Discrimination and Harassment policy, including Bullying/Cyber bullying. Include hate crime reporting procedures and policies here.	January 2017	Student handbook(s), policies and regulations (enclosed)
F. School wide Dress Code, including prohibition of gang-related apparel.	January 2017	Student handbook(s), policies and regulations (enclosed)
G. Procedures for safe ingress and egress of pupils, parents, and employees to and from school site.	January 2017	Student handbook(s) (enclosed)

H. A safe and orderly environment conducive to learning at the school.	January 2017	Policies, SIA Risk Reviews and Agendas, Site Inspection Log, playground inspection logs (enclosed)
I. Rules and procedures on school discipline.	January 2017	Included in student handbook(s), policies and regulations (enclosed)
4. When practical, consult, cooperate and coordinate with other school site councils or school safety planning committees.	January 2017	Regularly scheduled meetings of all county superintendents allow this type of communication.
5. Evaluate and amend the plan as needed and at least once each year, to ensure the plan is properly implemented. Also, keep an updated file of all non-sensitive safety-related plans and materials readily available for inspection by the public.	January 2017	Committee agendas (enclosed)  The complete Comprehensive School Safety Plan is available for inspection year round in the District Office.
6. Include, to the extent resources are available, policies and procedures for bullying prevention.	January 2017	Student handbook(s), policies and regulations (enclosed)
<b>EC Section 32282.1</b>		
Schools are encouraged to include clear guidelines for the roles and responsibilities of the positions listed below (if used by the district):  Mental health professionals, school counselors Community intervention professionals School resource officers, police officers on campus	January 2017	Job descriptions, MOU for Mental Health Therapist , and Agreement with The Center for Violence-Free Relationships (enclosed)
<b>EC Section 32284</b>		
Plan may include procedures for responding to the release of a pesticide or other toxic substance from properties located within one quarter mile of a school.	January 2017	Included in BOWMAC (enclosed)
<b>ED Section 32288</b>		
7. Submit the plan to school district office or county office of education for approval.	February 2017	Board meeting agenda (enclosed)
8. SSC/Safety Planning Committee communicated the school safety plan to the public at a public meeting at the school site.	January 2017	SSC agenda(s) (enclosed)

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: February 9, 2017*

**AGENDA ITEM**

**Consent**

**11.6 Consolidated Application and Reporting System (CARS) Winter 2016-17 Data Collection**

**BACKGROUND**

The Consolidated Application and Reporting System (CARS) is a data collection system to apply for Categorical Program Funding and to report on the use of those funds. The Consolidated Application (ConApp) is used by the California Department of Education (CDE) to distribute categorical funds from various state and federal programs to county offices, school districts, and direct-funded charter schools throughout California. Biannually, each local educational agency (LEA) submits a release of the application to document participation in these programs and provide assurances that the district will comply with the legal requirements of each program. Program entitlements are determined by formulas contained in the laws that created the programs. Out of each state and federal program entitlement, districts allocate funds for indirect costs of administration, for programs operated by the district office, and for programs operated at schools.

This application for funding for Categorical Aid programs is coordinated through the El Dorado County Office of Education and is presented for Board approval.

**ATTACHMENTS**

- **Consolidated Application**

**BUDGETED**

NA       Yes       No       Cost Analysis Follows

**RECOMMENDATION**

Approve the application.

**NOTES**

*If pulled from Consent*

<b>ACTION</b>	<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>

**2014-15 Title II, Part A Fiscal Year Expenditure Report, Closeout 27 Months**

A report of year-to-date expenditures and encumbrances by activity. Activity period covered is July 1, 2014 through September 30, 2016.

**CDE Program Contact:**

Melissa Flemmer, Educator Excellence Office, [mflemmer@cde.ca.gov](mailto:mflemmer@cde.ca.gov), 916-324-5689

2014-15 Title II, Part A entitlement	\$10,807
2014-15 Title II, Part A total apportionment issued	\$10,807

**Professional Development Expenditures**

Professional development for teachers	\$10,807
Professional development for administrators	
Subject matter project	
Other professional development expenditures	

**Exams and Test Preparation Expenditures**

Exam fees, reimbursement	
Test preparation training and or materials	
Other exam and test preparation expenditures	

**Recruitment, Training, and Retaining Expenditures**

Recruitment activities	
Hiring incentive and or relocation allotment	
National Board Certification and or stipend	
Verification process for special settings (VPSS)	
University course work	
Other recruitment training and retaining expenditures	

**Miscellaneous Expenditures**

Class size reduction	
Administrative and indirect costs	
Title VI, Part B Subpart 1 REAP	
Funds used for flexible use under REAP	
Total funds transferred to Title I, Part A	\$0
Other allowable expenditures or encumbrances	
Total expenditures and encumbrances	\$10,807
2014-15 Unspent Funds:	\$0

Note: CDE will invoice the LEA for the 2014-15 unspent apportionment amount.

**\*\*\*Warning\*\*\***

The data in this report may be protected by the Family Educational Rights and Privacy Act (FERPA) and other applicable data privacy laws. Unauthorized access or sharing of this data may constitute a violation of both state and federal law.

## 2014-15 Title II, Part A Fiscal Year Expenditure Report, Closeout 27 Months

A report of year-to-date expenditures and encumbrances by activity. Activity period covered is July 1, 2014 through September 30, 2016.

### CDE Program Contact:

Melissa Flemmer, Educator Excellence Office, [mflemmer@cde.ca.gov](mailto:mflemmer@cde.ca.gov), 916-324-5689

General Comment

(Maximum 500 characters)

### \*\*\*Warning\*\*\*

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## 2014-15 Title III, Part A Immigrant YTD Expenditure Report, Closeout 27 Months

A report of year-to-date expenditures by activity. Activity period covered is July 1, 2014 through September 30, 2016.

### CDE Program Contact:

Patty Stevens, Language Policy and Leadership Office, [pstevens@cde.ca.gov](mailto:pstevens@cde.ca.gov), 916-323-5838  
 Geoffrey Ndirangu, Language Policy and Leadership Office, [gndirang@cde.ca.gov](mailto:gndirang@cde.ca.gov), 916-323-5831

### Approved Immigrant Sub-grantee Activities

(e) ACTIVITIES BY AGENCIES EXPERIENCING SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN AND YOUTH-

- (1) IN GENERAL-An eligible entity receiving funds under section 3114(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include-
- (A) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;
  - (B) support for personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;
  - (C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth
  - (D) identification and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with funds;
- (E) basic instruction services that are directly attributable to the presence in the school district involved of immigrant children and youth, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services;
- (F) other instruction services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and
- (G) activities, coordinated with community-based organizations, institutions of higher education, private sector entities with expertise in working with immigrants, to assist parents of immigrant children and youth by offering comprehensive community services.

2014-15 Title III, Part A Immigrant entitlement	\$186
2014-15 Title III, Part A Immigrant total apportionment issued	\$186
2014-15 Title III, Part A Immigrant supplemental entitlement	\$55
<b>Object Code - Activity</b>	
1000-1999 Certificated personnel salaries	\$0
2000-2999 Classified personnel salaries	\$0
3000-3999 Employee benefits	\$0
4000-4999 Books and supplies	\$0
5000-5999 Services and other operating expenditures	\$241
Administrative and indirect costs	\$0
Total year-to-date expenditures	\$241
2014-15 Unspent funds	\$0

### \*\*\*Warning\*\*\*

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## 2014-15 Title III, Part A Immigrant YTD Expenditure Report, Closeout 27 Months

A report of year-to-date expenditures by activity. Activity period covered is July 1, 2014 through September 30, 2016.

### CDE Program Contact:

Patty Stevens, Language Policy and Leadership Office, [pstevens@cde.ca.gov](mailto:pstevens@cde.ca.gov), 916-323-5838  
 Geoffrey Ndirangu, Language Policy and Leadership Office, [gndirang@cde.ca.gov](mailto:gndirang@cde.ca.gov), 916-323-5831

2014-15 Invoice amount	\$0
Note: CDE will invoice the LEA for the 2014-15 unspent apportionment amount.	
General comment  (Maximum 500 characters)	The district provided immigrant youth with supplemental educational software license to access learning programs

### \*\*\*Warning\*\*\*

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## 2015-16 Title I Part A Carryover

Report only expenditures for fiscal year 2015-16 allocation to determine funds to be carried over to fiscal year 2016-17.

### CDE Program Contact:

Mindi Yates, Title I Policy and Program Guidance Office, [myates@cde.ca.gov](mailto:myates@cde.ca.gov), 916-319-0789

Rina DeRose, Title I Policy and Program Guidance Office, [RDeroze@cde.ca.gov](mailto:RDeroze@cde.ca.gov), 916-323-0472

### 2015-16 Carryover Calculation

2015-16 Title I Part A Entitlement	\$47,500
Transferred in	\$0
Title I Part A available allocation	\$47,500
Expenditures and obligations from July 1, 2015 through June 30, 2016 (12 Months)	\$47,500
Carryover as of June 30, 2016	\$0
Carryover percent as of June 30, 2016	0.00%
Expenditures and obligations from July 1, 2015 through September 30, 2016 (15 Months)	\$47,500
Carryover as of September 30, 2016	\$0
Carryover percent as of September 30, 2016	0.00%

### \*\*\*Warning\*\*\*

The data in this report may be protected by the Family Educational Rights and Privacy Act (FERPA) and other applicable data privacy laws. Unauthorized access or sharing of this data may constitute a violation of both state and federal law.

**2015-16 Title III, Part A Immigrant YTD Expenditure Report, 18 Months**

A report of year-to-date expenditures by activity. Activity period covered is July 1, 2015 through December 31, 2016.

**CDE Program Contact:**

Patty Stevens, Language Policy and Leadership Office, [pstevens@cde.ca.gov](mailto:pstevens@cde.ca.gov), 916-323-5838  
Geoffrey Ndirangu, Language Policy and Leadership Office, [gndirang@cde.ca.gov](mailto:gndirang@cde.ca.gov), 916-323-5831

**Approved Immigrant Sub-grantee Activities****(e) ACTIVITIES BY AGENCIES EXPERIENCING SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN AND YOUTH-**

(1) IN GENERAL-An eligible entity receiving funds under section 3114(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include-

- (A) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;
- (B) support for personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;
- (C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth
- (D) identification and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with funds;

(E) basic instruction services that are directly attributable to the presence in the school district involved of immigrant children and youth, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services;

(F) other instruction services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and

(G) activities, coordinated with community-based organizations, institutions of higher education, private sector entities with expertise in working with immigrants, to assist parents of immigrant children and youth by offering comprehensive community services.

2015-16 Title III, Part A Immigrant entitlement	\$87
<b>Object Code - Activity</b>	
1000-1999 Certificated personnel salaries	\$0
2000-2999 Classified personnel salaries	\$0
3000-3999 Employee benefits	\$0
4000-4999 Books and supplies	\$0
5000-5999 Services and other operating expenditures	\$87
Administrative and indirect costs	\$0
Total year-to-date expenditures	\$87
2015-16 Unspent funds	\$0
General comment (Maximum 500 characters)	

**\*\*\*Warning\*\*\***

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## 2016-17 Title I, Part A Notification of Authorization of Schoolwide Program

This report provides notification to the California Department of Education of a school's eligibility and local board approval to operate under and report as Schoolwide Program

### CDE Program Contact:

Mindi Yates, Title I Policy and Program Guidance Office, [myates@cde.ca.gov](mailto:myates@cde.ca.gov), 916-319-0789  
Franco Rozic, Title I Monitoring and Support Office, [frrozic@cde.ca.gov](mailto:frrozic@cde.ca.gov), 916-319-0269

### Note:

In order for CDE program staff to have visibility to all SWP authorized schools, it is important to have an Authorized Representative certify this Notification of Authorization data collection after a change is made.

School Name	School Code	Authorized	Local Board Approval Date (ex. 04/30/2015)	SIG Approval Date (ex. 04/30/2015)	Poverty Level %
Gold Trail	6005516	N			
Sutters Mill	6110167	N			

### \*\*\*Warning\*\*\*

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## 2016-17 Federal Transferability

Federal transferability is governed by Title VI in ESEA Section 6123. An LEA may transfer a maximum of 50% of any program to other programs. This transferability is not the same as Title VI Subpart 1 REAP Flexibility governed by ESEA Section 6211.

**CDE Program Contact:**

Education Data Office, [ConApp@cde.ca.gov](mailto:ConApp@cde.ca.gov), 916-319-0297

Program Improvement Year	0
<b>Title II Part A Transfers</b>	
Title II, Part A entitlement	\$10,424
Transferred to Title I, Part A	\$0

**\*\*\*Warning\*\*\***

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## 2016-17 Title I, Part A LEA Allocation

The purpose of this data collection is to calculate the full Title I Part A allocation available to the LEA.

### CDE Program Contact:

Jane Liang, District Innovation and Improvement Office, [jliang@cde.ca.gov](mailto:jliang@cde.ca.gov), 916-319-0259

Jacqueline Matranga, District Innovation and Improvement Office, [jmatranga@cde.ca.gov](mailto:jmatranga@cde.ca.gov), 916-445-4905

2016-17 Title I, Part A entitlement	\$41,378
Transferred-in amount	\$0
Title I, Part A entitlement after transfers	\$41,378
<b>Note:</b>	
In order for the 2015-16 Allowable Carryover amount to be pre-populated, the 2015-16 Title I, Part A Carryover data collection should be completed and saved before beginning data entry on this data collection.	
2015-16 Allowable Carryover	\$0
(Allowable values are the 12 month 2015-16 carryover amount or, whichever is less either the 15 month 2015-16 carryover amount or 15% of the 2015-16 entitlement plus transfers-in amount)	
Repayment of funds	\$0
2016-17 Total allocation	\$41,378
Indirect cost reservation	\$2,019
Administrative reservation	\$0
2016-17 Title I, Part A adjusted allocation	\$39,359
<b>Indirect Cost and Administration Calculation Tool</b>	
To help determine allowable indirect cost and administration reserves, based on your Approved Indirect Cost Rate as defined on <a href="http://www.cde.ca.gov/fg/ac/ic/">http://www.cde.ca.gov/fg/ac/ic/</a> , below are recommended values.	
2016-17 Approved indirect cost rate	5.13%
Maximum allowable indirect cost reservation	\$2,019
Recommended administration reservation	\$4,187

### \*\*\*Warning\*\*\*

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**2016-17 Title I, Part A Reservations, Required**

To report LEA required reservations before distributing funds to schools, and to calculate and report nonprofit private school set-aside values.

**CDE Program Contact:**

Lana Zhou, Title I Policy and Program Guidance Office, [ljzhou@cde.ca.gov](mailto:ljzhou@cde.ca.gov), 916-319-0956

Sylvia Hanna, Title I Policy and Program Guidance Office, [shanna@cde.ca.gov](mailto:shanna@cde.ca.gov), 916-319-0948

**Nonprofit Private School Equitable Services Percentage Calculation**

Total participating nonprofit private school low income students	
Total participating attendance area low income students	0
Percent of nonprofit private school low income students for equitable service calculations	0.00%

**Required Reservations**

Title I Part A adjusted allocation	\$39,359
------------------------------------	----------

**Parental Involvement**

Parental involvement (1% of the entitlement plus transfers-in if greater than \$500,000.)	\$0
Supplemental parental involvement (Optional: Additional discretionary set-aside.)	\$100
Nonprofit private school parental involvement set-aside	\$0
Amount remaining	\$100
Public school parental involvement	\$0
Balance available for LEA parental involvement activities	\$100

**Direct and Indirect Services**

Direct or indirect services to homeless children, regardless of their school of attendance	\$100
Homeless services provided  (Maximum 500 characters)	Transportation or supplemental educational services will be provided for homeless students.
Local neglected institutions	No
Does the LEA have local institutions for neglected children or children currently classified as neglected?	
Direct or indirect services in local institutions for neglected children	
Local delinquent institutions	No
Does the LEA have local institutions for delinquent children?	
Other neglected or delinquent services	

**\*\*\*Warning\*\*\***

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**2016-17 Title I, Part A Reservations, Allowed**

To report LEA allowable reservations before distributing funds to schools, and to calculate and report nonprofit private school set-aside values.

**CDE Program Contact:**

Lana Zhou, Title I Policy and Program Guidance Office, [lzhou@cde.ca.gov](mailto:lzhou@cde.ca.gov), 916-319-0956

Nancy Bodenhausen, Title I Policy and Program Guidance Office, [NBodenhausen@cde.ca.gov](mailto:NBodenhausen@cde.ca.gov), 916-445-4904

**Allowed Reservations****Professional development for credentialed teachers and highly qualified paraprofessionals**

Professional development for teachers and paraprofessionals	\$0
Nonprofit private school equitable services	\$0
Professional development reserved for public schools	\$0

**District-wide Instructional Programs**

District-wide instructional programs (Non-PI activities)	\$0
Nonprofit private school equitable services	\$0
District-wide instructional programs for Title I public schools	\$0

**Other School Programs**

Other school programs Including summer school or intersession programs or before and after school programs.	\$0
Nonprofit private school equitable services	\$0
Other school programs reserved for public schools	\$0

**Other Allowable Reservations**

Salary differentials	\$0
Preschool programs	\$0
Capital expenses for nonprofit private schools	\$0

**Reservation Summary**

Adjusted Allocation	\$39,359
Total required reservations	\$200
Total allowed reservations	\$0
Allocations after reservations	\$39,159
Total nonprofit private school set aside	\$0
Nonprofit private school Parental Involvement set-aside	\$0

**\*\*\*Warning\*\*\***

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**2016-17 Title I, Part A Reservations, Allowed**

To report LEA allowable reservations before distributing funds to schools, and to calculate and report nonprofit private school set-aside values.

**CDE Program Contact:**

Lana Zhou, Title I Policy and Program Guidance Office, [lzhou@cde.ca.gov](mailto:lzhou@cde.ca.gov), 916-319-0956

Nancy Bodenhausen, Title I Policy and Program Guidance Office, [NBodenhausen@cde.ca.gov](mailto:NBodenhausen@cde.ca.gov), 916-445-4904

Public school Parental Involvement set-aside	\$0
Amount available for Title I, Part A school allocations	\$39,159

**\*\*\*Warning\*\*\***

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## 2016-17 Title II, Part A LEA Allocations

The purpose of this data collection is to calculate the total allocation amount available to the LEA for Title II, Part A Teacher & Principal Training & Recruiting.

**CDE Program Contact:**

Melissa Flemmer, Educator Excellence Office, [mflemmer@cde.ca.gov](mailto:mflemmer@cde.ca.gov), 916-324-5689

Juan J. Sanchez, Educator Excellence Office, [jsanchez@cde.ca.gov](mailto:jsanchez@cde.ca.gov), 916-319-0452

2016-17 Title II, Part A entitlement	\$10,424
Total funds transferred out of Title II, Part A	\$0
Total entitlement after transfers	\$10,424
Repayment of funds	\$0
Repayment comment	
Provide an explanation of why repayment dollars were added back to the allocation	
2016-17 Allocation	\$10,424
Administrative and indirect costs	\$0
2016-17 Title II, Part A adjusted allocation	\$10,424
Funds available for flexible use under REAP	\$10,424
Budgeted REAP funds	\$0

**\*\*\*Warning\*\*\***

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## 2016-17 Title III, Part A Immigrant LEA Allocations

The purpose of this data collection is to calculate the total allocation amount available to the LEA for Title III, Part A Immigrant, and to report required reservations.

### CDE Program Contact:

Patty Stevens, Language Policy and Leadership Office, [pstevens@cde.ca.gov](mailto:pstevens@cde.ca.gov), 916-323-5838

2016-17 Title III, Part A Immigrant entitlement	\$162
Repayment of funds	\$0
2016-17 Allocation	\$162
Administrative and indirect costs	\$0
2016-17 Adjusted allocation	\$162
General comment (Maximum 500 characters)	

### \*\*\*Warning\*\*\*

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**2016-17 Title III, Part A Immigrant YTD Expenditure Report, 6 Months**

A report of year-to-date expenditures by activity. Activity period covered is July 1, 2016 through December 31, 2016.

**CDE Program Contact:**

Patty Stevens, Language Policy and Leadership Office, [pstevens@cde.ca.gov](mailto:pstevens@cde.ca.gov), 916-323-5838  
Geoffrey Ndirangu, Language Policy and Leadership Office, [gndirang@cde.ca.gov](mailto:gndirang@cde.ca.gov), 916-323-5831

**Approved Immigrant Sub-grantee Activities****(e) ACTIVITIES BY AGENCIES EXPERIENCING SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN AND YOUTH-**

(1) IN GENERAL-An eligible entity receiving funds under section 3114(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include:

- (A) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;
- (B) support for personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;
- (C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth
- (D) identification and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with funds;

(E) basic instruction services that are directly attributable to the presence in the school district involved of immigrant children and youth, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services;

(F) other instruction services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and

(G) activities, coordinated with community-based organizations, institutions of higher education, private sector entities with expertise in working with immigrants, to assist parents of immigrant children and youth by offering comprehensive community services.

2016-17 Title III, Part A Immigrant entitlement	\$162
<b>Object Code - Activity</b>	
1000-1999 Certificated personnel salaries	\$0
2000-2999 Classified personnel salaries	\$0
3000-3999 Employee benefits	\$0
4000-4999 Books and supplies	\$0
5000-5999 Services and other operating expenditures	\$162
Administrative and indirect costs	\$0
Total year-to-date expenditures	\$162
2016-17 Unspent funds	\$0
General comment (Maximum 500 characters)	

**\*\*\*Warning\*\*\***

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**2016-17 Consolidation of Administrative Funds**

A request by the LEA to consolidate administrative funds for specific programs.

**CDE Program Contact:**Julie Brucklacher, Financial Accountability and Info Srv Office, [jbruckla@cde.ca.gov](mailto:jbruckla@cde.ca.gov), 916-327-0858

Title I, Part A (Basic) SACS Code 3010	No
Title I, Part C (Migrant Education) SACS Code 3060	No
Title I, Part D (Delinquent) SACS Code 3025	No
Title II, Part A (Educator Quality) SACS Code 4035	No
Title III, Part A (Immigrant Students) SACS Code 4201	No
Title III, Part A (English Learner Students) - 2% maximum SACS Code 4203	No
Title IV, Part B (21st Century Community Learning Centers) SACS Code 4124	No

**\*\*\*Warning\*\*\***

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## 2016-17 Title I, Part A School Allocations

This identifies the amount of Title I, Part A funds to be allocated to eligible public schools and equitable services to students in nonprofit private schools.

### CDE Program Contact:

Lana Zhou, Title I Policy and Program Guidance Office, [lzhou@cde.ca.gov](mailto:lzhou@cde.ca.gov), 916-319-0956  
Nancy Bodenhausen, Title I Policy and Program Guidance Office, [NBodenhausen@cde.ca.gov](mailto:NBodenhausen@cde.ca.gov), 916-445-4904

### LEA meets small district criteria.

An LEA is defined as a small district criteria if, based on the school list and the data entered in School Student Counts Actuals, the LEA meets one or more of the following:

Is a single school district

Has a single school per grade span

Has enrollment total for all schools less than 1,000

If an exception to funding is needed, enter an Exception Reason. Use lower case only.

### Allowable Exception Reasons

a - Meets 35% Low Income Requirement

c - Funded by Other Allowable Sources

d - Desegregation Waiver on File

e - Grandfather Provision

f - Feeder Pattern

g - Local Funded Charter Opted Out

h - Local Funded Charter Opted In

Low income measure

Group Schools by Grade Span

District-wide low income %

Grade span 1 low income %

Grade span 2 low income %

Grade span 3 low income %

Available Title I, Part A school allocation

FRPM	Yes	27.17%	30.77%	24.43%	0.00%	\$39,159
Group Schools by Grade Span						
District-wide low income %						
Grade span 1 low income %						
Grade span 2 low income %						
Grade span 3 low income %						
Available Title I, Part A school allocation						

### \*\*\*\*Warning\*\*\*\*

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Rn3

## 2016-17 Title I, Part A School Allocations

This identifies the amount of Title I, Part A funds to be allocated to eligible public schools and equitable services to students in nonprofit private schools.

Available public school parental involvement reservation \$0

Total participating attendance area low income students (entered on Reservations, Required) 0

Available nonprofit private school set-asides \$0

Available nonprofit private school parental involvement reservation \$0

Unallocated school amount \$0.36

Unallocated public school parental involvement \$0

Unallocated nonprofit private school set-asides \$0

Unallocated nonprofit private school parental involvement \$0

Sum of Title I participating schools low income student count 72

Difference between participating attendance area low income students (entered on Reservations, Required) and Sum of Title I participating schools low income student count 0

School Name	School Code	Grade Span Group	Student Enrollment	Low Income Students	Low Income Student %	\$ Per Low Income Student (0.00)	Carryover	Public School Parental Involvement	Nonprofit Private Parental Involvement	Nonprofit Private Set Aside	Total School Allocation	Exception Reason	EIA Funded	Other Program Funds	Exception Comment
Sutters Mill	6110167	1	234	72	30.77	543.87					39158.64		N	N	
Gold Trail	6005516	2	307	75	24.43	0.00					0.00		N	N	

\*\*\*Warning\*\*\*

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ROB

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: February 9, 2017*

**AGENDA ITEM**  
**Consent**

**11.7 Second Reading and Adoption of Board Policies, Administrative Regulations and Board Bylaws**

**BACKGROUND**

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)
- 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 6154, Homework/Makeup Work (BP Revised/AR Deleted)
- 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**

The Board will take action to adopt the roster.

**NOTES**

*If pulled from Consent*

<b>ACTION</b>	<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)

(11/08 11/11) 12/16

**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)

(10/15 5/16) 12/16

# 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, t**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.

*(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](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 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. The size, type, and desired design character of the project;
  - b. Performance specifications that covering the quality of materials, equipment, and workmanship
  - c. Preliminary plans or building layouts
  - d. 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>

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**Policy Reference UPDATE Service**

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# 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*

*Management Resources: (see next page)*

## 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>*

(11/08 11/12) 12/16

**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>*

(12/15 5/16) 12/16

### **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.4<sup>th</sup> 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>

(7/05 12/15) 12/16

### **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 110234 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

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**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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# 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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# 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, t**The 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)**

(12/13 12/14) 12/16

# 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>**

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### **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

# 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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# 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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# 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>

(10/97 11/06) 12/16

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: February 9, 2017*

**AGENDA ITEM 12.0**

**ACTION ITEM:** Second Reading and adoption of BP 5030, Student Wellness (BP Revised)

**BACKGROUND**

Policy updated to reflect **NEW FEDERAL REGULATIONS** (*81 Fed. Reg. 50151*) which address the content of the wellness policy, assurance of stakeholder participation in the development and updates of the policy, and periodic assessment and disclosure of compliance. Policy also reflects **NEW STATE LAW** (*SB 1169, 2016*) which no longer requires posting of district policy on nutrition and physical activity within cafeterias/eating areas, but does require annually informing the public of the content and implementation of the policy.

**ATTACHMENTS**

- BP 5030, Student Wellness

**BUDGETED**

NA       Yes       No       Cost Analysis Follows

**RECOMMENDATION**

Adopt the policy.

**NOTES**

<b><i>ACTION</i></b>	<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

**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 42**1751-1769~~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 7**210.1-210.3~~43~~ National School Lunch Program, especially:**210.30 Wellness policy**

220.1-220.22 National School Breakfast Program

**COURT DECISIONS**Frazer 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)*

CSBA PUBLICATIONS (continued)

Safe Routes to School: Program and Policy Strategies for School Districts, Policy Brief, 2009

Physical Education and California Schools, Policy Brief, rev. October 2007

School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Physical Education Framework for California Public Schools, Kindergarten Through Grade Twelve, 2009

Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003

CALIFORNIA PROJECT LEAN PUBLICATIONS

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

CENTER FOR COLLABORATIVE SOLUTIONS

Changing Lives, Saving Lives: A Step-by-Step Guide to Developing Exemplary Practices in Healthy Eating,

Physical Activity and Food Security in Afterschool Programs, March 2010 January 2015

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide,

2005 rev. 2012

FEDERAL REGISTER

Rules and Regulations, January 26, 2012, Vol. 77, Number 17, pages 4088-4167 July 29, 2016, Vol. 81, Number 146, pages 50151-50170

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000 rev. 2012

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Dietary Guidelines for Americans, 2005 2016

Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000

WEB SITES

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

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>

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

Society for Nutrition Education: <http://www.sne.org>

U.S. Department of Agriculture, Food Nutrition Service, wellness policy:

<http://www.fns.usda.gov/tm/Healthy/wellnesspolicy.html>

**U.S. Department of Agriculture, Healthy Meals Resource System: <http://healthymeals.fns.usda.gov>**

(7/11 4/13) 12/16

Policy Reference UPDATE Service

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*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: February 9, 2017*

**AGENDA ITEM 13.0**

**ACTION ITEM: Board Policy 6170.1, Transitional Kindergarten**

**BACKGROUND**

The Board of Trustees desires to offer a high-quality transitional kindergarten (TK) program for eligible children who do not yet meet the minimum age criterion for kindergarten. The program shall assist TK children in developing the academic, social, and emotional skills they need to succeed in kindergarten and beyond.

The district's TK program shall be the first year of a two-year kindergarten program. (*Education Code 48000*) The Board encourages ongoing collaboration among district preschool staff, other preschool providers, elementary teachers, administrators, and parents/guardians in program development, implementation, and evaluation.

**ATTACHMENTS**

- BP 6170.1, Transitional Kindergarten

**BUDGETED**

NA       Yes       No       Cost Analysis Follows

**RECOMMENDATION**

Review the policy, and update if applicable.

**NOTES**

<b><i>ACTION</i></b>	<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 SD**

## **Board Policy**

### **Transitional Kindergarten**

**BP 6170.1**  
**Instruction**

The Board of Trustees desires to offer a high-quality transitional kindergarten (TK) program for eligible children who do not yet meet the minimum age criterion for kindergarten. The program shall assist TK children in developing the academic, social, and emotional skills they need to succeed in kindergarten and beyond.

The district's TK program shall be the first year of a two-year kindergarten program. (Education Code 48000)

The Board encourages ongoing collaboration among district preschool staff, other preschool providers, elementary teachers, administrators, and parents/guardians in program development, implementation, and evaluation.

(cf. 1220 - Citizen Advisory Committees)

(cf. 6020 - Parent Involvement)

#### **Eligibility**

The district's TK program shall admit children whose fifth birthday is from September 2 through December 2. (Education Code 48000)

Parents/guardians of eligible children shall be notified of the availability of the TK program and the age, residency, immunization, and any other enrollment requirements. Enrollment in the TK program shall be voluntary.

(cf. 5111 - Admission)

(cf. 5111.1 - District Residency)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

Upon request of a child's parents/guardians, the district may, on a case-by-case basis after the Superintendent or designee determines that it is in the child's best interest, admit into the district's TK program a child whose fifth birthday is on or before September 1 and who is therefore eligible for kindergarten.

The district may admit into the TK program a child whose fifth birthday is after December 2, and before February 1, provided the Superintendent or designee recommends that enrollment in a TK program is in the child's best interest. The district may also admit into the TK program a child whose fifth birthday is after February 1, provided the Superintendent or designee determines that enrollment is in the child's best interest. Before making that determination, however, the kindergarten teachers will assess the child to determine the kindergarten readiness of the child. Any student who turns five after December 2, can be denied admittance to the TK program if the Superintendent or designee determines that the admittance of an additional student would unfavorably impact the size of the class. Prior to enrollment of a child whose fifth birthday is after December 2, the child's parents/guardians shall be provided information regarding the advantages and disadvantages and any other explanatory information about the effect of early admittance.

## Curriculum and Instruction

The district's TK program shall be based on a modified kindergarten curriculum that is age and developmentally appropriate. (Education Code 48000)

(cf. 6141 - Curriculum Development and Evaluation)

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

The program shall be aligned with the preschool learning foundations and preschool curriculum frameworks developed by the California Department of Education. It shall be designed to facilitate students' development in essential skills related to language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6011 - Academic Standards)

(cf. 6174 - Education for English Language Learners)

\*\*\*Note: The following optional paragraph may be revised to reflect district practice. Education Code 37202 requires that all elementary schools in the district be maintained for an equal length of time during the school year. In its "Transitional Kindergarten FAQs," the CDE has interpreted this to mean that the district's annual instructional minutes offered to TK students should be the same as the number of instructional minutes offered to kindergarten students, as reflected in its annual audit. Pursuant to Education Code 46111 and 46117, at the kindergarten level the minimum school day is three hours (180 minutes) and the maximum school day is four hours (240 minutes), unless the district has adopted an extended-day kindergarten pursuant to Education Code 8973. However, pursuant to Education Code 46119, if the district has fewer than 40 kindergarten students, it may apply to the Superintendent of Public Instruction to maintain two kindergarten classes of 150 minutes each, taught on the same day by the same teacher. Also see AR 6112 - School Day. \*\*\*

The Board shall fix the length of the school day in the district's TK program, which shall be at

least three hours but no more than four hours.

(cf. 6111 - School Calendar)

(cf. 6112 - School Day)

TK students may be placed in the same classrooms as kindergarten students when necessary, provided that the instructional program is differentiated to meet student needs.

#### Staffing

The Superintendent or designee shall ensure that teachers assigned to teach in TK classes possess a teaching credential or permit from the Commission on Teacher Credentialing (CTC) that authorizes such instruction.

(cf. 4112.2 - Certification)

A credentialed teacher who is first assigned to a TK class after July 1, 2015, shall, by August 1, 2020, have at least 24 units in early childhood education and/or child development, comparable experience in a preschool setting, and/or a child development teacher permit issued by the CTC. (Education Code 48000)

The Superintendent or designee may provide professional development as needed to ensure that TK teachers are knowledgeable about the standards and effective instructional methods for teaching young children.

(cf. 4131 - Staff Development)

#### Continuation to Kindergarten

Students who complete the TK program shall be eligible to continue in kindergarten the following school year. Parents/guardians of such students shall not be required to submit a signed Kindergarten Continuance Form for kindergarten attendance.

However, whenever children who would otherwise be age-eligible for kindergarten are enrolled in TK, the Superintendent or designee shall obtain a Kindergarten Continuance Form signed by the parent/guardian near the end of the TK year consenting to the child's enrollment in kindergarten the following year.

A student shall not attend more than two years in a combination of TK and kindergarten. (Education Code 46300)

(cf. 5123 - Promotion/Acceleration/Retention)

#### Assessment

The Superintendent or designee may develop or identify appropriate formal and/or informal

assessments of TK students' development and progress. He/she shall monitor and regularly report to the Board regarding program implementation and the progress of students in meeting related academic standards.

(cf. 0500 - Accountability)  
(cf. 6162.5 - Student Assessment)

**Legal Reference:**

**EDUCATION CODE**

8973 Extended-day kindergarten

37202 School calendar; equivalency of instructional minutes

44258.9 Assignment monitoring by county superintendent of schools

46111 Kindergarten, hours of attendance

46114-46119 Minimum school day, kindergarten

46300 Computation of ADA, inclusion of kindergarten and transitional kindergarten

48000 Age of admission, kindergarten and transitional kindergarten

48002 Evidence of minimum age required to enter kindergarten or first grade

48200 Compulsory education, starting at age six

**Management Resources:**

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

Transitional Kindergarten FAQs

Desired Results Developmental Profile, 2015

Transitional Kindergarten Implementation Guide: A Resource for California Public School District Administrators and Teachers, 2013

California Preschool Curriculum Framework, Vol. 1, 2010

California Preschool Learning Foundations, Vol. 1, 2008

**WEB SITES**

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

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

California Kindergarten Association: <http://www.ckanet.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Transitional Kindergarten California: <http://www.tkcalifornia.org>

Policy GOLD TRAIL UNION SCHOOL DISTRICT

adopted: September 10, 2015 Placerville, California

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: February 9, 2017*

**AGENDA ITEM 14.0**

**ACTION ITEM: Board Policy 6145, Extracurricular and Cocurricular Activities**

**BACKGROUND**

The Board of Trustees recognizes that extracurricular and cocurricular activities enrich the educational and social development of students and enhance students' feelings of connectedness with the schools. The district shall encourage and support student participation in extracurricular and cocurricular activities without compromising the integrity and purpose of the educational program. The Board will conduct its annual review of subject Policy and Regulation.

**ATTACHMENTS**

- **BP 6145, Extracurricular and Cocurricular Activities**
- **AR 6145, Extracurricular and Cocurricular Activities**

**BUDGETED**

NA       Yes       No       Cost Analysis Follows

**RECOMMENDATION**

Review the policy, and update if applicable.

**NOTES**

<b><i>ACTION</i></b>	<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>		

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

# **Gold Trail Union SD**

## **Board Policy**

### **Extracurricular And Cocurricular Activities**

BP 6145

#### **Instruction**

The Board of Trustees recognizes that extracurricular and cocurricular activities enrich the educational and social development of students and enhance students' feelings of connectedness with the schools. The district shall encourage and support student participation in extracurricular and cocurricular activities without compromising the integrity and purpose of the educational program.

(cf. 1330 - Use of School Facilities)

(cf. 5137 - Positive School Climate)

(cf. 6145.2 - Athletic Competition)

(cf. 5148.2 - Before/After School Programs)

No extracurricular or cocurricular program or activity shall be provided or conducted separately on the basis of any actual or perceived characteristic listed as a prohibited category of discrimination in state or federal law, nor shall any student's participation in an extracurricular or cocurricular activity be required or refused on those bases. Prerequisites for student participation in extracurricular and cocurricular activities shall be limited to those that have been demonstrated to be essential to the success of the activity. (5 CCR 4925)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 6145.5 - Student Organizations and Equal Access)

Any complaint alleging unlawful discrimination in the district's extracurricular or cocurricular programs or activities shall be filed in accordance with BP/AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Unless specifically authorized by law, no fee shall be charged to students for participation in extracurricular and cocurricular activities related to the educational program, including materials or equipment related to the activity.

(cf. 3260 - Fees and Charges)

(cf. 3452 - Student Activity Funds)

Eligibility Requirements

To be eligible to participate in extracurricular and cocurricular activities, students in grades 7-12 must demonstrate satisfactory educational progress in the previous grading period, including, but not limited to: (Education Code 35160.5)

1. Maintenance of a minimum of 2.0 grade point average on a 4.0 scale in all enrolled classes
2. Maintenance of minimum progress toward meeting high school graduation requirements

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

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6162.52 - High School Exit Examination)

The Superintendent or designee may grant ineligible students a probationary period not to exceed one semester. Students granted probationary eligibility must meet the required standards by the end of the probationary period in order to remain eligible for participation. (Education Code 35160.5)

Any decision regarding the eligibility of any child in foster care or a child of an active duty military family for extracurricular or cocurricular activities shall be made by the Superintendent or designee in accordance with Education Code 48850 and 49701.

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.2 - Education of Children of Military Families)

The Superintendent or designee may revoke a student's eligibility for participation in extracurricular and cocurricular activities when the student's poor citizenship is serious enough to warrant loss of this privilege.

#### Student Conduct at Extracurricular/Cocurricular Events

When attending or participating in extracurricular and cocurricular activities on or off campus, district students are subject to district policies and regulations relating to student conduct.

Students who violate district policies and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, or denial of participation in extracurricular or cocurricular activities in accordance with Board policy and administrative regulation. When appropriate, the Superintendent or designee shall notify local law enforcement.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5144 - Discipline)

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

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

**Annual Policy Review**

The Board shall annually review this policy and implementing regulations.

**Legal Reference:**

**EDUCATION CODE**

35145 Public meetings

35160.5 District policy rules and regulations; requirements; matters subject to regulation

35179 Interscholastic athletics; associations or consortia

35181 Students' responsibilities

48850 Participation of foster youth in extracurricular activities and interscholastic sports

48930-48938 Student organizations

49024 Activity Supervisor Clearance Certificate

49700-49704 Education of children of military families

**CALIFORNIA CONSTITUTION**

Article 9, Section 5 Common school system

**CODE OF REGULATIONS, TITLE 5**

350 Fees not permitted

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

5531 Supervision of extracurricular activities of pupils

**UNITED STATES CODE, TITLE 42**

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

**COURT DECISIONS**

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

**Management Resources:**

**CSBA PUBLICATIONS**

Student Fees Litigation Update, ELA Advisory, May 20, 2011

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

Pupil Fees, Deposits, or Other Charges, Fiscal Management Advisory 11-01, November 9, 2011

**CALIFORNIA TASK FORCE REPORT TO THE LEGISLATURE**

Compact on Educational Opportunity for Military Children: Preliminary Final Report, March 2009

**COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE**

10-11 Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), July 20, 2010

**WEB SITES**

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

California Association of Directors of Activities: <http://www.cadal.org>

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

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Policy GOLD TRAIL UNION SCHOOL DISTRICT  
adopted: March 7, 2013 Placerville, California

# **Gold Trail Union SD**

## **Administrative Regulation**

### **Extracurricular And Cocurricular Activities**

#### **AR 6145**

#### **Instruction**

##### **Definitions**

For purposes of applying eligibility criteria for student participation, extracurricular and cocurricular activities shall be defined as follows: (Education Code 35160.5)

1. Extracurricular activities are not part of the regular school curriculum, are not graded, do not offer credit, do not take place during classroom time, and have all of the following characteristics:
  - a. The program is supervised or financed by the school district.
  - b. Students participating in the program represent the school district.
  - c. Students exercise some degree of freedom in the selection, planning, or control of the program.
  - d. The program includes both preparation for performance and performance before an audience or spectators.
2. Cocurricular activities are programs that may be associated with the curriculum in a regular classroom.

An activity is not an extracurricular or cocurricular activity if either of the following conditions applies: (Education Code 35160.5)

1. It is a teacher-graded or required program or activity for a course which satisfies the entrance requirements for admission to the California State University or the University of California.

(cf. 6143 - Courses of Study)

2. It is a program that has as its primary goal the improvement of academic or educational achievement of students.

##### **Eligibility Requirements**

The grade point average (GPA) used to determine eligibility for extracurricular and cocurricular

activities shall be based on grades of the last previous grading period during which the student attended class at least a majority of the time. If a student was not in attendance for all, or a majority of, the grading period due to absences excused by the school for reasons such as serious illness or injury, approved travel, or work, the GPA used to determine eligibility shall be the grading period immediately prior to the excluded grading period(s). (Education Code 35160.5)

(cf. 5113 - Absences and Excuses)

When a student becomes ineligible to participate in extracurricular or cocurricular activities in the upcoming grading period, or when he/she is subject to probation, the principal or designee shall provide written notice to the student and his/her parent/guardian.

#### Supervision

All extracurricular activities conducted under the name or auspices of a district school or any class or organization of the school, regardless of where the activities are held, shall be under the direct supervision of certificated employees. (5 CCR 5531)

Any noncertificated person working with students in a district-sponsored extracurricular student activity program shall possess an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing or shall have cleared a Department of Justice and Federal Bureau of Investigation criminal background check prior to beginning his/her duties, in accordance with BP 4127/4227/4327 - Temporary Athletic Team Coaches. (Education Code 49024)

(cf. 1240 - Volunteer Assistance)

(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

(cf. 4212.5 - Criminal Record Check)

Regulation GOLD TRAIL UNION SCHOOL DISTRICT  
approved: March 7, 2013 Placerville, California

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: February 9, 2017*

**AGENDA ITEM 15.0**

**ACTION ITEM: Annual Review of Board Policy 4117.3, Personnel Reduction (Tie Breaking Criteria)**

**BACKGROUND**

Each winter the Board reviews in subject policy the tie breaking criteria language to confirm or edit for current relevancy to instructional program needs.

**ATTACHMENTS**

- BP 4117.3, Personnel Reduction

**BUDGETED**

NA       Yes       No       Cost Analysis Follows

**RECOMMENDATION**

Concur that the language in the currently adopted Policy is relevant to the district's instructional program. Make changes if needed.

**NOTES**

<b><i>ACTION</i></b>	<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 SD**

## **Board Policy**

### **Personnel Reduction**

**BP 4117.3**

#### **Personnel**

The Board of Trustees may reduce the number of probationary and permanent certificated employees when, in its opinion, any of the following conditions makes such reduction necessary:

1. Average daily attendance (ADA) in all of the schools in the district during the first six months of the school year has declined below the level for the same period in either of the previous two school years. (Education Code 44955)
2. A particular kind of service is to be reduced or discontinued not later than the beginning of the following school year. (Education Code 44955)
3. Attendance in the district will decline in the following year as a result of the termination of an interdistrict tuition agreement. (Education Code 44955)
4. An amendment of state law requires modification of the curriculum. (Education Code 44955)
5. During the time period between five days after the enactment of the Budget Act and August 15 of that fiscal year, the Board determines that the district's total revenue limit per ADA for the fiscal year of that Budget Act has not increased by at least two percent. (Education Code 44955.5)

#### **Determination of the Order of Layoffs/Seniority**

When it is necessary to reduce the number of certificated employees for any of the reasons listed above, the services of employees shall be terminated in the inverse of the order in which they were employed by the district in probationary status, except as otherwise authorized by law. (Education Code 44844, 44955)

The Superintendent or designee shall maintain the seniority list for this purpose and shall make it available upon request.

Unless otherwise provided by law, a permanent employee shall have the right to be retained over a probationary employee or any employee with less seniority if the position is one for which he/she is certificated and competent to render service. (Education Code 44955)

(cf. 4112.2 - Certification)

(cf. 4112.22 - Staff Teaching English Language Learners)

(cf. 4112.23 - Special Education Staff)

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

(cf. 4113 - Assignment)

(cf. 4116 - Probationary/Permanent Status)

To determine the order of termination between employees who first rendered paid service on the same date, the Board shall rank order those employees solely on the basis of the needs of the district and students. The Board determines the needs of the District and the students by establishing tie-breaking criteria:

The following rating system shall be applied in determining the order of termination and seniority ranking of certificated employees:

1. Multiple Subject Credential. Rating: +2 per credential
2. Single Subject Credential. Rating: +1 per credential
3. CLAD, ELD, CLDS, SDAIE and ELA1 authorization. Rating: +1 per authorization
4. BLAD Authorization Rating: +2 per authorization
5. Credentials and experience to teach in a special categorical program. Rating: +1 per credential, +1 per year of experience
6. Years of experience previous to current employment as a full-time, credentialed teacher in a K-12 public school. Rating: +1 per year
7. Earned units beyond the BA/BS level. Rating: +1 per 15 units
8. Experience to teach or serve in a particular program or provide a particular service of need by the District. Rating: +1 per year of experience

(cf. 4113-Assignment)

(cf. 4115-Evaluation/Supervision)

(cf. 4117.4-Dismissal)

Upon the request of an employee whose order of termination is to be determined based on such ranking, the Board shall furnish the employee, no later than five days prior to the commencement of the administrative hearing on the layoff, a written statement of the specific criteria used in determining the order of termination and the application of the criteria in ranking the employee relative to the other employees in the group. (Education Code 44955)

The district may deviate from terminating certificated employees in order of seniority for either of the following reasons: (Education Code 44955, 44956)

1. To fill a demonstrated specific need for personnel to teach a specific course or courses of

study, or to provide services authorized by a services credential with a specialization in either student personnel services or health for a school nurse, when the certificated employee has the necessary special training and experience which others with more seniority do not possess

2. To maintain or achieve compliance with constitutional requirements related to equal protection of the law

#### Notice and Hearing Rights

When it becomes necessary to reduce the number of permanent and/or probationary employees pursuant to Education Code 44955 as specified in items #1-4 above, the district shall give notice to the affected employees, no later than March 15, stating the reasons for the action and the employees' right to a hearing. The district shall adhere to the notice, hearing, and layoff procedures in Education Code 44949, 44955, and other applicable provisions of law.

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

When an employee has requested a hearing before an administrative law judge regarding the reduction or discontinuation of services, the Board shall make a final decision regarding the sufficiency of the cause and disposition of the layoff upon receipt of the administrative law judge's proposed decision. None of the findings, recommendations, or determinations of the administrative law judge shall be binding on the Board. (Education Code 44949)

The Board may conduct its own hearing, adopt the administrative law judge's proposed decision, refer the case back to the administrative law judge for additional evidence, or reject or modify the proposed decision and make its own determination based upon its review of the record.

Following the Board's decision, the Superintendent or designee shall give final notice, in the manner specified, to the affected employees before May 15 unless the parties agree otherwise in accordance with procedures required by law. (Education Code 44955)

When layoffs become necessary pursuant to Education Code 44955.5 as specified in item #5 above, layoff proceedings shall be carried out as required by law but in accordance with a schedule of notice and hearing adopted by the Board. (Education Code 44955.5)

#### Reappointment

If the number of employees is increased or the discontinued service reestablished, permanent certificated employees shall have the right to reappointment, in order of seniority, for 39 months from the date of termination. Probationary certificated employees shall have the same right for 24 months after being terminated, subject to the prior reappointment rights of permanent employees. (Education Code 44846, 44956, 44957)

During the period of the preferred right to reappointment, permanent certificated employees shall, in the order of original employment, be offered first opportunity for substitute service during the absence of any employee who has been granted a leave of absence or who is

temporarily absent from duty. Such substitute service may be terminated upon the return to duty of the other employee. Such substitute service shall not affect the retention of the employees' previous classification and rights. Probationary certificated employees shall have the same right to substitute service during the period of preferred right to reappointment to the extent required by law, subject to the rights of permanent certificated employees. (Education Code 44918, 44956, 44957)

(cf. 4121 - Temporary/Substitute Employees)

Before reappointing any certificated employee to teach a subject which he/she has not previously taught and for which he/she does not have a teaching credential or which is not within the employee's major area of postsecondary study, the Board shall require the employee to pass a subject matter competency test in the appropriate subject. (Education Code 44956)

Reappointed certificated employees shall not be subject to any requirements that were not imposed on employees who continued in service. Their period of absence shall be treated as a leave of absence and not considered a break in the continuity of their service. (Education Code 44956, 44957)

**Legal Reference:**

**EDUCATION CODE**

44830 Employment of certificated persons

44949 Dismissal of probationary employees

44955 Reduction in number of permanent employees

44955.5 Termination of certificated employees

44956-44959.5 Rights of employees

**GOVERNMENT CODE**

3543.2 Scope of representation

**UNEMPLOYMENT INSURANCE CODE**

1089 Notification of unemployment insurance benefits

**CODE OF REGULATIONS, TITLE 22**

1089-1 Notification of unemployment insurance benefits

**COURT DECISIONS**

Vergara v. State of California, (2014) Superior Court State of California, County of Los Angeles, Case. No. BC 484642

California Teachers Association v. Vallejo City Unified School District, (2007) 149 Cal.App.4th 135

Bakersfield Elementary Teachers Association v. Bakersfield City School District, (2006) 145 Cal.App.4th 1260

Cousins v. Weaverville Elementary School District, (1994) 24 Cal.App.4th 1846

Forker v. Board of Trustees, (1984) 160 Cal.App.3d 13

Moreland Teachers Assoc. v. Kurze, (1980) 109 Cal.App.3d 648

King v. Berkeley Unified School District, (1979) 89 Cal.App.3d 1016

Management Resources:  
WEB SITES  
CSBA: <http://www.csba.org>

Policy GOLD TRAIL UNION SCHOOL DISTRICT  
adopted: August 6, 2015 Placerville, California

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: February 9, 2017*

**AGENDA ITEM 16.0**

**ACTION ITEM: El Dorado County ACSA Distinguished Service Awards Nomination**

**BACKGROUND**

The Board may take action to nominate an employee in the administration, confidential or classified management category for consideration of the El Dorado County Association of California School Administrators (ACSA) "Distinguished Service Award" at the Association's annual dinner on February 23, 2017.

**ATTACHMENTS**

➤ None

**BUDGETED**

NA       Yes       No       Cost Analysis Follows

**RECOMMENDATION**

The will of the Board.

**NOTES**

<i><b>ACTION</b></i>	<i><b>Moved</b></i>	<i><b>Seconded</b></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><b>Vote</b></i>	<i><b>Ayes</b></i>	<i><b>Noes</b></i>	<i><b>Absent</b></i>	<i><b>Abstain</b></i>

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: February 9, 2017*

**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

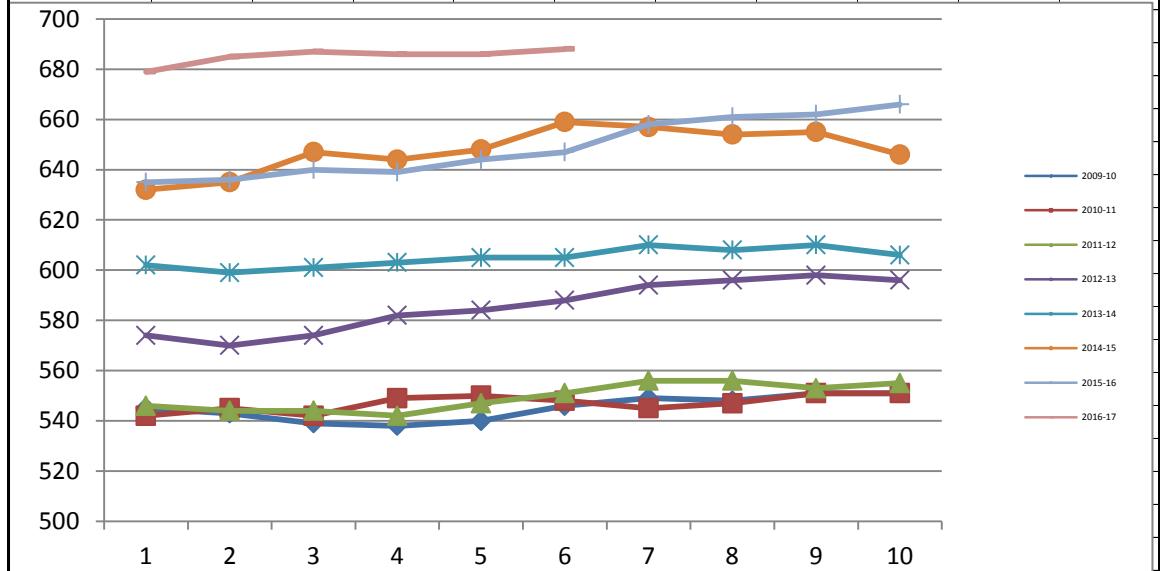
**RECOMMENDATION**

No action needed.

**NOTES**

**Enrollment Report**  
Historical, Current Projection

	1	2	3	4	5	6	7	8	9	10
1995-96	666	663	666	666	668	663	657	658	657	656
1996-97	694	695	694	696	695	691	695	694	700	698
1997-98	702	698	700	703	710	712	709	707	703	705
1998-99	662	655	663	661	656	650	660	658	668	667
1999-00	650	655	663	652	651	653	669	670	664	667
2000-01	652	659	656	654	656	663	665	664	664	662
2001-02	644	648	645	654	649	651	653	649	652	649
2002-03	635	645	648	662	659	651	653	658	659	665
2003-04	604	608	608	608	603	602	602	606	607	606
2004-05	550	555	556	552	555	553	553	557	557	557
2005-06	538	545	543	549	557	551	554	554	556	556
2006-07	552	549	541	546	546	546	546	542	542	540
2007-08	538	543	552	557	558	563	561	561	566	558
2008-09	544	547	543	540	537	539	551	550	550	553
2009-10	545	543	539	538	540	546	549	548	551	551
2010-11	542	545	542	549	550	548	545	547	551	551
2011-12	546	544	544	542	547	551	556	556	553	555
2012-13	574	570	574	582	584	588	594	596	598	596
2013-14	602	599	601	603	605	605	610	608	610	606
2014-15	632	635	647	644	648	659	657	654	655	646
2015-16	635	636	640	639	644	647	658	661	662	666
2016-17	679	685	687	686	686	688				



2016-17 Enrollment this month				
TK	29		4	80
K	64		5	85
1	63		6	74
2	66		7	78
3	72		8	77
Total	294		Total	394
		District Total Enrollment		688

*Gold Trail Union School District  
Supplemental Information  
Regular Meeting of the Board: February 9, 2017*

**AGENDA ITEM:  
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.

**.1 PUBLIC EMPLOYMENT**

**Title: Superintendent Interviews**

**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.*

*Gold Trail Union School District  
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**AGENDA ITEM 20.0**

**Reconvene Public Session and Closed Session Disclosure**

*If Vote Taken in Closed Session*

<b>ACTION</b>	<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 21.0**

**Future Meetings**

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

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

Board Policies, Administrative Regulations and Board Bylaw Updates

Calendar Adoption (Annual)

CSBA Delegate Assembly Election, If Applicable

EDCOE Agreement for Services (Annual)

Five Year Deferred Maintenance Plan, If Applicable

Local Control Accountability Plan (LCAP) Update

Reduction of Certificated Employees, If Applicable

Reduction of Classified Services, If Applicable

Second Period Interim Financial Report (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**

<b>ACTION</b>	<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>