

MADI

ARCHITECTURE + PLANNING

INVOICE

Client Name	Pacific Elementary School District	Invoice No.	16-0216 PEDP-01-04
Contact	Brenda Payne, Interim Superintendent/Principal	Date	15-Feb-16
Address	50 Ocean Street	Terms	Net 30 Days
City	Davenport		
State	CA	Zip	95017

Project No.	PEPD-01	Invoice Period	1-Dec-15	To	31-Jan-16
Project	New Modular Classrooms				
Project Description	Modular Classrooms, Utilities, Parking and Fire Alarm				
Construction Budget	\$727,010				

FEE

Contract Sum	\$	87,241
Net Change	\$	-
Total Contract Sum	\$	87,241

SUMMARY OF FEE DUE THIS PAY PERIOD

Phase	Contract %	Fee / Phase	%Accr'd	Paid	Total Fee Accrued
Schematic Design	10.00%	\$8,724	100%	\$0.00	8,724.12
Design Development	15.00%	\$13,086	100%	\$0.00	13,086.18
Contract Documents	40.00%	\$34,896	100%	\$0.00	34,896.48
DSA Back Check	10.00%	\$8,724	100%	\$0.00	8,724.12
Bidding Phase	5.00%	\$4,362	100%	\$0.00	4,362.06
Construction Administration	15.00%	\$13,086	35%	\$0.00	4,580.16
Close Out	5.00%	\$4,362	0%	\$0.00	0.00
TOTALS	100.00%	\$87,241		\$0.00	74,373.12

Less Amount Paid	39,258.54
Less Amount Paid	26,172.36
Less Amount Paid	4,362.06
Less Amount Paid	0.00
Total Amount Paid	69,792.96
Total Amount due	4,580.16
Fee Remaining	\$12,868.08

PAST DUE IN NO. OF DAYS					
Current Due	1-30	31-60	61-90	Over 90	Total Amount Due
\$4,580.16		\$ -	\$ -	\$ -	\$4,580.16

Make Checks out to: **MADI** Group, Inc. 303 Potrero Street, Suite 07B, Santa Cruz, CA 95060



File:16-0202 PEDP-02 Proposal

February 2, 2016

Pacific Elementary School District
50 Ocean Street, Davenport, CA

Attention: Eric Gross

Subject: Proposal for OFFICE OF PUBLIC SCHOOL CONSTRUCTION (OPSC)/STATE ALLOCATION BOARD
(SAB) FUNDING APPLICATIONS
Pacific Elementary School District
MADI Project No. PEDP-02

Dear Eric:

Thank you for allowing **MADI** Group, Inc. (**MADI**) the opportunity to provide you with this proposal to provide consulting services to maximize PESD State facilities funding eligibility and to file the relevant OPSC/SAB funding applications

We are excited about this opportunity and look forward to continuing our successful working relationship with the District. If you have any questions on this proposal, please feel free to call me at 831.419.0791.

We look forward to working with the PESD team.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ralph le Roux". The signature is stylized with a large initial "R" and a long, sweeping horizontal stroke at the end.

Ralph le Roux
Principal/CEO
MADI Group, Inc.

PROJECT METHODOLOGY **AND FEE PROPOSAL**

1.0 BACKGROUND

The school district may be eligible for State Modernization and New Construction funding. The District's eligibility calculations are outdated. The State is currently either slow in funding, or not funding facility projects at all, however there's a reasonable expectation that the State will run a Bond measure and funding OPSC approved funding applications in the future. This proposal sets out the steps to be taken to maximize possible funding dollars, and to prepare OPSC approved applications to be placed on a 'shovel ready' waiting list. The projects will actually be constructed when State Allocation Board (SAB) releases funds to allow projects to proceed.

2.0 SCOPE OF WORK

PHASE 1: UPDATE ELIGIBILITY (TO MAXIMIZE FUNDING DOLLARS)

Introduction:

Modernization eligibility and New Construction eligibility was determined a long time ago. We believe that the District is eligible for funds through the State and recommend updating both your Modernization and New construction Eligibility. These are the steps to follow:

1. Review all school sites to determine facility needs. Prepare priority matrix. Initiate a Master Plan showing existing and proposed site layouts.
2. Update the District's New Construction eligibility baseline on a District-wide basis using enrollment information provided by the District. Prepare, provide estimates, and file required state eligibility applications with the Office of Public School Construction.
3. Update the Modernization eligibility for four District school sites using enrollment provided by the District. Prepare, provide estimates, and file required state eligibility applications with the Office of Public School Construction.

PHASE 2: CALIFORNIA DEPARTMENT OF EDUCATION PLAN APPROVAL

1. Complete a Master Plan for School district approval showing existing and proposed site layouts.
2. Provide estimate cost of construction and align proposed facility improvements with funding eligibility.
3. Develop 30% Construction Documentation, including:
Full-size plan set, in hard copy, of the following sheets only (don't need the DSA stamp set):
 - Title sheet
 - Site plan with street designations, student/staff/visitor parking areas, and bus and parent-drop off areas clearly labeled

- Floor plans with dimensions, area calculations, and spaces labeled, as applicable
 - Interior and exterior elevations
 - Demolition plan with the location, type, and use of buildings being removed if applicable
 - Reduced Size 11 x 17 plan set, or similar, of the sheets above with the exception of the elevations
4. Prepare California Department of Education plan approval documents.

PHASE 3: OFFICE OF PUBLIC SCHOOL CONSTRUCTION/STATE ALLOCATION BOARD APPLICATIONS

1. Develop 100% Construction Documentation for Division of State Approval.
2. Once DSA Approved, provide:
 - **DSA-Approved Plans, Specifications and Addendum**– Please provide one hardcopy or electronic copy of the plans and specs. If the plans are in electronic copy, they will be in AutoCAD format. TIF, JPG or other type of files will not be accepted. Specifications submitted in electronic file and plans submitted in AutoCAD format must include a drawing index of file names corresponding to plan sheets and a photocopy of the DSA-signed stamp from approved plans, specifications and addendum (if any) is required.
 - **DSA Plan Approval Letter** –provide a copy
 - **Access Compliance/Fire Life Safety Checklist** –The District can request an additional grant for any access compliance and fire/life safety work required by DSA. This includes items such as paths of travel, curb cuts, signage, thresholds, restroom modifications, etc. Fill in template to report the items that are required by DSA for their review and approval: http://www.documents.dgs.ca.gov/opsc/Forms/Checklists/Mod_ADA_Checklist.xls.
3. Prepare Office of Public School Construction/State Allocation Board application(s) for funding and file OPSC application with the State.

3.0 ADDITIONAL SERVICES

Additional Services to be provided by the CONSULTANT, if requested by the CLIENT, may include but are not limited to the following:

- a. Assist CLIENT to identify facility needs, develop strategies for meeting the needs, and identify state funding sources where available.
- b. Provide continuing technical assistance to the CLIENT on the state school facilities programs, laws and regulations including related ad hoc questions.
- c. Provide liaison activities with the Office of Public School Construction, the California Department of Education, the Division of the State Architect and other agencies involved in the school facilities process as needed.
- d. Apprise the Client of the relevant activity in the state school facilities programs by monitoring and reporting the actions of the State Allocation Board, the State Allocation Board Implementation Committee, the Division of the State Architect Advisory Board, and proposed facilities related legislation.
- e. Provide assistance to the CLIENT on the California Energy Commission's Proposition 39 funding, laws and regulations including related ad hoc questions.

- f. Provide documentation to the Client of services provided.

4.0 ASSUMPTIONS

The following assumptions have been made by **MADI** in developing this proposal;

- A. **MADI** will be responsible for Master planning, architecture and engineering.
- B. The District will pay for advertizing, surveys, testing and any other inspection services it may deem necessary.
- C. It is assumed that **PHASE 1** and **PHASE 2** will overlap or run concurrently.

5.0 PROJECT FEES

- 5.1 **Project Fees:** **MADI's** Team proposes to carry out the above scope of work described in Item 2:

PHASE 1: UPDATE ELIGIBILITY:

- 1. Conceptual Master Planning:

On a Time and Materials estimated, not-to-exceed **\$5,000** fee, not to be increased without prior approval from the District.

- 2. Funding Applications:

- a) **\$2,000** upon filing of a complete new construction eligibility application package with the Office of Public School Construction or upon determination by the CONSULTANT that no additional eligibility exists.
- b) **\$3,000** upon filing of a complete modernization eligibility application package with the Office of Public School Construction or upon determination by the CONSULTANT that no additional eligibility exists.

PHASE 2: CALIFORNIA DEPARTMENT OF EDUCATION PLAN APPROVAL

- 1. Detailed Master Planning:

On a Time and Materials estimated, not-to-exceed **\$10,000** fee, not to be increased without prior approval from the District.

- 2. Architecture and Engineering:

Up for 30% of the fees listed with EXHIBIT A, per Site based on California Department of Education Approval.

PHASE 3: OFFICE OF PUBLIC SCHOOL CONSTRUCTION/STATE ALLOCATION BOARD APPLICATIONS:

1. **Architecture and Engineering:**
Up for 75% of the fees listed with EXHIBIT A, per Site up to Division of State Architect (DSA) approvals.
2. **Funding Applications:**
\$7,500 upon filing of a complete funding application package with the Office of Public School Construction. If a project consists of multiple funding sources, CLIENT shall pay the noted fee for each application filed. A fee of \$10,000 shall be charged for each application if the project entails the demolition of more than 50% of the existing site.

ADDITIONAL SERVICES: Per hour for additional services rendered and as requested by the CLIENT. Additional services will be invoiced on a monthly basis.

5.2 Reimbursables: The following costs are determined as reimbursable and are not included in the fee quote in item 5.1

1. **Plotting and Printing:** all plotting expenses for deliverables shall be reimburses as project directs plus 10%.

Invoices will be generated at the end of each Month related to a Percent Completion of project as indicated in Item 5.1

6.0 TERMS

1. CONSULTANT shall commence providing services under this agreement on upon authorization from the District and will diligently perform as required until CLIENT determines no further assistance is needed. This agreement may be extended as required and agreed upon by both parties.
2. The CLIENT shall reimburse CONSULTANT any reasonable out-of-pocket expense when such expenses are incurred at the request of the CLIENT. All reimbursement shall be authorized by the CLIENT prior to the CONSULTANT incurring the expense to be reimbursable under this agreement.
3. **Independent Consultant:** CONSULTANT, in performance of this agreement, shall act as an independent contractor. CONSULTANT understands and agrees that CONSULTANT shall not be considered an officer or employee of the CLIENT and would not be entitled to benefits of any kind or nature normally entitled to employees, including, but not limited to state unemployment or workers compensation. CONSULTANT assumes full responsibility of the payment of all applicable federal, state and local taxes related to this agreement. The CLIENT understands that the CONSULTANT cannot control the processes of the applicable agencies in reviewing and approving any Client application or appeal request. The CONSULTANT will use its best efforts to assist the Client but cannot guarantee a favorable result.

4. Termination: CLIENT may, at any time, with or without reason, upon 30 day notice terminate this Agreement. CONSULTANT may, at any time, with or without reason, upon 30 day notice terminate this agreement by giving written notice to the CLIENT that CONSULTANT'S services will no longer be performed. CONSULTANT shall be entitled to a fee or portion of a fee commensurate with the services performed to the date of termination.

7.0 SCHEDULE

MADI is prepared to initiate work on this project immediately following District authorization.

8.0 ENGAGEMENT

Engagement for our services can be accomplished by mailing two original signed proposals to our office. We will sign and return the second original proposal to you for your records.

Signature below authorizes CONSULTANT to proceed with:

For **MADI** Group, Inc.
Ralph le Roux
CEO

Date: _____

For Pacific Elementary School District
Eric Gross
Superintendent

Date: _____

EXHIBIT A

ARCHITECT'S FEE SCHEDULE

(New Construction)

1. Nine percent (9%) of the first one million dollars (\$1,000,000.00) of Computed Cost.
2. Eight percent (8%) of the next four million dollars (\$4,000,000.00) of Computed Cost.
3. Seven percent (7%) of the next four million dollars (\$4,000,000.00) of Computed Cost.
4. Six percent (6%) of Computed Cost in excess of ten million dollars (\$10,000,000.00).

(Modernization/Reconstruction)

1. Twelve percent (12%) of the first one million dollars (\$1,000,000.00) of Computed Cost.
2. Eleven percent (11%) of the next four million dollars (\$4,000,000.00) of Computed Cost.
3. Ten percent (10%) of the next four million dollars (\$4,000,000.00) of Computed Cost.
4. Nine percent (9%) of Computed Cost in excess of ten million dollars (\$10,000,000.00).
5. Five percent (5%) of the cost of factory built or used DSA pre-approved portables. (Building cost only, all other costs are included in calculation items (1) through (4) above).

Computed Cost: The total contract price awarded for the initial construction contract(s) in connection with any project hereunder, plus the cost of all additive contract change orders approved by the Client in accordance with the terms and provisions of this Agreement and the relevant construction contract(s), less the amount by which such contract price is reduced by all deductive contract change orders approved by the Client in accordance with the terms and provisions of this Agreement and the relevant construction contract(s); provided that, the following are specifically excluded from the definition of "Computed Cost" (1) site acquisition costs, (2) financing costs, (3) costs incurred in connection with the procurement and issuance of local and State fees and permits, (4) design fees, (5) testing and inspection fees and costs, (6) surveys and other owner-provided studies (such as soils and environmental reports), (7) construction management fees, project management fees and other administrative costs, and (8) the cost of construction contract change orders resulting from errors and omissions on the part of the Architect. Compensation for services actually performed by the Architect in connection with work that is subsequently deleted from the project by a deductive change order shall be paid for as an Additional Service.

Pacific SD

Administrative Regulation

Immunizations

AR 5141.31 Students

At the beginning of the school year, the Superintendent/Principal or designee shall notify parents/guardians of the rights of students and parents/guardians relating to immunizations under Education Code 49403. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

The Superintendent/Principal or designee shall not unconditionally admit any student to a district school or child care and development program unless that student has presented documentation of full immunization.

(cf. 5141.22 - Infectious Diseases)

(cf. 5148 - Child Care and Development)

Immunizations for Grades K-6

~~Students entering the district in grades kindergarten through 12 shall have received the following immunizations: (Health and Safety Code 120335; 17 CCR 6020)~~

~~The student shall present documentation of full immunization, in accordance with the age/grade and dose required by the California Department of Public Health (CDPH), against the following diseases: (Health and Safety Code 120335; 17 CCR 6020)~~

1. Measles, mumps and rubella (MMR) vaccine

~~a. Students entering at the kindergarten level shall have received two doses on or after the first birthday, except one dose may be a measles only vaccine.~~

~~b. Mumps vaccine shall not be required for students age seven or older.~~

2. Diphtheria, tetanus and pertussis (whooping cough) vaccine (DTP or DTaP, or Tdap)

~~a. Five doses shall be required for students ages four through six. However, four doses shall meet the requirement if at least one dose was given on or after the fourth birthday.~~

~~b. Four doses shall be required for students age seven or older. However, three doses shall meet the requirement if at least one dose was given on or after the second birthday.~~

~~c. Pertussis immunization shall not be required for students age seven or older.~~

~~d. A tetanus and diphtheria (Td) shot is recommended but not required for seventh-grade students who have not had a booster within the past five years.~~

3. Poliomyelitis (polio) vaccine

~~Four doses shall be required at any age. However, three doses shall meet the requirement for ages four through six if at least one dose was given on or after the fourth birthday, and three doses shall meet the requirement for ages seven to seventeen if at least one dose was given on or after the second birthday.~~

4. Hepatitis B vaccine

~~Three doses shall be required for entry into kindergarten.~~

~~Students admitted at the kindergarten level or below before August 1, 1997, shall be exempt from this requirement.~~

5. Varicella (chickenpox) vaccine

6. Haemophilus influenza type b (Hib meningitis)

7. Any other disease designated by the CDPH

(cf. 5141.22 - Infectious Diseases)

(cf. 5148 - Child Care and Development)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6170.1 - Transitional Kindergarten)

~~Any student admitted at the kindergarten level or above before July 1, 2001, shall be exempt from this requirement for school entry.~~

~~Students who skipped kindergarten shall meet immunization requirements for hepatitis B and a second measles dose prior to entering first grade.~~

~~Students transferring into the district at a grade other than kindergarten shall be exempt from the requirement for a second measles dose or hepatitis B immunization.~~

A student who qualifies for an individualized education program (IEP), unless otherwise exempt, shall be fully immunized in accordance with Health and Safety Code 120335 and this regulation. However, the district shall continue to implement the student's IEP and shall not prohibit the student from accessing any special education and related service required by his/her IEP regardless of whether the student is fully immunized. (Health and Safety Code 120335)

(cf. 6159 - Individualized Education Program)

The student's immunization record shall be provided by the student's health care provider or from the student's previous school immunization record. The record must show at least the month and year for each dose, except that the day, month, and year must be shown for the MMR doses given during the month of the first birthday and for the Tdap dose given during the month of the seventh birthday. (17 CCR 6070)

**CHECK THESE WITH CURRENT PRESCHOOL REQUIREMENTS
THIS IS NOT COVERED IN THE GAMUT IMMUNIZATION SAMPLE**
Immunizations Below Kindergarten Level

Children younger than age four years, six months shall have received haemophilus influenza type b (Hib meningitis) vaccine. (Health and Safety Code 120335)

Other immunization requirements for children below kindergarten level depend on the child's age as specified in 17 CCR 6020.

Exemptions

Exemption from immunization requirements is allowed when: (Health and Safety Code 120365, 120370, 120375; 17 CCR 6051)

~~1. The student's parent/guardian states in writing that immunization is contrary to his/her beliefs.~~

~~(cf. 6141.2 - Recognition of Religious Beliefs and Customs)~~

~~2. The student's parent/guardian provides a written statement by a licensed physician that the physical condition or medical circumstances of the student are such that immunization is unsafe or is permanently not indicated.~~

~~However, if there is good cause to believe that the student has been exposed to one of the communicable diseases listed above, the student may be temporarily excluded from school until the local health officer is satisfied that the student is no longer at risk of developing the disease. (Health and Safety Code 120365)~~

Exemption from one or more immunization requirements shall be granted under any of the following circumstances:

1. The parent/guardian files with the district a written statement by a licensed physician to the effect that the physical condition of the child is such, or medical circumstances relating to the child are such, that immunization is not considered safe. The statement shall indicate the specific nature and probable duration of the medical condition or circumstances, including, but not limited to, family medical history, for which the physician does not recommend immunization. (Health and Safety Code 120370; 17 CCR 6051)

2. The student's parent/guardian files with the district, before January 1, 2016, a letter or written affidavit stating that an immunization is contrary to his/her personal beliefs, in which case the student shall be exempted from the immunization until he/she enrolls in the next applicable grade span requiring immunization (birth to preschool, grades K-6, grades 7-12). (Health and Safety Code 120335)

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

When a student transfers into the district from another school district in California, his/her personal beliefs exemption filed before January 1, 2016, shall remain in effect until the next applicable grade span. A student transferring from a school outside the district shall present a copy of the personal beliefs exemption upon enrollment. When a student transfers into the district from outside California and presents a personal beliefs exemption issued by another state or country prior to January 1, 2016, the Superintendent or designee may consult with legal counsel regarding the applicable immunization requirements.

3. The student is enrolled in an independent study program pursuant to Education Code 51745-51749.6 and does not receive classroom-based instruction.

(cf. 6158 - Independent Study)

Conditional Enrollment

The Superintendent or designee may conditionally admit a student with documentation from an authorized health care provider that: (Health and Safety Code 120340; 17 CCR 6000, 6035)

1. The student has not received all the immunizations required for his/her age group, but has commenced receiving doses of all required vaccines and is not due for any other doses at the time of admission.

2. *The student has a temporary exemption from immunization for medical reasons pursuant to item #1 in the section "Exemptions" above.*

The Superintendent or designee shall notify the student's parents/guardians of the date by which the student must complete all the remaining doses as specified in 17 CCR 6035.

(cf. 5145.6 - Parental Notifications)

In addition, a transfer student may be conditionally admitted for up to 30 school days while his/her immunization records are being transferred from the previous school. If such documentation is not presented within 30 days, the student shall be excluded from school until the required immunizations have been administered. (17 CCR 6070)

The Superintendent or designee shall review the immunization record of each student admitted conditionally every 30 days until that student has received all the required immunizations. If the student does not receive the required immunizations within the specified time limits, he/she shall be excluded from further attendance until the immunizations are received. (Health and Safety Code 120375; 17 CCR 6070)

The Superintendent or designee shall immediately enroll homeless students, foster youth, and students of military families even if their immunization records are missing or unavailable at the time of enrollment. School or district staff shall work with the student's prior school to obtain the student's immunization records or shall ensure that he/she is properly immunized. (Education Code 48853.5, 49701; Health and Safety Code 120341; 42 USC 11432)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

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

Exclusions Due to Lack of Immunizations

Any student without the required evidence of immunization may be excluded from school until the immunization is obtained ~~or until the student presents a letter or affidavit of exemption from his/her parent/guardian or physician.~~ or an exemption is granted in accordance with the section "Exemptions" above.

(cf. 5112.2 - Exclusions from Attendance)

(cf. 6183 - Home and Hospital Instruction)

Before a student is excluded from school attendance because of lack of

immunization, the Superintendent/Principal or designee shall notify the parent/guardian that he/she has 10 school days in which to supply evidence of proper immunization or an appropriate letter of exemption. This notice shall refer the parent/guardian to the child's usual source of medical care. (Education Code 48216; 17 CCR 6040)

If no usual source of medical care exists, the parent/guardian shall be referred to the county health department. (Education Code 48216) (17 CCR 6040)

(cf. 5141.6 - School Health Services)

The Superintendent/Principal or designee shall exclude from further attendance any student who fails to obtain the required immunization within 10 school days following receipt of the parent/guardian notice specified above, ~~unless the student is exempt from immunization for medical reasons or personal beliefs. The student shall remain excluded from school until he/she has received another dose of each required vaccine due at that time. (17 CCR 6055)~~ *The student shall remain excluded from school until he/she provides written evidence that he/she has received a dose of each required vaccine due at that time. The student shall also be reported to the attendance supervisor or principal. (17 CCR 6055)*

Exclusion Due to Exposure to Disease

If the district has good cause to believe that a student has been exposed to a disease listed in the section "Required Immunizations" above and his/her documentation of immunization does not show proof of immunization against that disease, that student may be temporarily excluded from the school until the local health officer informs the district in writing that he/she is satisfied that the student is no longer at risk of developing or transmitting the disease. (Health and Safety Code 120370)

Conditional Enrollment

~~The Superintendent/Principal or designee may conditionally admit a student with documentation from a physician that: (Health and Safety Code 120340; 17 CCR 6000, 6035)~~

- ~~1. He/she has received some but not all required immunizations and is not due for any vaccine dose at the time of admission~~
- ~~2. He/she has a temporary exemption from immunization for medical~~

reasons

~~The Superintendent/Principal or designee shall notify the student's parents/guardians of the date by which the student must complete all the remaining doses when they become due as specified in 17 CCR 6035.~~

~~The Superintendent/Principal or designee shall review the immunization record of each student admitted conditionally every 30 days until that student has received all the required immunizations. If the student does not receive the required immunizations within the specified time limits, he/she shall be excluded from further attendance until the immunizations are received. (Health and Safety Code 120375; 17 CCR 6070)~~

Records

The Superintendent/Principal or designee shall record each new entrant's immunizations in the mandatory permanent student record. District staff shall maintain the confidentiality of immunization records and may disclose such information to state and local health departments only in accordance with law. (Health and Safety Code 120375, 120440; 17 CCR 6070)

(cf. 5125 - Student Records)

The district shall also retain in the mandatory student record any physician or health officer statement, personal beliefs letter or affidavit, reason for conditional enrollment, or any other documentation related to the student's immunization record or exemptions.

Audits

If an audit reveals deficiencies in the district's reporting procedures, the Superintendent or designee shall present the Board with a plan to remedy such deficiencies.

Regulation PACIFIC SCHOOL DISTRICT

approved: October 15, 2009

Davenport, California

revised: XXXXXXXX

Davenport, California

Pacific SD

Administrative Regulation

Budget

AR 3100

Business and Noninstructional Operations

Budget Advisory Committee

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

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

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

~~(cf. 9140 – Board Representatives)~~

~~2. District administrators~~

~~3. Representatives of bargaining units~~

~~4. Certificated and/or classified staff~~

~~5. Parents/guardians~~

~~6. Representatives of the business community and/or other community members~~

~~(cf. 1220 – Citizen Advisory Committees)~~

~~(cf. 2230 – Representative and Deliberative Groups)~~

~~(cf. 9130 – Board Committees)~~

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

~~1. Making recommendations regarding budget priorities~~

~~2. Recommending cost reduction strategies, such as identifying services that may be reduced, made more efficient, or discontinued~~

~~3. Reviewing the clarity and effectiveness of budget documents and~~

communications

~~4. Presenting progress reports on the committee's work and a final report of recommendations to the Superintendent/Principal or designee and to the Board~~

The specific duties of the committee shall be clearly defined and presented to each member in writing, along with any background information necessary for the successful completion of the committee's charges, the timelines for reporting the committee's progress, and timelines for completion of each task.

(cf. 3350 - Travel Expenses)

Public Hearing

~~Initial Budget Adoption~~

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

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

~~(cf. 9320 - Meetings and Notices)~~

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

Pursuant to Education Code 52062, the public hearing on the budget must be at the same meeting as the public hearing on the local control and accountability plan (LCAP).

The agenda for the public hearing on the district budget shall be posted at least 72 hours before the hearing and shall indicate the location where the budget may be inspected. The proposed budget shall be available for public inspection at least three working days before this hearing. (Education Code 42103, 42127, 52062)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

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

Whenever the proposed district budget includes a combined assigned and unassigned ending fund balance that exceeds the minimum recommended reserve for economic uncertainties adopted by the State Board of Education, the district shall provide, for each fiscal year included in the budget, the following information for public review and discussion at the public hearing: (Education Code 42127; 5 CCR 15450)

- 1. The minimum recommended reserve for economic uncertainties*
- 2. The combined assigned and unassigned ending fund balances that are in excess of the minimum recommended reserve*
- 3. A statement of reasons substantiating the need for the combined assigned and unassigned ending balances that are in excess of the minimum recommended reserve*

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

(cf. 9323 - Meeting Conduct)

Budget Review Committee for Disapproved Budgets

If the district's budget is disapproved by the County Superintendent for any reason other than his/her disapproval of the district's local control and accountability plan (LCAP) or annual update to the LCAP, the budget shall be reviewed by a budget review committee, unless the Board and County Superintendent agree to waive the requirement and the California Department of Education accepts the waiver. (Education Code 42127)

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

PROPOSED UPDATE ADMINISTRATIVE REGULATION

1. Three persons selected by the Board from a list of candidates provided by the Superintendent of Public Instruction (SPI), who shall be selected within five working days after receiving the list of candidates

2. A regional review committee convened by the County Superintendent with the approval of the Board

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

If the SPI disapproves the district budget after reviewing the committee's report and the district's response, the Board shall consult with the County Superintendent as he/she develops and adopts, by December 31, a fiscal plan and budget that will allow the district to meet its financial obligations. For the current fiscal year, the district shall operate in accordance with the budget adopted by the County Superintendent. (Education Code 42127.3)

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

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

~~(cf. 1340—Access to District Records)~~

~~Revised Budget~~

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

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

PROPOSED UPDATE ADMINISTRATIVE REGULATION

Regulation PACIFIC SCHOOL DISTRICT
approved: October 15, 2009 Davenport, California
REVISED: XXXXXXX Davenport, California

EXCERPTED BP AND AR LANGUAGE RE NEW SICK LEAVE LAW

CSBA Sample -Sub and Temp Employees Board Policy

Temporary/Substitute Personnel

BP 4121

Personnel

Paid Sick Leave

****Note: Effective July 1, 2015, Labor Code 245-249 (the Healthy Workplaces, Healthy Families Act), as added by AB 1522 (Ch. 317, Statutes of 2014), require districts to grant a minimum of one hour of paid sick leave for every 30 hours worked to their employees who work for 30 days within a year of their employment, including temporary and substitute employees. In implementing Labor Code 246, the district must either (1) allow temporary and substitute employees to carry over accrued paid sick leave to the following year up to a maximum of 48 hours or six work days, in which case the district must track the amount of sick leave earned by each employee, or (2) grant 24 hours of paid sick leave to each such employee at the beginning of each year, in which case no sick leave carries over to the following year. Districts should select the option below which corresponds to their approach under Labor Code 246. ****

****Note: Additional requirements of Labor Code 245-249 include, but are not limited to, display of a poster containing specified information at every workplace, provision of each employee's sick leave balance on his/her wage statements, and maintenance of leave usage documentation for three years. The provisions of Labor Code 245-249 are very broad and only district employees covered by a valid collective bargaining agreement may be exempted from them, if the collective bargaining agreement expressly provides paid sick leave in an amount equal to or exceeding the amount of leave required pursuant to Labor Code 246, includes final and binding arbitration of disputes regarding the application of the paid sick days provisions, and provides premium wage rates for all overtime hours worked and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate. Since many districts may not satisfy all the conditions for this exemption, the following optional section has been drafted to include the requirements of Labor Code 245-249. Any district whose collective bargaining agreement meets all the conditions for exemption may modify this section accordingly. For sick leave for full-time and part-time certificated employees and additional requirements of Labor Code 245-249, see AR 4161.1/4361.1 -Personal Illness/Injury Leave. For sick leave for classified employees, see AR 4261.1- Personal Illness/Injury Leave. ****

OPTION 1: Any temporary or substitute employee who works for 30 or more days within a year of his/her employment shall be entitled to one hour of paid sick leave for every 30 hours

worked. Such employee may begin to use accrued paid sick days on the 90th day of his/her employment, after which he/she may use the sick days as they are accrued. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)

OPTION 2: Any temporary or substitute employee who works for 30 or more days within a year of his/her employment shall be credited with 24 hours of paid sick leave for that year. Unused sick leave shall not carry over to the following year of employment. (Labor Code 246)

****Note: The following paragraph applies to both options and reflects the intent of the legislature in enacting the Healthy Workplaces, Healthy Families Act, including to enable California workers to address their own and their family's health needs and to provide them with economic security when they need to take time off work for reasons of domestic violence, sexual assault, or stalking. The following paragraph may be revised to include additional reasons for which temporary or substitute employees may use sick leave, pursuant to district policy or practice.****

A temporary or substitute employee may use accrued sick leave for absences due to: (Labor Code 246.5)

- I. The diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee or his/her family member as defined in Labor Code 245.5
2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking

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

(cf. 4261.1 -Personal Illness/Injury Leave)

No employee shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against any employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249. The Superintendent or designee shall display a poster containing required information, provide notice to eligible employees of their sick leave rights, keep of records of employees' use of sick leave for three years, and comply with other requirements specified in Labor Code 245-249 and in AR 4161.1/4361.1 -Personal Illness/Injury Leave.

CSBA Sample -Certificated and Classified Administrative Regulation

Personal Illness/Injury Leave

AR 4161.1 4361.1

Personnel

****Note: Effective July 1, 2015, Labor Code 245-249 (the Healthy Workplaces, Healthy Families Act), as added by AB 1522 (Ch. 317, Statutes of 2014), require districts to grant a minimum of one hour of paid sick leave for every 30 hours worked to their employees who work for 30 days within a year of their employment, including temporary and substitute employees. Additional requirements of Labor Code 245-249 include, but are not limited to, display of a poster containing specified information at every workplace, provision of each employee's sick leave balance on his/her wage statements, and maintenance of leave usage documentation for three years. The provisions of Labor Code 245-249 are very broad and only district employees covered by a valid collective bargaining agreement may be exempted from them, if the collective bargaining agreement expressly provides paid sick leave in an amount equal to or exceeding the amount of leave required pursuant to Labor Code 246, includes final and binding arbitration of disputes regarding the application of the paid sick days provisions, and provides premium wage rates for all overtime hours worked and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate. Since many districts may not satisfy all the conditions for this exemption, this administrative regulation has been drafted to include the requirements of Labor Code 245-249. Any district whose collective bargaining agreement meets all the conditions for exemption may modify this administrative regulation accordingly. ****

Certificated employees working five school days per week are entitled to 10 days leave of absence for personal illness or injury (sick leave) per school year, with full pay. Employees working less than five school days per week (part-time employees) shall be granted sick leave in proportion to the time they work. However, any part-time employee who is entitled to less than three days of paid sick leave due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246. (Education Code 44978)

****Note: Pursuant to Labor Code 246.5, as added by AB 1522 (Ch. 317, Statutes of 2014), paid sick leave may also be used for the purposes specified in items #7 and #8 below. Labor Code 245.5, as added by AB 1522, defines "family member" for the purpose of item #7 to include a registered domestic partner, grandparent, and sibling. Item #8 applies only to employees who are victims of domestic violence, sexual assault, or stalking. For additional information about leaves for victims of domestic violence, sexual assault, or stalking, see AR 4161.2/4261.214361.2 -Personal Leaves. ****

7. Diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee or his/her family member as defined in Labor Code 245.5 (Labor Code 246.5)

8. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 246.5)

****Note: Pursuant to Labor Code 245-249, as added by AB 1522 (Ch. 317, Statutes of 2014), all employers, including those that provide paid time off to their employees under existing policy or other law, must comply with the requirements specified in the following section. Pursuant to Labor Code 248.5, noncompliance with the Healthy Workplaces, Healthy Families Act could result in enforcement action against the employer, including the imposition of civil and monetary penalties. Any district with questions regarding the applicability of this new law should consult its legal counsel. ****

No employee shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249.

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

- I. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
 - a. That an employee is entitled to accrue, request, and use paid sick days
 - b. The amount of sick days provided by Labor Code 245-249
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting or using sick leave is prohibited by law and an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against him/her
2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available

(cf. 4112.9/4212.9/4312.9- Employee Notifications)
4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

Pacific SD

Board Policy

Immunizations

BP 5141.31

Students

To protect the health of all students and staff and to curtail the spread of infectious diseases, the Board of Trustees desires to cooperate with state and local health agencies to encourage immunization of all district students against preventable diseases.

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

(cf. 5141.22 - Infectious Diseases)

Each student enrolling for the first time in a district school, preschool, or child care and development program shall present an immunization record from any authorized private or public health care provider certifying that he/she has received all required immunizations in accordance with law.

Each transfer student shall be requested to present his/her immunization record, if possible, upon registration at a district school.

Pursuant to 42 USC 11431 and Education Code 48853.5, homeless children and foster youth must be immediately enrolled even if they are unable to produce records normally required for enrollment, including medical records.

~~Students entering the district school or child care and development program shall present an immunization record which shows at least the month and year of each immunization in accordance with law.~~ Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

(cf. 5112.1 - Exemptions from Attendance)

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5148 - Child Care and Development)

(cf. 5141.32 - Health Screening for School Entry)

(cf. 5148 - Child Care and Development)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6173 - Education for Homeless Children)

PROPOSED UPDATED POLICY

(cf. 6173.1 - Education for Foster Youth)

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

A transfer student may be conditionally admitted for up to 30 school days while his/her immunization records are being transferred from the previous school. If these records do not arrive within 30 school days, the student shall present written documentation by a physician, nurse or clinic, showing that the required immunizations were received. If such documentation is not presented, the student shall be excluded from school until immunization requirements are met.

Legal Reference:

EDUCATION CODE

~~46010 Total days of attendance~~

~~48216 Immunization~~

~~48980 Required notification of rights~~

~~49403 Cooperation in control of communicable disease and immunizations~~

HEALTH AND SAFETY CODE

~~120325-120380 Immunization against communicable disease especially:~~

~~120335 Immunization requirement for admission~~

~~120440 Disclosure of immunization information~~

CODE OF REGULATIONS, TITLE 17

~~6000-6075 School attendance immunization requirements~~

Management Resources:

DEPARTMENT OF HEALTH SERVICES

Commonly Asked Questions About the New School Immunization Requirements, March 1999

WEB SITES

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

California Department of Public Health, Immunization Branch: <http://edph.ca.gov/programs/immunize>

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

Legal Reference:

EDUCATION CODE

44871 *Qualifications of supervisor of health*

46010 *Total days of attendance*

48216 *Immunization*

48853.5 *Immediate enrollment of foster youth*

48980 *Required notification of rights*

49403 *Cooperation in control of communicable disease and immunizations*

49426 *Duties of school nurses*

PROPOSED UPDATED POLICY

49701 Flexibility in enrollment of children of military families

51745-51749.6 Independent study

HEALTH AND SAFETY CODE

120325-120380 Immunization against communicable disease, especially:

120335 Immunization requirement for admission

120395 Information about meningococcal disease, including recommendation for vaccination

120440 Disclosure of immunization information

CODE OF REGULATIONS, TITLE 5

430 Student records

CODE OF REGULATIONS, TITLE 17

6000-6075 School attendance immunization requirements

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

UNITED STATES CODE, TITLE 42

11432 Immediate enrollment of homeless children

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

Management Resources:

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

California Immunization Handbook for Child Care Programs and Schools, August 2015

Guide to Immunizations Required for Child Care

Guide to Immunizations Required for School Entry

Parents' Guide to Immunizations Required for Child Care

Parents' Guide to Immunizations Required for School Entry

EDUCATION AUDIT APPEALS PANEL PUBLICATIONS

Guide for Annual Audits of Local Education Agencies and State Compliance Reporting, July 2015

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Family Educational Rights and Privacy Act (FERPA) and H1N1, October 2009

WEB SITES

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

*California Department of Public Health, Immunization Branch:
<http://www.cdph.ca.gov/programs/immunize>*

California Department of Public Health, Shots for Schools: <http://shotsforschools.org>

PROPOSED UPDATED POLICY

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

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

Policy PACIFIC SCHOOL DISTRICT

adopted: October 15, 2009 Davenport, California

revised: xxxxxxxx Davenport, California

Pacific SD

Board Policy

Budget

BP 3100

Business and Noninstructional Operations

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

(cf. 0000 - Vision)
(cf. 3000 - Concepts and Roles)
(cf. 3300 - Expenditures and Purchases)
(cf. 3460 - Financial Reports and Accountability)
(cf. 9000 - Role of the Board)

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

Budget Development and Adoption Process

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

In order to provide guidance in the development of the budget, the Board shall annually establish budget priorities based on identified district needs and goals and on realistic projections of available funds.

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

The Board encourages public input in the budget development process and shall hold ~~public hearings and meetings in accordance with Education Code 42103 and 42127.~~ *a public hearing on the proposed budget in accordance with*

PROPOSED UPDATED POLICY

Education Code 42103 and 42127.

(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)
(cf. 9323 - Meeting Conduct)

*The Board shall adopt the district budget on or before July 1 of each year.
(Education Code 42127)*

At a public meeting held on a date after the public hearing on the budget, the Board shall adopt the budget following its adoption of the LCAP or an annual update to the LCAP at the same meeting. The budget shall include the expenditures necessary to implement the LCAP or the annual update to the LCAP. (Education Code 42127)

~~The Superintendent/Principal or designee shall ensure that the proposed district budget is clearly presented and effectively communicated to the Board, staff, and public. He/she may adapt or supplement the format prescribed by the Superintendent of Public Instruction (SPI) as necessary for these purposes. However, the budget that is formally adopted by the Board shall be in the state-required format.~~

The budget that is formally adopted by the Board shall adhere to the state's Standardized Account Code Structure as prescribed by the Superintendent of Public Instruction. (Education Code 42126, 42127)

The Superintendent or designee may supplement this format with additional information as necessary to effectively communicate the budget to the Board, staff, and public.

*No later than five days after the Board adopts the district budget or by July 1, whichever occurs first, the Board shall file with the County Superintendent of Schools the adopted district budget and supporting data. The budget and supporting data shall be maintained and made available for public review.
(Education Code 42127)*

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

Budget Advisory Committee

PROPOSED UPDATED POLICY

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

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

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

Budget Criteria and Standards

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

The Superintendent or designee shall develop a district budget in accordance with state criteria and standards specified in 5 CCR 15440-15450 as they relate to projections of average daily attendance (ADA), enrollment, ratio of ADA to enrollment, local control funding formula revenue, salaries and benefits, other revenues and expenditures, facilities maintenance, deficit spending, unrestricted general fund balance, and reserves. In addition, he/she shall provide the supplemental information specified in 5 CCR 15451 which addresses the methodology and budget assumptions used, contingent liabilities, use of one-time revenues for ongoing expenditures, use of ongoing revenues for one-time expenditures, contingent revenues, contributions, long-term commitments, unfunded liabilities, status of collective bargaining agreements, the LCAP, and LCAP expenditures. (Education Code 33128, 33128.3, 33129, 42127.01; 5 CCR 15440-15451)

***Note: The following paragraph is for use by districts that receive supplemental and concentration funding within the LCFF based on the number and concentration of "unduplicated students" (i.e., students who are eligible for free or

reduced-price meals, English learners, and foster youth) pursuant to Education Code 42238.02 and 42238.03. 5 CCR 15494-15496, as amended by Register 2015, No. 2, address the method of determining the percentage by which services for unduplicated students must be increased or improved above services provided to all students in the fiscal year.***

The district budget shall provide for increasing or improving services for unduplicated students at least in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated students. Unduplicated students are students who are eligible for free or reduced-price meals, English learners, and/or foster youth. (Education Code 42238.07; 5 CCR 15496)

*(cf. 3553 - Free and Reduced Price Meals)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6174 - Education for English Language Learners)*

~~The Board shall establish and maintain a general fund reserve for economic uncertainty that meets or exceeds the requirements of 5 CCR 15450.~~

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

Long-Term Financial Obligations

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

*(cf. 4141/4241 - Collective Bargaining Agreement)
(cf. 4143/4243 - Negotiations/Consultation)
(cf. 4154/4254/4354 - Health and Welfare Benefits)
(cf. 7210 - Facilities Financing)
(cf. 9250 - Remuneration, Reimbursement and Other Benefits)*

When the Superintendent/Principal or designee presents a report to the Board on the estimated accrued but unfunded cost of workers' compensation claims, the Board shall disclose, as a separate agenda item at the same meeting, whether or not it will reserve in the budget sufficient amounts to fund the present value of

PROPOSED UPDATED POLICY

accrued but unfunded workers' compensation claims or if it is otherwise decreasing the amount in its workers' compensation reserve fund. The Board shall annually certify to the County Superintendent the amount, if any, that it has decided to reserve in the budget for these costs. The Board shall submit to the County Superintendent any budget revisions that may be necessary to account for this budget reserve. (Education Code 42141)

Budget Amendments

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

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

(cf. 3110 - Transfer of Funds)

Legal Reference:

EDUCATION CODE

1240 Duties of county superintendent of schools

33127-33131 Standards and criteria for local budgets and expenditures

42103 Public hearing on proposed budget; requirements for content of proposed budget

42122-42129 Budget requirements

42130-42134 Financial certifications

42140-42141 Disclosure of fiscal obligations

42238-42251 Apportionments to districts, especially:

42238.01-42238.07 Local control funding formula

42602 Use of unbudgeted funds

42610 Appropriation of excess funds and limitation thereon

45253 Annual budget of personnel commission

45254 First year budget of personnel commission

52060-52077 Local control and accountability plan

GOVERNMENT CODE

7900-7914 Appropriations limit

CODE OF REGULATIONS, TITLE 5

15060 Standardized account code structure

15440-15451 Criteria and standards for school district budgets

15494-15496 Local control funding formula, expenditures

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

New Requirements for Reporting Fund Balance in Governmental Funds, January 7, 2011

FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

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

GOVERNMENT FINANCE OFFICERS ASSOCIATION

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

GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENTS

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

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

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

WEB SITES

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

Association of California School Administrators: <http://www.acsa.org>

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

California Department of Finance: <http://www.dof.ca.gov>

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

Government Finance Officers Association: <http://www.gfoa.org>

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

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

Pacific SD

Board Policy

Bids

BP 3311

Business and Noninstructional Operations

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

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

(cf. 3000 - Concepts and Roles)

(cf. 3300 - Expenditures and Purchases)

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.

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

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

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

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

(cf. 9270 - Conflict of Interest)

Legal Reference:

PROPOSED UPDATED POLICY

EDUCATION CODE

17070.10-17079.30 Leroy F. Greene School Facilities Act
17406 Lease-leaseback contract
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

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
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
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
20111-20118.4 Contracting by school districts
20189 Bidder's security, earthquake relief
22002 Definition of public project
22030-22045 Alternative procedures for public projects (UPCCAA)
22050 Alternative emergency procedures
22152 Recycled product procurement

COURT DECISIONS

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)

Management Resources:

WEB SITES

CSBA: [http:// www.csba.org](http://www.csba.org)

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

Policy PACIFIC SCHOOL DISTRICT

adopted: October 15, 2009

Davenport, California

revised: XXXXXXXX

Davenport, California

Pacific SD

Administrative Regulation

Bids

AR 3311

Business and Noninstructional Operations

Advertised/Competitive Bids

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

The district shall also seek competitive bids ~~through advertisement for contracts exceeding~~ *when a contract exceeds* the amount specified in law, and as annually adjusted by the Superintendent of Public Instruction, for any of the following: (Public Contract Code 20111; Government Code 53060)

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

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

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

~~requires, or else all bids shall be rejected. (Public Contract Code 20111)~~

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

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

~~When letting a contract for the procurement and/or maintenance of electronic data processing systems and supporting software, the Board may contract with any one of the three lowest responsible bidders. (Public Contract Code 20118.4)~~

Instructions and Procedures for Advertised Bids

The Superintendent/Principal or designee shall call for bids by placing a notice at least once a week for two weeks in a local newspaper of general circulation published in the district, or if no such newspaper exists, then in some newspaper of general circulation, circulated in the county, and may post the notice on the district's web site or through an electronic portal. The notice shall state the work to be done or materials or supplies to be furnished and the time and place and web site where bids will be opened. The district may accept a bid that has been submitted electronically or on paper. (Public Contract Code 20112)

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

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

1. All bidders shall certify the minimum, if not exact, percentage of post-consumer materials in products, materials, goods, or supplies offered or sold. (Public Contract Code 22152)
2. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security: (Public Contract Code 20107, 20111)

PROPOSED UPDATED ADMINISTRATIVE REGULATION

- 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. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)

4. When two or more identical lowest or highest bids are received, the Board may determine by lot which bid shall be accepted. (Public Contract Code 20117)

5. If the district requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in item #a below shall be used. (Public Contract Code 20103.8)

a. The lowest bid shall be the lowest total of the bid prices on the base contract without consideration of the prices on the additive or deductive items.

b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.

c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the district before the first bid is opened.

The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed to the district before the ranking of all bidders from lowest to highest has been determined.

6. *The district shall consider only responsive bids from responsible bidders in*

determining the lowest bid.

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

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

9. *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.*

(cf. 1340 - Access to District Records)

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 students who are to be transported, in which case the Board may contract with other than the lowest bidder (Education Code 39802)*

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)*

Alternative Bid Procedures for Technological Supplies and Equipment

~~Upon a finding by the Board that a particular procurement qualifies for the alternative procedure, the district may acquire computers, software, telecommunications equipment, microwave equipment, and other related electronic equipment and apparatus through competitive negotiation. This~~

~~procedure shall not apply to contracts for construction or for the procurement of any product that is available in substantial quantities to the general public.—
(Public Contract Code 20118.2)~~

Rather than seek competitive bids, the Board may use competitive negotiation when it makes a finding that a district procurement is for computers, software, telecommunications equipment, microwave equipment, or other related electronic equipment and apparatus. Competitive negotiation shall not be used to contract for construction or for the procurement of any product that is available in substantial quantities to the general public. (Public Contract Code 20118.2)

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

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

negotiation with the successful proposer.

Bids Not Required

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. 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 comparison findings specified in Government Code 4217.12. (Government Code 4217.12)

(cf. 3511 - Energy and Water Management)
(cf. 9320 - Meetings and Notices)

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

(cf. 3300 - Expenditures and Purchases)

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

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

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

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

In an emergency when any repairs, alterations, work, or improvement to any school facility is necessary to permit the continuance of existing school classes or to avoid danger to life or property, the Board may, by unanimous vote and with

the approval of the County Superintendent of Schools, contract for labor and materials or supplies without advertising for or inviting bids or may authorize the use of day labor or force account for the emergency purpose. (Public Contract Code 20113)

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

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

Sole Sourcing

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

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

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

Prequalification Procedure

For any contract for which bids are legally required, the Board may require that each prospective bidder complete and submit a standardized questionnaire and financial statement. For this purpose, the Superintendent/Principal or designee shall supply a form, which requires a complete statement of the bidder's financial ability and experience in performing public works. (Public Contract Code

20111.5)

Prospective bidders shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids. The information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Public Contract Code 20111.5)

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

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

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

Protests by Bidders

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

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

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

PROPOSED UPDATED ADMINISTRATIVE REGULATION

Regulation PACIFIC SCHOOL DISTRICT
approved: October 15, 2009 Davenport, California

Pacific SD

Board Policy

Contracts

BP 3312

Business and Noninstructional Operations

The Governing Board recognizes its responsibility to enter into contracts on behalf of the district for the acquisition of equipment, supplies, services, and other resources necessary for the achievement of district goals. In exercising this authority to enter into a contract, the Board shall ensure that the district's interest is protected and that the terms of the contract conform to applicable legal standards, including the bidding requirements in Public Contract Code 20111.

(cf. 2121- Superintendent's Contract)

(cf. 4312.1 - Contracts)

(cf. 9124 - Attorney)

The Board may, by a majority vote, delegate to the Superintendent or designee the authority to enter into contracts on behalf of the district. To be valid or to constitute an enforceable obligation against the district, all such contracts must be approved and/or ratified by the Board.

(cf. 3300 - Expenditures and Purchases)

(cf. 3314 - Payment for Goods and Services)

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

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

Every contract entered into on behalf of the district shall be made available for public inspection, except when the law prohibits disclosure. No contract shall prohibit a district employee from disparaging the goods or services of any contracting party.

(cf. 1340 - Access to District Records)

(cf. 2121- Superintendent's Contract)

(cf. 4312.1 - Contracts)

(cf. 9124 - Attorney)

When required by law, contracts and subcontracts made by the district for public works or for goods or services shall contain a nondiscrimination clause prohibiting discrimination by contractors or subcontractors. The nondiscrimination clause shall contain a provision requiring contractors and subcontractors to give

written notice of their obligations to labor organizations with which they have a collective bargaining or other agreement. (Government Code 12990)

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

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

Contracts for Non-Nutritious Foods or Beverages

The district shall not enter into or renew a contract for the sale of foods or beverages that do not meet applicable nutritional standards specified in Education Code 49431-49431.7, 5 CCR 15500-15501 or 15575-15578, or 7 CFR 210.11 or 220.12, unless the contract specifies that such sale will occur off campus or outside the time restriction specified in the applicable law.

(cf. 3554 - Other Food Sales)

(cf. 3555 - Nutrition Program Compliance)

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

~~(cf. 3554 - Other Food Sales)~~

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

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

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

1. Control procedures that produce accurate and reliable financial statements

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

(cf. 3100 - Budget)

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

(cf. 3460 - Financial Reports and Accountability)

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

Any contract for the sale or advertisement of non-nutritious foods or carbonated or non-nutritious beverages shall be entered into on a competitive bid basis pursuant to Public Contract Code 20111 or through the issuance of a Request for Proposal. (Education Code 35182.5)

(cf. 3311 - Bids)

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

(cf. 3290 - Gifts, Grants and Bequest)

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

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

(cf. 1220 - Citizen Advisory Committees)

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

(cf. 1230 - School-Connected Organizations)

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

Any contract for the sale or advertisement of non-nutritious foods or carbonated or non-nutritious beverages ~~The contract~~ shall be entered into on a competitive bid basis pursuant to Public Contract Code 20111 or through the issuance of a Request for Proposal. (Education Code 35182.5)

(cf. 3311 - Bids)

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

(cf. 9322 - Agendas/Meeting Materials)

(cf. 9323 - Meeting Conduct)

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

(cf. 5030 - Student Wellness)

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

(cf. 1340 - Access to District Records)

Contracts for Electronic Products or Services

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

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

(cf. 9320 - Meetings and Notices)

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

(cf. 0440 - District Technology Plan)

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

(cf. 1325 - Advertising and Promotion)

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

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

Contracts for Digital Storage and Maintenance of Student Records

The district may enter into or renew a contract with a third party for the purpose of providing services, including cloud-based services, for the digital storage, management, and retrieval of student records and/or to provide digital educational software that authorizes a third-party provider of digital educational software to access, store, and use student records. For these purposes, student records include any information maintained by the district that is directly related to a student and any information acquired directly from the student through the use of instructional software or applications assigned to the student by a teacher or other district employee, and do not include de-identified information. (Education Code 49073.1)

(cf. 5125 - Student Records)

Any such contract shall contain all of the following: (Education Code 49073.1)

- 1. A statement that student records continue to be the property of and under the control of the district*
- 2. If applicable, a description of the means by which students may retain possession and control of their own student-generated content, as defined in Education Code 49073.1, including options by which a student may transfer student-generated content to a personal account*
- 3. A prohibition against the third party using any information in the student record for any purpose other than those required or specifically permitted by the contract*

PROPOSED UPDATED POLICY

4. A description of the procedures by which a parent/guardian or a student age 18 years or older may review personally identifiable information in the student's records and correct erroneous information
5. A description of the actions the third party will take, including the designation and training of responsible individuals, to ensure the security and confidentiality of student records
6. A description of the procedures for notifying the affected parent/guardian, or the affected student if age 18 years or older, in the event of an unauthorized disclosure of the student's records
7. A certification that a student's records shall not be retained or available to the third party upon completion of the terms of the contract and a description of how that certification will be enforced, except that these requirements shall not apply to student-generated content if the student chooses to establish or maintain an account with the third party for the purpose of storing that content
8. A description of how the district and the third party will jointly ensure compliance with the federal Family Educational Rights and Privacy Act, 20 USC 1232g
9. A prohibition against the third party using personally identifiable information in student records to engage in targeted advertising.

Legal Reference:

EDUCATION CODE

~~200-262.4 Prohibition of discrimination on the basis of sex~~

~~14505 Provisions required in contracts for audits~~

~~17595-17606 Contracts~~

~~35182.5 Contract prohibitions~~

~~45103.5 Contracts for management consulting service related to food service~~

~~49431-49431.5 Nutritional standards~~

EDUCATION CODE

~~200-262.4 Prohibition of discrimination on the basis of sex~~

~~14505 Provisions required in contracts for audits~~

~~17595-17606 Contracts~~

~~35182.5 Contract prohibitions~~

~~45103.1 Personal services contracts~~

~~45103.5 Contracts for management consulting service related to food service~~

~~49073.1 Contract requirements for digital storage, maintenance and retrieval of student records~~

~~49431-49431.7 Nutritional standards~~

CODE OF CIVIL PROCEDURE

~~685.010 Rate of interest~~

GOVERNMENT CODE

~~12990 Nondiscrimination and compliance employment programs~~

~~53260 Contract provision re maximum cash settlement~~

~~53262 Ratification of contracts with administrative officers~~

PROPOSED UPDATED POLICY

LABOR CODE

~~1775 Penalties for violations~~

~~1810-1813 Working hours~~

PUBLIC CONTRACT CODE

~~4100-4114 Subletting and subcontracting fair practices~~

~~7104 Contracts for excavations; discovery of hazardous waste~~

~~7106 Noncollusion affidavit~~

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

~~20104.50 Construction Progress Payments~~

~~22300 Performance retentions~~

UNITED STATES CODE, TITLE 20

~~1681-1688 Title IX, discrimination~~

CODE OF CIVIL PROCEDURE

~~685.010 Rate of interest~~

GOVERNMENT CODE

~~12990 Nondiscrimination and compliance employment programs~~

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~~20104.50 Construction Progress Payments~~

~~22300 Performance retentions~~

CODE OF REGULATIONS, TITLE 5

~~15500 Food sales by student organizations~~

~~15501 Sales in high schools and junior high schools~~

~~15575-15578 Food and beverage requirements outside of the federal school meal programs~~

UNITED STATES CODE, TITLE 20

~~1232g Family Educational Rights and Privacy Act~~

~~1681-1688 Title IX, discrimination~~

CODE OF FEDERAL REGULATIONS, TITLE 7

~~210.1-210.31 National School Lunch Program~~

~~220.1-220.21 National School Breakfast Program~~

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

14505 Provisions required in contracts for audits

17595-17606 Contracts

35182.5 Contract prohibitions

45103.1 Personal services contracts

45103.5 Contracts for management consulting service related to food service

49073.1 Contract requirements for digital storage, maintenance and retrieval of student records

49431-49431.7 Nutritional standards

CODE OF CIVIL PROCEDURE

685.010 Rate of interest

t

GOVERNMENT CODE

12990 Nondiscrimination and compliance employment programs

PROPOSED UPDATED POLICY

53260 *Contract provision re maximum cash settlement*
53262 *Ratification of contracts with administrative officers*

LABOR CODE

1775 *Penalties for violations*
1810-1813 *Working hours*

PUBLIC CONTRACT CODE

4100-4114 *Subletting and subcontracting fair practices*
7104 *Contracts for excavations; discovery of hazardous waste*
7106 *Noncollusion affidavit*
20111 *Contracts over \$50,000; contracts for construction; award to lowest responsible bidder*
20104.50 *Construction Progress Payments*
22300 *Performance retentions*

CODE OF REGULATIONS, TITLE 5

15500 *Food sales by student organizations*
15501 *Sales in high schools and junior high schools*
15575-15578 *Food and beverage requirements outside of the federal school meal programs*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act*
1681-1688 *Title IX, discrimination*

CODE OF FEDERAL REGULATIONS, TITLE 7

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

Management Resources:

CSBA PUBLICATIONS

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

WEB SITES

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

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

Policy PACIFIC SCHOOL DISTRICT

adopted: October 15, 2009

Davenport, California

revised: XXXXXXXX

Davenport, California

"SAMPLE" RESOLUTION
WORKERS' COMPENSATION COVERAGE
FOR VOLUNTEER PERSONNEL

WHEREAS, Pacific Elementary School District desires to provide Workers' Compensation insurance coverage for persons authorized to perform volunteer services for the Pacific Elementary School District.

WHEREAS, the Legislature of the State of California has provided authorization for inclusion of such coverage in the Pacific Elementary School District Workers' Compensation program.

NOW, THEREFORE, BE IT RESOLVED, the Pacific Elementary School District hereby adopts the policy for purposes of Workers' Compensation Benefits that an unsalaried person(s) authorized by the Superintendent, or District Board to perform volunteer service for the Pacific Elementary School District shall be deemed to be an employee of the Pacific Elementary School District should they sustain an injury while engaged in the services of the Pacific Elementary School District under the direction and control of the Pacific Elementary School District Board, or the Pacific Elementary School District Superintendent/Principal.

The aforesaid resolution was passed by the Board of Trustees the 18th day of February, 2016 by the following vote to wit:

Ayes _____ Noes _____ Absent _____

Signature

Title

Date