

# **Pacific SD**

## **Board Policy**

### **Food Service Operations/Cafeteria Fund**

BP 3551

#### **Business and Noninstructional Operations**

The Governing Board intends that school food services shall be a self-supporting, nonprofit program. To ensure program quality and increase cost effectiveness, the Superintendent or designee shall centralize and direct the purchasing of foods and supplies, the planning of menus, and the auditing of all food service accounts for the district.

(cf. 3100 - Budget)  
(cf. 3300 - Expenditures and Purchases)  
(cf. 3311 - Bids)  
(cf. 3550 - Food Service/Child Nutrition Program)  
(cf. 3552 - Summer Meal Program)  
(cf. 5030 - Student Wellness)

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

(cf. 4231 - Staff Development)  
(cf. 4331 - Staff Development)

At least once each year, food service administrators, other appropriate personnel who conduct or oversee administrative procedures, and other food service personnel shall receive training provided by the California Department of Education (CDE). (42 USC 1776)

#### **Meal Sales**

Meals may be sold to students, district employees, Board members, and employees or members of the fund or association maintaining the cafeteria. (Education Code 38082)

Meal prices, as recommended by the Superintendent or designee and approved by the Board, shall be based on the costs of providing food services and consistent with Education Code 38084 and 42 USC 1760.

Students who are enrolled in the free or reduced-price meal program shall receive meals free of charge or at a reduced price in accordance with law, Board

policy, and administrative regulation.

(cf. 3553 - Free and Reduced Price Meals)

Meals may be sold to nonstudents, including parents/guardians, volunteers, students' siblings, or other individuals, who are on campus for a legitimate purpose. Any meals served to nonstudents shall not be subsidized by federal or state reimbursements, food service revenues, or U.S. Department of Agriculture (USDA) foods.

#### Cafeteria Fund

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

\*\*\*Note: Education Code 38103 allows the Board, at its discretion and with the approval of the County Superintendent of Schools who is responsible for a countywide payroll/retirement system under Education Code 42646, to have wages, salaries, and benefits of food service employees paid either from the district's general fund (Option 1 below) or from the district's cafeteria fund (Option 2).\*\*\*

OPTION 1: The wages, salaries, and benefits of food service employees shall be paid from the district's general fund. At any time, the Board may order reimbursement from the district's cafeteria fund for these payments in amounts prescribed by the Board and not exceeding the costs actually incurred. (Education Code 38103)

OPTION 2: The wages, salaries, and benefits of food service employees shall be paid from the cafeteria fund. (Education Code 38103)

\*\*\*Note: The following optional paragraph may be revised to reflect district practice. 2 CFR 225 and U.S. Department of Agriculture (USDA) guidance, Indirect Costs: Guidance for State Agencies and School Food Authorities, provide information regarding allowable indirect costs that may be charged to the nonprofit school food service account. Also see the accompanying administrative regulation.\*\*\*

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

(cf. 3400 - Management of District Assets/Accounts)  
(cf. 3460 - Financial Reports and Accountability)

#### Contracts with Outside Services

\*\*\*Note: The following section is optional. Pursuant to Education Code 45103.5, the district is authorized to contract for consulting services related to food service management. 42 USC 1758, 7 CFR 210.16, and Education Code 45103.5 authorize a district, under specified conditions and with approval of the CDE, to contract with a food service management company to manage its food service operation in one or more of its schools. See the accompanying administrative regulation for related requirements.\*\*\*

With Board approval, the district may enter into a contract for food service consulting services or management services in one or more district schools.  
(Education Code 45103.5; 42 USC 1758; 7 CFR 210.16)

(cf. 3312 - Contracts)  
(cf. 3600 - Consultants)

### Program Monitoring and Evaluation

The Superintendent or designee shall present to the Board, at least annually, financial reports regarding revenues and expenditures related to the food service program.

The Superintendent or designee shall provide all necessary documentation required for the Administrative Review conducted by the CDE to ensure compliance of the district's food service program with federal requirements related to maintenance of the nonprofit school food service account, paid lunch equity, revenue from nonprogram goods, indirect costs, and USDA foods.

(cf. 3555 - Nutrition Program Compliance)

### Legal Reference:

#### EDUCATION CODE

38080-38086 Cafeteria, establishment and use  
38090-38095 Cafeterias, funds and accounts  
38100-38103 Cafeterias, allocation of charges  
42646 Alternate payroll procedure  
45103.5 Contracts for management consulting services; restrictions  
49490-49493 School breakfast and lunch programs  
49500-49505 School meals  
49554 Contract for services

#### HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

#### CODE OF REGULATIONS, TITLE 5

15550-15565 School lunch and breakfast programs

#### UNITED STATES CODE, TITLE 42

1751-1769j School lunch programs

1771-1791 Child nutrition, including:

1773 School breakfast program

#### CODE OF FEDERAL REGULATIONS, TITLE 2

225 Cost Principles for State, Local, and Indian Tribal Governments

CODE OF FEDERAL REGULATIONS, TITLE 7  
210.1-210.31 National School Lunch Program  
220.1-220.21 National School Breakfast Program  
250.1-250.70 USDA foods

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Food Distribution Program Administrative Manual

Cafeteria Funds--Allowable Uses, Management Bulletin NSD-SNP-07-2013, May 2013

Paid Lunch Equity Requirement, Management Bulletin USDA-SNP-16-2012, October 2012

Storage and Inventory Management of United States Department of Agriculture (USDA) Donated Foods, Management Bulletin USDA-FDP-02-2010, August 2010

Clarification for the Use of Alternate Meals in the National School Lunch and School Breakfast Programs; and the Handling of Unpaid Meal Charges, Management Bulletin USDA-SNP-01-2008, February 2008

Adult and Sibling Meals in the National School Lunch and School Breakfast Programs, Management Bulletin 00-111, July 2000

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Financial Management of the School Meal Programs, Correspondence, August 30, 2013

Indirect Costs: Guidance for State Agencies and School Food Authorities, 2011

U.S. DEPARTMENT OF EDUCATION GUIDANCE

FAQs About School Meals

WEB SITES

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

California School Nutrition Association: <http://www.calsna.org>

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

U.S. Department of Education: <http://www.ed.gov>

Policy PACIFIC SCHOOL DISTRICT

approved: October 15, 2009 Davenport, California

adopted: January 19, 2017 Davenport, California

# **Pacific SD**

## **Administrative Regulation**

### **District-Sponsored Social Media**

AR 1114

#### **Community Relations**

##### Definitions

Social media means any online platform for collaboration, interaction, and active participation, including, but not limited to, social networking sites such as Facebook, Instagram, Twitter, YouTube, LinkedIn, or blogs.

Official district social media account or platform is a site or account authorized by the Superintendent or designee. Sites and/or accounts that have not been authorized by the Superintendent or designee but that contain content related to the district or comments on district operations, such as a site created by a parent-teacher organization, booster club, or other school-connected organization or a student's or employee's personal site, are not considered official district social media platforms or accounts.

(cf. 1230 - School-Connected Organizations)  
(cf. 1260 - Educational Foundations)

##### Authorization for Official District Social Media Platforms

The Superintendent or designee shall authorize the development of any official district social media platform. Teachers and other district employees shall obtain approval from the Superintendent before creating an official classroom or team social media platform or account.

##### Guidelines for Content

The Superintendent or designee shall ensure that official district social media platforms and accounts provide current information regarding district programs, activities, and operations, consistent with the goals and purposes of this policy and regulation. Official district social media platforms and accounts shall contain content that is appropriate for all audiences.

(cf. 0440 - District Technology Plan)  
(cf. 0510 - School Accountability Report Card)  
(cf. 1100 - Communication with the Public)  
(cf. 1112 - Media Relations)  
(cf. 1113 - District and School Web Sites)  
(cf. 6020 - Parent Involvement)

(cf. 6145.5 - Student Organization and Equal Access)

The Superintendent or designee shall ensure that copyright laws are not violated in the use of material on official district social media platforms or accounts.

(cf. 4132/4232/4332 - Publication or Creation of Materials)

(cf. 6162.6 - Use of Copyrighted Materials)

The Superintendent or designee shall ensure that official district social media platforms and accounts are regularly monitored. Staff members responsible for monitoring content may remove posts based on viewpoint-neutral considerations, such as lack of relation to the site's purpose or violation of the district's policy, regulation, or content guidelines.

Each official district social media platform shall prominently display:

1. The purpose of the site along with a statement that users are expected to use the site only for those intended purposes.

2. Information on how to use the security settings of the social media platform.

3. A statement that the site is regularly monitored and that any inappropriate post will be promptly removed. Inappropriate posts include those that:

- a. Are obscene, libelous, or so incite students as to create a clear and present danger of the commission of unlawful acts on school premises, violation of school rules, or substantial disruption of the school's orderly operation

- b. Are not related to the stated purpose of the site, including, but not limited to, comments of a commercial nature, political activity, and comments that constitute discrimination or harassment

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

(cf. 1160 - Political Processes)

(cf. 1325 - Advertising and Promotion)

4. Protocols for users, including expectations that users will communicate in a respectful, courteous, and professional manner.

5. A statement that users are personally responsible for the content of their posts and that the district is not responsible for the content of external online platforms.

6. A disclaimer that the views and comments expressed on the site are those of the users and do not necessarily reflect the views of the district.

7. A disclaimer that any user's reference to a specific commercial product or service does not imply endorsement or recommendation of that product or service by the district.

8. The individual(s) to contact regarding violation of district guidelines on the use of official district social media platforms.

District employees who participate in official district social media platforms shall adhere to all applicable district policies and procedures, including, but not limited to, professional standards related to interactions with students.

(cf. 4040 - Employee Use of Technology)

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

When appropriate, employees using official district social media platforms shall identify themselves by name and district title and include a disclaimer stating that the views and opinions expressed in their post are theirs alone and do not necessarily represent those of the district or school.

All staff shall receive information about appropriate use of the official district social media platforms.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Regulation PACIFIC SCHOOL DISTRICT

adopted: XXXX

Davenport, California

# **Pacific SD**

## **Administrative Regulation**

### **School-Connected Organizations**

AR 1230

#### **Community Relations**

A school-connected organization's request for authorization to operate within the district or at a district school shall contain, as appropriate:

1. The name and purpose of the organization
2. The date of application
3. Bylaws, rules, and procedures under which the organization will operate, including procedures for maintaining the organization's finances, membership qualifications, if any, and an agreement that the group will not engage in unlawful discrimination  
  
(cf. 0410 - Nondiscrimination in District Programs and Activities)
4. The names, addresses, and phone numbers of all officers
5. A list of specific objectives
6. An agreement to grant the district the right to audit the group's financial records, either by district personnel or a certified public accountant, whenever any concern is raised regarding the use of the funds
7. The name of the bank where the organization's account will be located and the names of those authorized to withdraw funds
8. The signature of the principal of the supporting school
9. Planned use for any money remaining at the end of the year if the organization is not continued or authorized to continue in the future
10. An agreement to provide evidence of liability and/or directors and officers insurance when and in the manner required by law (Education Code 38134 requires school-connected organizations to insure against any liability resulting from the organization's negligence during an organization-sponsored event on school facilities)

(cf. 1330 - Use of School Facilities)

When deemed necessary by the Board or the Superintendent or designee, the



authorization for a school-connected organization to conduct activities in the district may be revoked at any time.

Each school-connected organization shall abide by the following rules:

1. The organization shall not act as an agent of the district or school.
2. The organization shall not use the district's tax-exempt status and identification number. It shall be responsible for its own tax status, accounting, internal controls, financial reporting, retention of records, and other operations.
3. The organization shall use a separate name and logo. Any use of a name or logo affiliated with the district, a district school, or a school team shall require the prior consent of the Superintendent or designee.
4. Funds of the school-connected organization shall not be co-mingled with district funds, including associated student body funds.
5. The organization shall not hire or directly pay any district employee. If a school-connected organization wishes to pay for additional and/or extracurricular services, the person to provide the services shall be hired through the district's personnel department, provided the Board approves the position. At their discretion, employees may volunteer to perform activities for school-connected organizations during nonworking hours.

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

#### Regulation

adopted: October 15, 2009      Davenport, California

revised: xxxx                      Davenport, California

# **Pacific SD**

## **Administrative Regulation**

### **Claims And Actions Against The District**

AR 3320

#### **Business and Noninstructional Operations**

\*\*\*Note: The following optional administrative regulation reflects Government Code 810-996.6 (the Government Claims Act), which sets forth prelitigation requirements and deadlines for claims against public entities, including school districts, as well as statute of limitations and other requirements for lawsuits. In *City of Stockton v. Superior Court*, the California Supreme Court held that the claim requirements in Government Code 905 also apply to claims for breach of contract. The court also decided that the phrase "Government Claims Act" is more appropriate than the common phrase "Tort Claims Act."\*\*\*

\*\*\*Note: Because a district's insurance carrier or Joint Powers Authority (JPA) may require the district to comply with certain claims management conditions as part of the district's contractual coverage obligation, it is strongly recommended that this administrative regulation be reviewed for consistency with any applicable conditions of coverage. A district's failure to follow those contractual conditions may result in a loss of coverage benefits. The district's risk manager and legal counsel should also be consulted, as appropriate.\*\*\*

#### **Time Limitations**

\*\*\*Note: Items #1-2 below list timelines for claims presented pursuant to the Government Claims Act. If a claimant misses a deadline for a claim required to be submitted in accordance with item #1 below, he/she may present an application to present a late claim pursuant to Government Code 911.4; see section below entitled "Late Claims."\*\*\*

\*\*\*Note: Pursuant to Government Code 935, a district may establish its own procedure for the presentation of those claims which are either excluded from the claims procedure in the Government Claims Act or are not listed as exceptions to the Act as specified in Government Code 905. See the accompanying Board policy for language establishing such a requirement. When such a claim is received, the district should immediately contact district legal counsel, as well as the district's insurance carrier and/or JPA, to determine the appropriate time limit.\*\*\*

The following time limitations apply to claims against the district:

1. Claims for money or damages relating to a cause of action for death or for

injury to person, personal property, or growing crops shall be presented to the Governing Board not later than six months after the accrual of the cause of action. (Government Code 905, 911.2)

\*\*\*Note: Government Code 905 lists exceptions to the six-month time limitation for the filing of claims and many of the exceptions have specified claim procedures in other statutes. For example, Government Code 905 specifies that claims for the recovery of damages for injuries suffered as a result of childhood sexual abuse are subject to the statute of limitations specified in Code of Civil Procedure 340.1. The statute of limitations in Code of Civil Procedure 340.1 allows claims to be presented before the victim is 26 years old or within three years after the victim discovers that his/her psychological injury is a result of the sexual abuse. This provision applies to claims arising from conduct occurring on or after January 1, 2009.\*\*\*

2. Claims for money or damages as authorized in Government Code 905 and not included in item #1 above, including claims for damages to real property, shall be presented not later than one year after the accrual of the cause of action. (Government Code 905, 911.2)

#### Receipt of Claims

\*\*\*Note: Government Code 53051 requires districts to file information about Governing Board members for the "Roster of Public Agencies" with the Secretary of State and County Clerk. If the information on file is not accurate or if no information is on file, a court may allow a person to proceed with a claim against the district even if the time limit for filing such a claim has expired. See the accompanying Board policy.\*\*\*

A claim, any amendment thereto, or an application to present a late claim shall be deemed presented and received when delivered to the district office or deposited in a post office, subpost office, substation, or mail chute or other like facility maintained by the U.S. Government, in a sealed envelope properly addressed to the district office with postage paid or when otherwise actually received in the district office or by the Board secretary or clerk. (Government Code 915, 915.2)

\*\*\*Note: In most circumstances, a district's insurance provider or JPA is responsible for claims management, including investigating, defending, and managing a district's response to a claim presented under the Government Claims Act. The following paragraph requires the Superintendent or designee to immediately forward any claims received to the district's JPA or insurance provider in order to help ensure compliance with any conditions of coverage.\*\*\*

Upon receipt of a claim against the district pursuant to the Government Claims Act, the Superintendent or designee shall promptly provide written notice to the

district's JPA or insurance carrier in accordance with the applicable conditions of coverage.

### Review of Contents of the Claim

\*\*\*Note: Government Code 910.4 no longer requires districts to provide a claim form, however most JPAs and insurance carriers provide a form for these purposes. The person submitting the claim need not use the claim form provided by the district, but the claim must contain a signature and all of the information listed in Government Code 910.\*\*\*

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

1. The name and post office address of the claimant
2. The post office address to which the person presenting the claim desires notices to be sent
3. The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted
4. A general description of the indebtedness, obligation, injury, damage, or loss incurred insofar as it may be known at the time of presentation of the claim
5. The name(s) of the public employee(s) causing the injury, damage, or loss if known
6. The amount claimed if it totals less than \$10,000 as of the date of the presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds \$10,000, the dollar amount shall not be included in the claim and the claimant shall indicate whether the claim is a "limited civil case."
7. The signature of the claimant or the person acting on his/her behalf

### Notice of Claim Insufficiency

\*\*\*Note: Pursuant to Government Code 911, if the district, or the JPA or insurance carrier acting on the district's behalf, fails to give notice that the claim is insufficient, as specified below, then the district may not later raise that issue as a defense to the claim.\*\*\*

If a claim is found insufficient or not to satisfy the form requirements under

Government Code 910 and 910.2, the Board or its designee shall, within 20 days of receipt of the claim, personally deliver or mail to the claimant, at the address stated in the claim or application, a notice that states the particular defects or omission in the claim. (Government Code 910.8, 915.4)

\*\*\*Note: Districts should be cautious before rejecting a claim because of insufficiency of information and consult legal counsel and/or the district's JPA or insurance provider, as appropriate. Courts have held that a claim is sufficient as long as enough information is disclosed to allow the district to adequately conduct an investigation of the claim's merits.\*\*\*

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

#### Amendment to Claims

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

#### Late Claims

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

\*\*\*Note: If the claim is presented late and is not accompanied by an application to present a late claim, the Board or its agent should notify the claimant that "no action" was taken because the claim was presented late. If the Board were to state that the claim was "rejected," this would indicate that the Board had accepted the filing of the late claim and taken action to reject it.\*\*\*

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

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

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

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

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

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

#### Action on Claims

\*\*\*Note: If the Board formally acts to reject a claim and provides notice of such rejection, the claimant has only six months from the rejection to initiate a lawsuit. If the Board takes no action, the claim is considered to be rejected, but the claimant then has two years to initiate a suit against the district. The notice of rejection must comply with the notification requirements of Government Code 913 unless the claim has no address on it.\*\*\*

\*\*\*Note: Although the Board takes final action on claims as specified below, such action is based on the evaluation of the claim by the district's insurance provider or JPA.\*\*\*

Within 45 days after the presentation or amendment of a claim, the Board shall take action on the claim. This time limit may be extended by written agreement between the district and the claimant before the expiration of the 45-day period. If the 45-day period has expired, the time limit may be extended if legal action

has not commenced or been barred by legal limitations. (Government Code 912.4)

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

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

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

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

# **Pacific SD**

## **Administrative Regulation**

### **District Records**

AR 3580

#### **Business and Noninstructional Operations**

##### Classification of Records

Records means all records, maps, books, papers, and documents of a school district required by law to be prepared or retained as necessary or convenient to the discharge of official duty. (5 CCR 16020)

(cf. 1340 - Access to District Records)

Before January 1, the Superintendent or designee shall review the prior year's records and shall classify them as either a Class 1 (Permanent), Class 2 (Optional), or Class 3 (Disposable) record. (5 CCR 16022)

Records of continuing nature (active and useful for administrative, legal, fiscal, or other purposes over a period of years) shall not be classified until such usefulness has ceased. (5 CCR 16022)

An inventory of equipment shall be a continuing record and shall not be classified until the inventory is superseded or until the equipment is removed from district ownership. (5 CCR 16022)

(cf. 3440 - Inventories)

A student's cumulative record is a continuing record until the student ceases to be enrolled in the district. (5 CCR 16022)

(cf. 5125 - Student Records)

When an electronic or photographed copy of a Class 1 (Permanent) record has been made, the copy may be classified as Class 1 (Permanent) and the original classified as either Class 2 (Optional) or Class 3 (Disposable). However, no original record that is basic to any required audit may be destroyed prior to the second July 1st succeeding the completion of the audit. (Education Code 35254)

##### Class 1 - Permanent Records

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



accordance with 5 CCR 16022: (5 CCR 16023)

1. Annual Reports

- a. Official budget
- b. Financial reports of all funds, including cafeteria and student body funds
- c. Audit of all funds
- d. Average daily attendance, including Period 1 and Period 2 reports
- e. Other major annual reports, including:

(1) Those containing information relating to property, activities, financial condition, or transactions

(2) Those declared by Governing Board minutes to be permanent

(cf. 3100 - Budget)

(cf. 3452 - Student Activity Funds)

(cf. 3460 - Financial Reports and Accountability)

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

2. Official Actions

- a. Minutes of the Board or Board committees, including the text of rules, regulations, policies, or resolutions included by reference only
- b. The call for and the result of any elections called, conducted, or canvassed by the Board
- c. Records transmitted by another agency pertaining to its action with respect to district reorganization

(cf. 7214 - General Obligation Bonds)

(cf. 9324 - Minutes and Recordings)

3. Personnel Records

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

be classified as a Class 1 (Permanent) record and the detailed records may then be classified as Class 3 (Disposable) records.

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

(cf. 4112.6/4212.6/4312.6 - Personnel Files)  
(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)

#### 4. Student Records

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

(cf. 5111.1 - District Residency)  
(cf. 5141 - Health Care and Emergencies)  
(cf. 5143 - Insurance)

#### 5. Property Records

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

(cf. 3280 - Sale or Lease of District-Owned Real Property)

#### Class 2 - Optional Records

Any record considered temporarily worth keeping, but which is not a Class 1 record, may be classified as a Class 2 (Optional) record and shall be retained until it is reclassified as a Class 3 (Disposable) record. If, by agreement of the Board and Superintendent or designee, classification of the prior year records has not been made before January 1 as specified in 5 CCR 16022, all records of the prior year may be classified as Class 2 (Optional) records pending further review and classification within one year. (5 CCR 16024)

### Class 3 - Disposable Records

All records not classified as Class 1 (Permanent) or as Class 2 (Optional) records shall be classified as Class 3 (Disposable) records. These include, but are not limited to, detailed records basic to audit, including those relating to attendance, average daily attendance, or business or financial transactions; detailed records used in preparing another report; teachers' registers if all information required by 5 CCR 432 is retained in other records or if the General Records pages are removed from the register and classified as Class 1 (Permanent) records; and periodic reports, including daily, weekly, and monthly reports, bulletins, and instructions. (5 CCR 16025)

All Class 3 (Disposable) records shall be destroyed during the third school year after the school year in which the records originated. In addition, Class 3 (Disposable) records shall not be destroyed until after the third school year following the completion of any legally required audit or the retention period required by any agency other than the State of California, whichever is later. A continuing record shall not be destroyed until the fourth year after it has been classified as a Class 3 (Disposable) record. (5 CCR 16026, 16027)

(cf. 5113.2 - Work Permits)

### Electronically Stored Information

All district-related electronically stored information generated or received by a district employee shall be saved to an electronic file on the district's computer and retained for at least 180 days, or shall be printed by the employee and physically filed in a way that it can be easily retrieved when needed.

However, any district-related electronically stored information that qualifies as a record, as defined above, shall be classified and retained as specified in the section "Classification of Records" above.

District-related electronically stored information includes, but is not limited to, any email, voicemail, text message, word processing document, spreadsheet, or text document related to district business or generated in the course of an employee's official duty.

Employees shall be required to regularly purge their email accounts and district-issued computers, cell phones, and other communication devices of personal electronically stored information and other information unrelated to district business. The Superintendent or designee may check for appropriate use of any district-owned equipment at any time.

(cf. 4040 - Employee Use of Technology)

Any employee to whom a district-owned computer, cell phone, or other electronic communication device is provided shall be notified about the district's electronic information management system and, as necessary, provided training on effectively using the device.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Regulation

adopted: October 15, 2009      Davenport, California

revised: xxxx                      Davenport, California

# Pacific SD

## Board Policy

### Communication With The Public

#### BP 1100

#### Community Relations

The Board of Trustees recognizes the district's responsibility to keep the public informed regarding the goals, programs, achievements, and needs of the school and district and to be responsive to the concerns and interests expressed by members of the community.

(cf. 1000 - Concepts and Roles)

The Superintendent/Principal or designee shall establish strategies for effective two-way communications between the district and the public and shall consult with the Board regarding the role of Board members as advocates for the district's students, programs, and policies.

(cf. 9000 - Role of the Board)

~~The Superintendent/Principal or designee shall distribute communications protocols and procedures to the Board and staff, which include, but are not limited to, identification of spokesperson(s) authorized to speak to the media on behalf of the district, job descriptions that identify the responsibilities of the public information officer and other staff members related to communications with the public, strategies for coordinating communications activities, legal requirements pertaining to confidentiality as well as the public's right to access records, and the importance of presenting a consistent, unified message on district issues.~~

~~(cf. 1112 - Media Relations)~~

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

~~(cf. 3580 - District Records)~~

~~(cf. 5125 - Student Records)~~

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

~~(cf. 9005 - Governance Standards)~~

~~(cf. 9010 - Public Statements)~~

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

*The Superintendent or designee shall provide the Board and staff with communications protocols and procedures to assist the district in presenting a consistent, unified message on district issues. Such protocols and procedures may include, but are not limited to, identification of the spokesperson(s) authorized to speak to the media on behalf of the*

*district, strategies for coordinating communications efforts and activities, and legal requirements pertaining to confidentiality as well as the public's right to access records.*

(cf. [1112](#) - Media Relations)

(cf. [1340](#) - Access to District Records)

(cf. [2111](#) - Superintendent Governance Standards)

(cf. [3580](#) - District Records)

(cf. [5125](#) - Student Records)

(cf. [5125.1](#) - Release of Directory Information)

(cf. [9005](#) - Governance Standards)

(cf. [9010](#) - Public Statements)

(cf. [9011](#) - Disclosure of Confidential/Privileged Information)

The Superintendent/Principal or designee shall utilize a variety of communications methods in order to provide the public with adequate access to information. Such methods may include, but not be limited to, school newsletters, mailings, the school web site, direct email communications, recorded telephone messages for parent/guardian information, the school accountability report card, community forums and public events, notices sent home with students, and news releases and meetings with editorial boards, *presentations at parent organization meetings, and meetings with representatives of local governments, community organizations and businesses.*

(cf. [0510](#) - School Accountability Report Card)

(cf. [1020](#) - Youth Services)

(cf. [1113](#) - District and School Web Sites)

(cf. [1400](#) - Relations Between Other Governmental Agencies and the Schools)

(cf. [1700](#) - Relations Between Private Industry and the Schools)

In developing communications strategies, the Superintendent/Principal or designee shall take into account the needs of all members of the public, including those whose primary language is not English and ~~those who are visually or hearing impaired or have other special needs~~ *individuals with disabilities.*

The Superintendent/Principal or designee shall ensure that staff are responsive to requests by parents/guardians or members of the public for information or assistance and may provide staff with professional development in their

"customer service" role as needed.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

~~The Superintendent/Principal or designee shall provide multiple opportunities for members of the public to give input on school issues and operations. Community members are encouraged to participate on school committees, provide input at Board meetings, submit suggestions to district staff, use the district's complaint procedures as appropriate, and become involved in school activities.~~

*The Superintendent or designee shall provide multiple opportunities for members of the public to give input on district and school issues and operations. Community members are encouraged to become involved in school activities, participate on district and school committees, provide input at Board meetings, submit suggestions to district staff, and use the district's complaint procedures as appropriate.*

(cf. [1220](#) - Citizen Advisory Committees)

(cf. [1230](#) - School-Connected Organizations)

(cf. [1240](#) - Volunteer Assistance)

(cf. [1250](#) - Visitors/Outsiders)

(cf. [1260](#) - Educational Foundation)

(cf. [1312.1](#) - Complaints Concerning District Employees)

(cf. [1312.2](#) - Complaints Concerning Instructional Materials)

(cf. [1312.3](#) - Uniform Complaint Procedures)

(cf. [1312.4](#) - Williams Uniform Complaint Procedures)

(cf. [3555](#) - Nutrition Program Compliance)

(cf. [6020](#) - Parent Involvement)

(cf. [9322](#) - Agenda/Meeting Materials)

(cf. [9323](#) - Meeting Conduct)

## Prohibition Against Mass Mailings at Public Expense

No newsletter or other mass mailing, as defined in Government Code 82041.5 and 2 CCR 18901, shall be sent by the district at public expense if such material aggrandizes one or more Board members. The name, signature, or photograph of a Board member may be included in such materials only as permitted by 2 CCR 18901. (Government Code 82041.5, 89001; 2 CCR 18901)

*Any newsletter or mass mailing regarding ballot measures, candidates, legislative activities, or any other campaign activities shall be sent and distributed in accordance with law and Board policy.*

(cf. [1160](#) - Political Processes)

### Comprehensive Communications Plan

**NOTE:** This is an optional policy. There is not a requirement for the plan described below. Therefore, requiring the Superintendent to develop this plan is optional for the Board.

The Superintendent/Principal or designee shall develop a written communications plan which establishes priorities for proactive community outreach to build support for district programs and issues. The plan shall also incorporate strategies for effective communications during an emergency or other situation that may arise.

(cf. 0450 - Comprehensive Safety Plan)  
(cf. 1160 - Political Processes)  
(cf. 1330 - Use of School Facilities)  
(cf. 3516 - Emergencies and Disaster Preparedness Plan)

The plan shall identify specific communications goals aligned with the district's vision and goals for student learning. For each communications goal, the plan shall identify key messages, individuals or groups that can help the district achieve its goal, strategies tailored for communicating with each target audience, timelines, persons responsible for each activity, and budget implications.

(cf. 0000 - Vision)  
(cf. 0200 - Goals for the School District)

As appropriate for each issue, target audiences may include parents/guardians, the media, local governmental agencies, businesses, community organizations and civic groups, postsecondary institutions, health care professionals, child care providers, senior citizens, community leaders, state or federal legislators or agencies, and/or other segments of the public.

(cf. 1020 - Youth Services)  
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)  
(cf. 1700 - Relations Between Private Industry and the Schools)

The Superintendent/Principal or designee shall annually evaluate the implementation and effectiveness of the district's communications plan and recommend to the Board whether the goals and key issues identified in the plan need to be revised to meet changing circumstances or priorities.

(cf. 0500 - Accountability)

#### *Legal Reference:*

#### *EDUCATION CODE*

[7054](#) *Use of district property or funds re: ballot measures and candidates*

[35145.5](#) *Board meetings, public participation*



[35172](#) *Promotional activities*

[38130-38138](#) *Civic Center Act*

[48980-48985](#) *Parental notifications*

GOVERNMENT CODE

[54957.5](#) *Meeting agendas and materials*

[82041.5](#) *Mass mailing*

[89001](#) *Newsletter or mass mailing*

CODE OF REGULATIONS, TITLE 2

[18901](#) *Mass mailings sent at public expense*

[18901.1](#) *Campaign-related mailings sent at public expense*

CODE OF FEDERAL REGULATIONS, TITLE 28

[35.101-35.190](#) *Americans with Disabilities Act*

*Management Resources:*

WEB SITES

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

California School Public Relations Association: <http://www.calspra.org>

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

Policy PACIFIC SCHOOL DISTRICT

adopted: October 15, 2009

Davenport, California

revised:       xxxx

Davenport, California

# Pacific SD

## Board Policy

### District And School Web Sites

BP 1113

#### Community Relations

To enhance communication with students, parents/guardians, staff, and community members, the Board of Trustees encourages the development and ongoing maintenance of a district and school web sites. ~~Web sites shall be aligned with the district's plans for communications and media relations.~~

*The use of district and school web sites shall support the district's vision and goals and shall be coordinated with other district communications strategies.*

(cf. [0000](#) - Vision)

(cf. [0440](#) - District Technology Plan)

(cf. [1100](#) - Communication with the Public)

(cf. [1112](#) - Media Relations)

(cf. [1114](#) - District-Sponsored Social Media)

(cf. [6020](#) - Parent Involvement)

#### Design Standards

The Superintendent/Principal or designee may establish design standards for district and school web sites in order to maintain a consistent identity, professional appearance, and ease of use.

*The district's design standards shall address the accessibility of district-sponsored web sites to individuals with disabilities, including compatibility with commonly used assistive technologies.*

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

#### Guidelines for Content

#### Content

~~The Superintendent/Principal or designee shall develop content guidelines for district and school web sites. These guidelines shall be consistent with law, Board policy, and administrative regulation.~~

~~Staff, students, or other persons may submit materials for web publication to the district or school webmaster who shall ensure that the content adheres to district guidelines and policies.~~

*The Superintendent or designee shall develop content guidelines for district and school web sites and shall assign staff to review and approve content prior to posting.*

*Board policy pertaining to advertising in district and school publications, as specified in BP 1325 - Advertising and Promotion, shall also apply to advertising on district and school web sites.*

(cf. [1325](#) - Advertising and Promotion)

(cf. 6145.5 - Student Organization and Equal Access)

District and school web sites shall not include content that is obscene, libelous, or slanderous, or which creates a clear and present danger of inciting students to commit unlawful acts, violate school rules, or substantially disrupt the school's orderly operation.

(cf. 5145.2 - Freedom of Speech/Expression)

The Superintendent/Principal or designee should ensure that copyright laws are not violated in the use of material on district or school web sites.

(cf. 4132/4232/4332 - Publication or Creation of Materials)

(cf. 6162.6 - Use of Copyrighted Materials)

Any links to external web sites shall support the educational mission and shall include a disclaimer that the district is not responsible for the content of external web sites.

The district shall not accept advertising of commercial products and services on district or school web sites.

## Privacy Rights

*The Superintendent or designee shall ensure that the privacy rights of students, parents/guardians, staff, Board members, and other individuals are protected on district and school web sites.*

(cf. [1340](#) - Access to District Records)

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

(cf. [5022](#) - Student and Family Privacy Rights)

(cf. [5125](#) - Student Records)

~~The Superintendent/Principal or designee shall ensure that web site content protects the privacy rights of students, parents/guardians, staff, Board members, and other individuals.~~

(cf. 1340 - Access to District Records)

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

(cf. 5022 - Student and Family Privacy Rights)

(cf. 5125 - Student Records)

Phone numbers, home addresses, and email addresses of students or their parents/guardians shall not be published on a district or school web *site* page.

(cf. 5125.1 - Release of Directory Information)

~~Other directory information including, but not limited to, Photographs of individual students with their names may be published except when the student's parent/guardian has notified the district in writing to not allow the release of the student's photograph without prior written consent in accordance with BP/AR 5125.1 - Release of Directory Information.~~

Photographs of groups of students, such as at a school event, may be published provided that students' names are not included.

Home addresses or telephone numbers of staff members shall not be posted.

District and school web sites shall not post the home address or telephone number of any elected or appointed official including, but not limited to, a Board member or public safety official, without the prior written permission of that individual. (Government Code 3307.5, 6254.21, 6254.24)

No public safety official shall be required ~~as a condition of employment~~ to consent to the posting on the Internet of his/her photograph or identity as a public safety officer for any purpose if that officer reasonably believes that the disclosure may result in a threat, harassment, intimidation, or harm to the officer or his/her family. (Government Code 3307.5)

~~(cf. 3515.3 - District Police/Security Department)~~

*Legal Reference:*

*EDUCATION CODE*

[35182.5](#) *Contracts for advertising*

[35258](#) *Internet access to school accountability report cards*

[48907](#) *Exercise of free expression; rules and regulations*

[48950](#) *Speech and other communication*

[49061](#) *Definitions, directory information*

[49073](#) *Release of directory information*

[60048](#) *Commercial brand names, contracts or logos*

GOVERNMENT CODE

[3307.5](#) *Publishing identity of public safety officers*

[6254.21](#) *Publishing addresses and telephone numbers of officials*

[6254.24](#) *Definition of public safety official*

[11135](#) *Nondiscrimination; accessibility to state web sites*

PENAL CODE

[14029.5](#) *Prohibition against publishing personal information of person in witness protection program*

UNITED STATES CODE, TITLE 17

[101-1101](#) *Federal copyright law*

UNITED STATES CODE, TITLE 20

[1232g](#) *Federal Family Educational Rights and Privacy Act*

UNITED STATES CODE, TITLE 29

[794](#) *Section 503 of the Rehabilitation Act of 1973; accessibility to federal web sites*

UNITED STATES CODE, TITLE 42

[12101-12213](#) *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 16

[312.1-312.12](#) *Children's Online Privacy*

CODE OF FEDERAL REGULATIONS, TITLE 34

[99.1-99.67](#) *Family Educational Rights and Privacy*

COURT DECISIONS

*Aaris v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112*

Management Resources:

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

*Accessibility of State and Local Government Websites to People with Disabilities, June 2003*

WORLD WIDE WEB CONSORTIUM PUBLICATIONS

*Web Content Accessibility Guidelines, December 2008*

*WEB SITES*

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

California Department of Education, Web Accessibility  
Standards: <http://www.cde.ca.gov/re/di/ws/webaccessstds.asp>

California School Public Relations Association: <http://www.calspra.org>

U.S. Department of Justice, Americans with Disabilities Act: <http://www.ada.gov>

World Wide Web Consortium, Web Accessibility Initiative: <http://www.w3.org/wai>

**Policy PACIFIC SCHOOL DISTRICT**

adopted: October 15, 2009      Davenport, California

revised:      xxxx      Davenport, California

# **Pacific SD**

## **Board Policy**

### **District-Sponsored Social Media**

BP 1114

#### **Community Relations**

The Governing Board recognizes the value of technology such as social media platforms in promoting community involvement and collaboration. The purpose of any official district social media account or platform shall be to further the district's vision and mission, support student learning and staff professional development, and enhance communication with students, parents/guardians, staff, and community members.

(cf. 0000 - Vision)  
(cf. 0440 - District Technology Plan)  
(cf. 1100 - Communication with the Public)  
(cf. 1112 - Media Relations)  
(cf. 1113 - District and School Web Sites)  
(cf. 6020 - Parent Involvement)  
(cf. 6145.5 - Student Organizations and Equal Access)

The Superintendent or designee shall develop content guidelines and protocols for official district social media accounts and/or platforms to ensure the appropriate and responsible use of these resources and compliance with law, Board policy, and regulation.

District policy and guidelines do not apply to personal social media platforms that may be created by students, staff members, or other individuals which may sometimes include discussion of district-related issues but are not sponsored by the district.

#### **Guidelines for Content**

Official district social media platforms shall be used only for their stated purposes and in a manner consistent with this policy and administrative regulation. By creating these official sites and when allowing for public comment, the Board does not intend to create a limited public forum or otherwise guarantee an individual's right to free speech.

(cf. 5145.2 - Freedom of Speech/Expression)  
(cf. 6145.5 - Student Organizations and Equal Access)

The Superintendent or designee shall ensure that the limited purpose of the official district social media accounts and/or platforms is clearly communicated to users. Each site shall contain a statement that specifies the site's purposes along with a statement that users are expected to use the site only for those purposes. Each site shall also contain a

statement that users are personally responsible for the content of their posts.

Official district social media platforms may not contain content that is obscene, libelous, or so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, violation of school rules, or substantial disruption of the school's orderly operation.

(cf. 5131 - Conduct)

Staff or students who post prohibited content shall be subject to discipline in accordance with district policies and administrative regulations.

(cf. 4040 - Employee Use of Technology)  
(cf. 4118 - Suspension/Disciplinary Action)  
(cf. 4119.21/4219.21/4319.21 - Professional Standards)  
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)  
(cf. 5144 - Discipline)  
(cf. 5144.1 - Suspension and Expulsion/Due Process)  
(cf. 6163.4 - Student Use of Technology)

Users of official district social media accounts and/or platforms should be aware of the public nature and accessibility of social media and that information posted may be considered a public record subject to disclosure under the Public Records Act. The Board expects users to conduct themselves in a respectful, courteous, and professional manner.

Pursuant to Government Code [54952.2](#), and to prevent a prohibited serial meeting that may result from a series of communications involving a majority of the Board, the Board shall not use district social media accounts/platforms to discuss, deliberate, or take action on any item of district business outside of an authorized meeting.

(cf. 1340 - Access to District Records)  
(cf. 9012 - Board Member Electronic Communications)

## Privacy

The Superintendent or designee shall ensure that the privacy rights of students, parents/guardians, staff, Board members, and other individuals are protected on official district social media platforms.

Board policy pertaining to the posting of student photographs and the privacy of telephone numbers, home addresses, and email addresses, as specified in BP 1113 - District and School Web Sites, shall also apply to official district social media platforms.

(cf. 5125.1 - Release of Directory Information)

Social media and networking sites and other online platforms shall not be used by district



employees to transmit confidential information about students, employees, or district operations.

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

(cf. 5022 - Student and Family Privacy Rights)

(cf. 5125 - Student Records)

Legal Reference:

EDUCATION CODE

32261 School safety, definitions of bullying and electronic act

35182.5 Contracts for advertising

48900 Grounds for suspension and expulsion

48907 Exercise of free expression; rules and regulations

48950 Speech and other communication

49061 Definitions, directory information

49073 Release of directory information

60048 Commercial brand names, contracts or logos

GOVERNMENT CODE

3307.5 Publishing identity of public safety officers

6250-6270 Public Records Act, especially:

6254.21 Publishing addresses and phone numbers of officials

6254.24 Definition of public safety official

54952.2 Brown Act, definition of meeting

UNITED STATES CODE, TITLE 17

101-1101 Federal copyright law

UNITED STATES CODE, TITLE 20

1232g Federal Family Educational Rights and Privacy Act

UNITED STATES CODE, TITLE 29

157 Employee rights to engage in concerted, protected activity

794 Section 503 of the Rehabilitation Act of 1973; accessibility to federal web sites

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

COURT DECISIONS

Page v. Lexington County School District, (2008, 4th Cir.) 531 F.3d 275

Downs v. Los Angeles Unified School District, (2000) 228 F.3d 1003

Aaris v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112

Perry Education Association v. Perry Local Educators' Association, (1983) 460 U.S. 37

Board of Education, Island Trees Union Free School District, et.al. v. Pico, (1982) 457 U.S. 853

NATIONAL LABOR RELATIONS BOARD DECISIONS

18-CA-19081 Sears Holdings, December 4, 2009

Management Resources:

FACEBOOK PUBLICATIONS

Facebook for Educators Guide, 2011

WEB SITES

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

California School Public Relations Association: <http://www.calspra.org>

Facebook in Education: <http://www.facebook.com/education>

Facebook for Educators: <http://facebookforeducators.org>

Facebook, privacy resources: <http://www.facebook.com/fbprivacy>

adopted:       XXXX       Davenport, California

**Pacific SD  
Board Policy  
Commendations And Awards**

BP 1150

**Community Relations**

To encourage community involvement in district programs and activities, the Governing Board may publicly recognize and commend parents/guardians, community members, businesses, and organizations that make outstanding contributions or provide longstanding service to the district or district students.

(cf. 1000 - Concepts and Roles)  
(cf. 1020 - Youth Services)  
(cf. 1240 - Volunteer Assistance)  
(cf. 1700 - Relations Between Private Industry and the Schools)  
(cf. 3290 - Gifts, Grants and Bequests)

Any Board member, employee, parent/guardian, student, or community member may recommend an individual or organization for Board recognition. He/she shall submit to the Superintendent or designee the name of the individual or organization and a description of the outstanding contribution or service.

At the Board's discretion, the Board may present a letter of recognition, Board resolution, plaque, or other award at a public Board meeting or may hold a reception or informal recognition activity. The Board also may designate a day, week, or month for special recognition of volunteers.

The Board encourages similar forms of recognition for achievement or services as part of school-level commendation programs.

(cf. 4156.2/4256.2/4356.2 - Awards and Recognition)  
(cf. 5126 - Awards for Achievement)

**Legal Reference:**

**EDUCATION CODE**

35160 Authority of governing boards

35160.1 Broad authority of school districts

44015 Awards to employees and students

**CALIFORNIA CONSTITUTION**

Article 16, Section 6 Gifts of public funds

**Policy PACIFIC SCHOOL DISTRICT**

adopted: October 15, 2009      Davenport, California

revised:      XXXX      Davenport, California

# Pacific SD

## Board Policy

### Political Processes

BP 1160

### Community Relations

The Board of Trustees has a responsibility to actively advocate fiscal and public policy that supports the district's school and the children in the community. ~~To the extent possible, The Board shall be proactive in defining the district's advocacy agenda based on the needs of the district and the direction set forth in the district's vision and goals.~~ *the district's vision and goals and the needs of the district and community. The Board's advocacy efforts shall be conducted in accordance with legal requirements.*

(cf. [0000](#) - Vision)(cf. [0200](#) - Goals for the School District)(cf. [4119.25/4219.25/4319.25](#) - Political Activities of Employees)(cf. [9000](#) - Role of the Board)(cf. [9010](#) - Public Statements)

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 9000 - Role of the Board)

(cf. 9010 - Public Statements)

### Ballot Measures/Candidates

No district funds, services, supplies or equipment shall be used to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Board. (Education Code 7054)

The Board may study *and discuss* the potential effect of *proposed or qualified* ballot measures on the district's school *at an open and agendized Board meeting.* ~~Any~~ The Board's discussion of the effect of such measures shall include an opportunity for ~~Board members~~, staff and members of the public to speak on all sides of the issue. ~~Following such study,~~ *At that meeting* the Board may adopt ~~a positions or resolution~~ in support of or in opposition to a ballot measures. ~~of importance to education.~~ *The language in any resolution adopted by the Board shall not urge the public to take any action regarding the measure.*

(cf. [9320](#) - Meetings and Notices)

~~The Board's positions shall be publicized only through normal district procedures for reporting Board actions and in a manner that does not attempt to influence voters.~~

~~(cf. 9323 - Meeting Conduct)~~

*The Board's position on a ballot measure, including any resolution, shall be publicized only through normal district procedures and consistent with regular district practice for reporting Board actions. Such publicity shall be for informational purposes and shall not attempt to influence voters.*

*The Superintendent or designee may use district resources to provide students, parents/guardians, and community members with fair and impartial information related to ballot measures, including information about the impact of ballot measures on the district. (Education Code [7054](#))*

*(cf. [1100](#) - Communication with the Public)*

*In preparing or distributing such informational material, the Superintendent or designee shall analyze the material to help ensure that it is an appropriate informational activity, provides a fair analysis of the issues, and does not advocate passage or defeat of a measure or candidate.*

*District resources, including email or computer systems, shall not be used to disseminate campaign literature. In addition, district resources shall not be used to purchase advertisements, bumper stickers, posters, or similar promotional items that advocate an election result or urge voters to take any action in support of or in opposition to a measure.*

*(cf. [1325](#) - Advertising and Promotion)*

*Political activity related to district bond measures shall, in addition to the above, be subject to the following conditions:*

- 1. The Superintendent or designee may research, draft, and prepare a district bond measure or other initiative for the ballot, but shall not use district resources to influence voters or otherwise campaign for the measure.*
- 2. Upon request, Board members and district administrators may appear at any time before a citizens' group to explain why the Board called for an election on a bond measure and to answer questions. (Education Code [7054.1](#))*

*If the presentation occurs during working hours, the employee representing the district shall not urge a citizens' group to vote for or against the bond measure.*

- 3. The Board or any individual Board member may file a written argument for the ballot that is either for or against any school measure. (Elections Code [9501](#))*

The Board may establish reasonable regulations related to Board members and employees engaging in political activity during working hours and on district premises. (Education Code 7055)

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

## Legislation

The Board's responsibility as an advocate for the district may include lobbying *and outreach* at the state, ~~and~~ national, and local levels.

~~Because local governments also make decisions which impact the district's school, the~~ The Board and the Superintendent/Principal or designee shall work to establish ongoing relationships with ~~city and county~~ elected *officials, community leaders, and the media in order to communicate district positions and concerns.* ~~and agencies, and shall inform them of the potential effect of local issues on the school.~~

(cf. 1020 - Youth Services)

(cf. 1112 *Media Relations*)

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

(cf. 7131 - Relations with Local Agencies)

~~The Board shall identify issues that will affect its school and the children in its community, establish goals and priorities for legislative advocacy, solicit community input and adopt legislative positions. The Superintendent/Principal or designee shall establish a coordinated plan for carrying out the advocacy agenda, including specific activities, target groups or individuals, staff responsibilities and timelines.~~

*The Board and Superintendent shall develop an advocacy action plan to define expectations and responsibilities. This plan may include, but is not limited to, legislative priorities, strategies for outreach to the media and community, development of key messages and talking points, and adoption of positions on specific legislation, regulations, or budget proposals.*

In order to strengthen legislative advocacy efforts, the district may work with organizations and coalitions and may join associations whose representatives lobby on behalf of their members *in accordance with Government Code [53060.5](#).*

~~The Board may provide fair and impartial information about legislative issues affecting schools and children and shall inform the community about its legislative advocacy activities. However, the Board shall not urge the public to~~

~~lobby the legislature on behalf of the district.~~

~~(cf. 1100 – Communication with the Public)~~

~~(cf. 1112 – Media Relations)~~

*The district may provide fair and impartial information about legislative issues affecting schools and children and shall inform the community about its advocacy activities. However, informational materials about legislation shall not urge the public to lobby the legislature, Governor, or state agencies on behalf of the district.*

As necessary, the Superintendent/Principal or designee may draft legislative proposals which serve the district's interests.

~~District resources shall not be used to disseminate campaign literature or to purchase advertisements, bumper stickers, posters or similar promotional items that advocate an election result.~~

~~(cf. 1325 – Advertising and Promotion)~~

~~The Superintendent/Principal or designee may use district resources to provide students, parents/guardians and community members with fair and impartial information related to ballot measures, including information about the impact of ballot measures on the district. (Education Code 7054)~~

~~In preparing or distributing such information, the Superintendent/Principal or designee shall ensure that the totality of the circumstances, including language, style, tenor and timing, does not expressly advocate passage or defeat of a measure or candidate.~~

~~The Superintendent/Principal or designee may research, draft and prepare a bond measure or other initiative for the ballot, but shall not use district resources to secure signatures in order to qualify the measure for the ballot.~~

~~Upon request, Board members and district administrators may appear at any time before a citizens' group to explain why the Board called for an election on a bond measure and to answer questions. (Education Code 7054.1)~~

~~If the presentation occurs during working hours, the district representative shall not urge a citizens' group to vote for or against the bond measure.~~

~~For informational purposes, the Superintendent/Principal or designee may conduct a poll related to a ballot issue. Such a poll shall not advocate a particular position on the issue.~~

Legal Advocacy

The Board recognizes that some issues are more appropriately addressed judicially rather than legislatively. When a legal issue is likely to set a state or national precedent, the district may join with other districts or parties in order to challenge the issue through litigation or other appropriate means.

(cf. 9124 - Attorney)

## Political Forums

Forums on political issues may be held in district facilities as long as the forum is made available to all sides of the issue on an equitable basis. (Education Code 7058)

(cf. 1330 - Use of School Facilities)

### *Legal Reference:*

#### *EDUCATION CODE*

[7050-7058](#) *Political activities of school officers and employees, including:*

[7054](#) *Use of district property*

[7054.1](#) *Requested appearance*

[7056](#) *Soliciting or receiving political funds*

[35160](#) *Authority of governing boards*

[35172](#) *Promotional activities*

#### *ELECTIONS CODE*

[9501](#) *School district elections, arguments for or against a measure*

#### *GOVERNMENT CODE*

[8314](#) *Unlawful use of state resources*

[53060.5](#) *Attendance at legislative body; expenses*

[54953.5](#) *Right to record proceedings*

[54953.6](#) *Broadcasts of proceedings*

[81000-91015](#) *Political Reform Act, including:*

[82031](#) *Definition of independent expenditure*

#### *CODE OF REGULATIONS, TITLE 2*

[18600-18640](#) *Lobbyists*

[18901.1](#) *Campaign related mailings sent at public expense*

#### *COURT DECISIONS*

*Vargas v. City of Salinas, (2009) 46 Cal. 4th 1*

*Santa Barbara County Coalition Against Automobile Subsidies v. Santa Barbara County Association of Governments, (2008) 167 Cal.App.4th 1229*

*Yes on Measure A v. City of Lake Forest, (1997) 60 Cal.App.4th 620*

*Choice-in-Education League et al v. Los Angeles Unified School District, (1993) 17 Cal.App.4th 415*

*League of Women Voters v. Countywide Criminal Justice Coordination Committee, (1988) 203 Cal.App.3d 529*

*Miller v. Miller, (1978) 87 Cal.App.3d 762*

*Stanson v. Mott, (1976) 17 Cal. 3d 206*

#### *ATTORNEY GENERAL OPINIONS*

*88 Ops.Cal.Atty.Gen. 46 (2005)*

*73 Ops.Cal.Atty.Gen. 255 (1990)*

#### *Management Resources:*

#### *CSBA PUBLICATIONS*

*Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates, Fact Sheet, February 2011*

*Legal Guidelines for Lobbying Activity, Fact Sheet, February 2011*



*INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS*

*Legal Issues Associated with Use of Public Resources and Ballot Measure Activities, June 2010*

*WEB SITES*

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

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

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

**Policy PACIFIC SCHOOL DISTRICT**

**adopted: October 15, 2009      Davenport, California**

**revised:      xxxx      Davenport, California**

# **Pacific SD**

## **Board Policy**

### **School-Connected Organizations**

BP 1230

#### **Community Relations**

For purposes of this Board policy, the term "school-connected organization" includes booster clubs, parent-teacher associations aligned with the California State PTA, or other parent-teacher organizations.

The Governing Board recognizes that parents/guardians and community members may wish to organize parent organizations and/or booster clubs for the purpose of supporting the district's educational and extracurricular programs. The Board appreciates the contributions made by such organizations toward the Board's vision for student learning and for providing all district students with high-quality educational opportunities.

(cf. 0200 - Goals for the School District)  
(cf. 6020 - Parent Involvement)

Persons proposing to establish a school-connected organization shall submit a request to the Board for authorization to operate within the district.

A school-connected organization, including a booster club, parent-teacher association or organization, or other organization that does not include an associated student body or other student organization, shall be established and maintained as a separate entity from the school or district. Each school-connected organization shall be subject to its own bylaws and operational procedures or to the rules or bylaws of its affiliated state or national organization, as applicable.

In addition, activities by school-connected organizations shall be conducted in accordance with law, Board policies, administrative regulations, and any rules of the sponsoring school.

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 3290 - Gifts, Grants and Bequests)  
(cf. 3554 - Other Food Sales)  
(cf. 5030 - Student Wellness)  
(cf. 6145 - Extracurricular and Cocurricular Activities)  
(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall establish appropriate rules for the relationship between school-connected organizations and the district.

A school-connected organization shall obtain the written approval of the Superintendent or designee prior to soliciting funds upon the representation that the funds will be used wholly or in part for the benefit of the district school or the students at that school. (Education Code 51521)

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

(cf. 1330 - Use of School Facilities)

(cf. 3452 - Student Activity Funds)

A school-connected organization may consult with the Superintendent/Principal to determine school needs and priorities.

Any participation in fundraising activities by students and their parents/guardians and/or any donation of funds or property shall be voluntary. (Education Code 49011)

(cf. 3260 - Fees and Charges)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

35160 Authority of governing boards

38130-38138 Civic Center Act, use of school property for public purposes

48931 Authorization for sale of food by student organization

48932 Authorization for fund-raising activities by student organization

49011 Student fees

49431-49431.7 Nutritional standards

51520 Prohibited solicitation on school premises

51521 Fund-raising project

BUSINESS AND PROFESSIONS CODE

17510-17510.95 Solicitations for charitable purposes

25608 Alcohol on school property; use in connection with instruction

GOVERNMENT CODE

12580-12599.7 Fundraisers for Charitable Purposes Act

PENAL CODE

319-329 Lottery, raffle

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

15500 Food sales in elementary schools

15501 Food sales in high schools and junior high schools

15575-15578 Requirements for foods and beverages outside the federal meals program

CODE OF REGULATIONS, TITLE 11

300-312.1 Fundraising for charitable purposes

UNITED STATES CODE, TITLE 20

1681-1688 Discrimination based on sex or blindness, Title IX  
CODE OF FEDERAL REGULATIONS, TITLE 7  
210.11 Competitive food services  
220.12 Competitive food services  
COURT DECISIONS  
Serrano v. Priest, (1976) 18 Cal. 3d 728

Management Resources:

FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS  
2015 ASB Accounting Manual, Fraud Prevention Guide and Desk Reference  
WEB SITES

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

California Office of the Attorney General, charitable trust registry:

<http://caag.state.ca.us/charities>

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

Fiscal Crisis and Management Assistance Team (FCMAT); <http://www.fcmat.org>

Policy

adopted: October 15, 2009      Davenport, California

revised: xxxx                      Davenport, California

# **Pacific SD**

## **Board Policy**

### **Transfer Of Funds**

BP 3110

#### **Business and Noninstructional Operations**

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

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3100 - Budget)

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

(cf. 3460 - Financial Reports and Accountability)

The total amount budgeted by the district for each major classification of expenditures, as listed in the California Department of Education's budget forms, shall be the maximum amount which the district may expend for that classification for the school year. (Education Code 42600)

However, when it is in the best interest of the district, the Board may:

1. At any time, adopt a written resolution providing for transfers from the designated fund balance or the unappropriated fund balance to any expenditure classification or between classifications. The resolution shall be filed with the County Superintendent of Schools and the county auditor. (Education Code 42600)
2. Direct the temporary transfer of monies held in any district fund or account to another fund or account as necessary for the payment of obligations. Such borrowing shall occur only when the fund or account receiving the money will earn sufficient income during the current fiscal year to repay the amount transferred. No more than 75 percent of the maximum amount held in any fund or account during the current fiscal year may be transferred. Amounts transferred shall be repaid in the same fiscal year, or in the following fiscal year if the transfer takes place within the final 120 calendar days of a fiscal year. (Education Code 42603)
3. At the close of a school year, request that the County Superintendent make transfers between the designated fund balance or the unappropriated fund balance and any expenditure classification(s), or balance any expenditure classifications of the district budget as necessary for the payment of obligations incurred during that school year. (Education Code 42601)

4. Specify amounts to be transferred by the county auditor and treasurer from the district's general fund to the special reserve fund during the fiscal year. If any special reserve funds are maintained for purposes other than capital outlay or if monies in the special reserve fund are not actually encumbered for ongoing expenses, the Board may transfer those monies into the general fund for the general operating purposes of the district. If any monies remain in the special reserve fund at the conclusion of a project, the Board may, by written request to the County Superintendent, auditor, and treasurer, transfer those monies to the district's general fund. (Education Code 42841-42843)
5. Transfer monies between other funds or accounts when authorized by law.

Legal Reference:

EDUCATION CODE

78 Definition, governing board

5200 Districts governed by boards of education

16095 Transfer of district funds to district state school building fund

41301 Section A state school fund allocation schedule

42125 Designated and unappropriated fund balances

42238-42251 Apportionments to districts, especially:

42238.01-42238.07 Local control funding formula

42600 District budget limitation on expenditure

42601 Transfers between funds to permit payment of obligations at close of year

42603 Transfer of monies held in any fund or account to another fund;  
repayment

42840-42843 Special reserve fund

52616.4 Expenditures from adult education fund

Management Resources:

WEB SITES

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

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

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

Policy PACIFIC SCHOOL DISTRICT

adopted: October 15, 2009 Davenport, California

revised: XXXXXXXXXX Davenport, California

# Pacific SD

## Board Policy

### Sale Or Lease Of District-Owned Real Property

BP 3280

#### Business and Noninstructional Operations

The following optional policy and accompanying administrative regulation detail the procedures that govern the district's sale or lease of surplus real property. \*\*\*

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

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

Prior to the sale or lease of any surplus real property, the Board shall appoint a district advisory committee to advise the Board regarding the use or disposition of schools or school building space which is not needed for school purposes. (Education Code 17388-17389)

(cf. 1220 - Citizen Advisory Committees)

Upon determination that district property is no longer needed, or may not be needed until some future time, the Board shall first submit a report to the local planning agency as to what real property the district intends to offer for sale or lease. Not less than 40 days after issuance of the report to the local planning agency, and prior to entering into any agreement for sale or lease of district real property, the Board shall offer to sell or lease district-owned real property in accordance with priorities and procedures specified in applicable law. (Education Code 17230, 17387-17391, 17457.5, 17464, 17485-17500; Government Code 54222, 65402)

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

In addition, when selling real property purchased, constructed, or modernized with funds received within the past 10 years from a school facilities funding program, the Board shall consider whether any of the proceeds from the sale will need to be returned to the State Allocation Board (SAB) pursuant to Education Code 17462.3.

Resolution of Intention to Sell or Lease

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

(cf. 9320 - Meetings and Notices)  
(cf. 9323.2 - Actions by the Board)

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

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

#### Acceptance/Rejection of Bids

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

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

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

The final acceptance of the bid may be made either at the same meeting specified in the resolution or at any adjourned/continued meeting held within 10 days. Upon acceptance



of the bid, the Board may adopt a resolution of acceptance that directs the Board president, or any other Board member, to execute the deed or lease and to deliver the document upon performance and compliance by the successful bidder of all of the terms and conditions of the contract. (Education Code 17475-17478)

(cf. 1431 - Waivers)

#### Use of Proceeds

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

(cf. 3100 - Budget)

(cf. 3460 - Financial Reports and Accountability)

Pursuant to the authorization in Education Code 17463.7, the district may expend proceeds from the sale of surplus real property, along with the proceeds from any personal property located on that real property, for any one-time general fund purpose(s). Before the district exercises this authority: (Education Code 17463.7)

1. The Board shall submit documents to the SAB certifying that:
  - a. The district has no major deferred maintenance requirements not covered by existing capital outlay resources.
  - b. The sale of real property pursuant to Education Code 17463.7 does not violate the provisions of a local bond act.
- (cf. 7214 - General Obligation Bonds)
- c. The real property is not suitable to meet projected school construction needs for the next 10 years.
2. The Superintendent or designee shall present to the Board, at a regularly scheduled meeting, a plan for expending these one-time resources. The plan shall identify the source and use of the funds and shall describe the reasons that the expenditure shall not result in ongoing fiscal obligations for the district.

#### Legal Reference:

##### EDUCATION CODE

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

17230-17234 Surplus property

17385 Conveyances to and from school districts

17387-17391 Advisory committees for use of excess school facilities

17400-17429 Leasing property

17430-17447 Leasing facilities

17453 Lease of surplus district property

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

17457.5 Offer to charter school  
17462.3 State Allocation Board program to reclaim funds  
17463.7 Proceeds for general fund purposes  
17485-17500 Surplus school playground (Naylor Act)  
17515-17526 Joint occupancy  
17527-17535 Joint use of district facilities

33050 Request for waiver

38130-38139 Civic Center Act

#### GOVERNMENT CODE

54220-54232 Surplus land, especially:

54222 Offer to sell or lease property

54950-54963 Brown Act, especially:

54952 Legislative body, definition

#### PUBLIC RESOURCES CODE

21000-21177 California Environmental Quality Act

#### CODE OF REGULATIONS, TITLE 2

1700 Definitions related to surplus property

#### COURT DECISIONS

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

#### Management Resources:

##### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Closing a School Best Practices Guide

##### OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS

Unused Site Program Handbook, May 2008

#### WEB SITES

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

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

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

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

Policy	PACIFIC SCHOOL DISTRICT	
approved:	October 15, 2009	Davenport, California
revised:	XXXX	Davenport, California

# **Pacific SD**

## **Board Policy**

### **Claims And Actions Against The District**

BP 3320

#### **Business and Noninstructional Operations**

\*\*\*Note: The following optional policy and accompanying administrative regulation reflect the claims procedure in the Government Claims Act, also known as the Tort Claims Act, pursuant to Government Code 810-996.6. The Act details requirements for the filing of claims against public entities such as school districts.\*\*\*

\*\*\*Note: Because a district's insurance carrier or Joint Powers Authority (JPA) may require the district to comply with certain claims management conditions as part of the district's contractual coverage obligation, it is strongly recommended that, prior to adoption by the Governing Board, this board policy and accompanying administrative regulation be reviewed for consistency with any applicable conditions of coverage. A district's failure to follow those contractual conditions may result in a loss of coverage benefits. The district's risk manager and legal counsel should also be consulted, as appropriate.\*\*\*

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

(cf. 3530 - Risk Management/Insurance)  
(cf. 5143 - Insurance)

\*\*\*Note: Government Code 935 authorizes a district to establish its own procedure for the processing of claims which are either excluded from the claims procedures in the Government Claims Act or not listed as exceptions to the Act as specified in Government Code 905. A local claims requirement must be similar to and be no more restrictive than those established by the Government Claims Act. For example, the district's procedures may not allow a longer time for the Board to take action on a claim than the timeline provided for claims under the Government Claims Act.\*\*\*

\*\*\*Note: The following optional paragraph is for use by districts that wish to adopt local requirements and should be modified for consistency with the district's insurance or JPA agreement, as well as advice from the district's legal

counsel or risk manager.\*\*\*

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

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

\*\*\*Note: Government Code 935.4 authorizes, but does not require, the Board to delegate to any employee the authority to allow, compromise, or settle a claim of \$50,000 or less. However, management of the defense or settlement of the claim may be subject to contractual requirements contained in the district's insurance policy, memorandum of coverage, or contractual indemnity agreements. Thus, even when the Board has authorized the Superintendent to settle such claims, the authority is subject to any such requirements or conditions of coverage. The following paragraph is optional and boards that do not wish to delegate such authority should delete the following paragraph. Boards that wish to delegate this authority may modify the following paragraph to specify a different employee to whom the authority is delegated and/or an amount less than \$50,000.\*\*\*

In accordance with Government Code 935.4, the Board delegates to the Superintendent the authority to allow, compromise, or settle claims of \$10,000 or less pursuant to any conditions of coverage in the district's JPA agreement or insurance.

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

#### Roster of Public Agencies

\*\*\*Note: Government Code 53051 requires public agencies, such as school districts, to register the information specified below, including the names of all Board members, with the Secretary of State and County Clerk. If the information on file is not accurate or if no information is on file, the court may allow a person to proceed with a claim against the district even if the time limit for filing such a claim has expired. Thus, it is imperative that all required information be current and accurate.\*\*\*

The Superintendent or designee shall file the information required for the Roster of Public Agencies with the Secretary of State and the County Clerk. This

information shall include the name of the school district, the mailing address of the Board, and the names and addresses of the Board presiding officer, the Board clerk or secretary, and other members of the Board. (Government Code 53051)

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

Legal Reference:

EDUCATION CODE

35200 Liability for debts and contracts

35202 Claims against districts; applicability of Government Code

CODE OF CIVIL PROCEDURE

340.1 Damages suffered as result of childhood sexual abuse

GOVERNMENT CODE

800 Cost in civil actions

810-996.6 Claims and actions against public entities

6500-6536 Joint exercise of powers

53051 Information filed with secretary of state and county clerk

PENAL CODE

72 Fraudulent claims

COURT DECISIONS

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

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

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

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

Management Resources:

WEB SITES

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

# **Pacific SD**

## **Board Policy**

### **Travel Expenses**

BP 3350

#### **Business and Noninstructional Operations**

The Governing Board recognizes that district employees may incur expenses in the course of performing their assigned duties and responsibilities. To ensure the prudent use of public funds, the Superintendent or designee shall establish rules to keep such expenses to a minimum while affording employees a reasonable level of safety and convenience.

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

The Board shall authorize payment for actual and necessary travel expenses incurred by any employee performing authorized services for the district, whether within or outside district boundaries. (Education Code 44032)

The Superintendent or designee shall establish procedures for the approval of travel requests and the submission and verification of expense claims. He/she also shall establish reimbursement rates in accordance with law and Board policy.

An employee shall obtain approval from the Superintendent prior to traveling. The Superintendent may approve travel requests in accordance with the adopted budget and upon determining that the travel is authorized or assigned by the employee's supervisor, is necessary to attend a conference or other staff development opportunity that will enhance employee performance, and/or is otherwise necessary to the performance of the employee's duties. Travel expenses not previously budgeted may be approved on a case-by-case basis by the Superintendent if he/she determines that the travel is essential and that resources may be obtained or redirected for this purpose.

(cf. 3100 - Budget)

(cf. 3110 - Transfer of Funds)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

All out-of-state travel for which reimbursement will be claimed shall be approved in advance by the Board.

Reimbursable travel expenses may include, but are not limited to, costs of

transportation, parking fees, bridge or road tolls, lodging when district business reasonably requires an overnight stay, registration fees for seminars and conferences, telephone and other communication expenses incurred on district business, and other necessary incidental expenses.

The district shall not reimburse personal travel expenses including, but not limited to, tips or gratuities, alcohol, entertainment, laundry, expenses of any family member who is accompanying the employee on district-related business, personal use of an automobile, and personal losses or traffic violation fees incurred while on district business.

Except as otherwise provided, reimbursement of travel expenses shall be based on actual expenses as documented by receipts.

Authorized employees may be reimbursed for the use of their own private vehicles in the performance of assigned duties, on either a mileage or monthly basis as determined by the Superintendent or designee. (Education Code 44033)

The mileage allowance provided by the district for employees' use of their private vehicles shall be equal to the rate established by the Internal Revenue Service.

Vehicles should be shared whenever possible to minimize travel costs. No employee shall be entitled to reimbursement for automobile travel when he/she is transported free of charge or by another employee who is entitled to the expense reimbursement.

**\*\*\*Note: The district may choose whether to reimburse meal expenses on the basis of actual receipts (Option 1 below) or a per diem rate (Option 2). See IRS Publication 1542 Per Diem Rates (For Travel Within the Continental United States) for per diem rate tables established by the U.S. General Services Administration for federal employees; these federal rates may serve as a guideline for district rates. According to the IRS, specified "high-cost localities" may be reimbursed at a higher rate.\*\*\***

**OPTION 1: Meal costs shall be reimbursed based on documented actual expenses within the maximum amounts established by the Superintendent or designee and based on the time of day that travel for district business begins and ends.**

**OPTION 2: The Superintendent or designee shall establish a per diem allowance for meal costs incurred while traveling on district business based on the location and hours of travel. The per diem allowance shall not exceed the standard meal allowance for business-related travel prescribed for federal income tax purposes.**

Any expense that exceeds the maximum rate of reimbursement established by the district shall be reimbursed only with the approval of the Superintendent.

All expense reimbursement claims shall be submitted on a district form, within 10 working days following return from travel when possible. The form shall be accompanied by receipts and any explanation necessary to document that the expenses meet district criteria for reimbursement.

The Superintendent or designee shall approve expense claims only upon verifying that all necessary documentation is provided and that all expenses are appropriate and related to district business. If an expense claim is disallowed due to lack of documentation or inappropriate expenses, the employee may be personally responsible for any improper costs incurred.

Legal Reference:

EDUCATION CODE

- 42634 Itemization of expenses
- 44016 Travel expense to employment interview
- 44032 Travel expenses
- 44033 Automobile allowance
- 44802 Student teacher's travel expense

Management Resources:

INTERNAL REVENUE SERVICE PUBLICATIONS

Per Diem Rates (For Travel Within the Continental United States), Publication 1542

WEB SITES

Internal Revenue Service: <http://www.irs.gov>

U.S. General Services Administration, Per Diem Rates:  
<http://www.gsa.gov/perdiem>



# **Pacific SD**

## **Board Policy**

### **Financial Reports And Accountability**

BP 3460

#### **Business and Noninstructional Operations**

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

(cf. 3100 - Budget)  
(cf. 3110 - Transfer of Funds)  
(cf. 3300 - Expenditures and Purchases)  
(cf. 3430 - Investing)  
(cf. 4143/4243 - Negotiations/Consultation)  
(cf. 9000 - Role of the Board)

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

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

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

*When required by law or the Board, the Superintendent or designee shall submit to the Board reports of the district's financial status, including, but not limited to, any report specified in this Board policy or accompanying administrative regulation. When any such report must be approved by the Board prior to its submission to a local, state, and/or federal agency, the Superintendent or designee shall provide the report to the Board in sufficient time to enable the Board to carefully review the report and meet any applicable submission deadline.*

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

(cf. [1340](#) - Access to District Records)

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

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

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

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

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

#### **Audit Committee**

~~The Board may appoint an audit committee composed of staff knowledgeable about fiscal matters, other staff, and representatives of the community.~~

~~(cf. 1220 - Citizen Advisory Committees)  
(cf. 9130 - Board Committees)  
(cf. 9140 - Board Representatives)~~

~~The committee shall serve in an advisory capacity and may:~~

- ~~1. — Make recommendations regarding the selection of the external independent auditor in accordance with Education Code 41020 and 41020.5~~
- ~~2. — Review the plan for the audit process with the independent auditor to determine the adequacy of the nature, scope, and timetable of the audit~~
- ~~3. — Review the results of the audit and participate with the independent auditor and management in preparing final recommendations and responses~~
- ~~4. — Participate with the independent auditor in presenting the audit report to the Board~~
- ~~5. — Review Board policies and administrative regulations to recommend any revisions needed to ensure effective financial reporting~~
- ~~6. — Provide input on the effectiveness of the independent auditor~~
- ~~7. — Periodically report to the Board regarding the status of previous audit recommendations for improving the accounting and internal control systems~~

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

#### *Unaudited Actual Receipts and Expenditures*

*On or before September 15, the Board shall approve and file with the County Superintendent a statement of the district's unaudited actual receipts and expenditures for the preceding fiscal year. The Superintendent or designee shall prepare this statement using the state's standardized account code structure (SACS) as prescribed by the Superintendent of Public Instruction (SPI). (Education Code [42100](#))*

#### *Gann Appropriations Limit Resolution*

*On or before September 15, the Board shall adopt a resolution identifying, pursuant to Government Code [7900-7914](#), the district's estimated appropriations limit for the current fiscal year and the actual appropriations limit for the preceding fiscal year. Documentation used to identify these limits shall be made available to the public on the day of the Board meeting. (Education Code [42132](#); Government Code [7910](#))*

*(cf. [9322](#) - Agenda/Meeting Materials)*

#### *Interim Reports/Certification of Ability to Meet Fiscal Obligations*

*The Superintendent or designee shall submit two interim fiscal reports to the Board, the first report covering the district's financial and budgetary status for the period ending October 31 and the second report covering the period ending January 31. The reports and supporting data shall be made available by the district for public review. (Education Code [42130](#))*

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

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

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

*If the district's certification is subsequently changed by the County Superintendent from a positive to a qualified or negative certification, or from a qualified to a negative certification, the Board may appeal the decision to the SPI within five days of receiving the notice of change. (Education Code [42131](#))*

*Whenever the district receives a qualified or negative certification from the Board or the County Superintendent, the Superintendent or designee shall cooperate in the implementation of any remedial actions taken or prescribed by the County Superintendent under the authority granted to him/her pursuant to Education Code [42131](#).*

*If the second interim report is accompanied by a qualified or negative certification, the Board shall, no later than June 1, provide to the County Superintendent, the State Controller, and the SPI a financial statement as of April 30 ("third interim report") that projects the district's fund and cash balances through June 30. (Education Code [42131](#))*

*At any time during the year when the County Superintendent conducts a comprehensive review of the district's financial and budgetary conditions after he/she has determined that the district's budget does not comply with state criteria and standards for fiscal stability, the Board shall review the County Superintendent's recommendations at a public Board meeting. Within 15 days of receiving the report, the district shall notify the County Superintendent and the SPI of its proposed actions on the recommendation. (Education Code [42637](#))*

#### *Audit Report*

*Pursuant to Education Code [41020](#), if the district has a disapproved budget, has received a negative certification on any budget or interim fiscal report during the current fiscal year or either of the two preceding fiscal years, or has otherwise been determined by the County Superintendent to have a lack of going concern, any contract the district enters into for auditing services must be approved by the County Superintendent.*

*By April 1 of each year, the Board shall provide for an annual audit of the district's books and accounts. (Education Code [41020](#))*

## Proposed Update

*To conduct the audit, the Board shall select a certified public accountant or public accountant licensed by the State Board of Accountancy from among those deemed qualified by the State Controller. (Education Code [41020](#), [41020.5](#))*

*The Board shall not select any public accounting firm to provide audit services if the lead or coordinating audit partner having primary responsibility for the audit, or the audit partner responsible for reviewing the audit, has performed audit services for the district in each of the six previous fiscal years. (Education Code [41020](#))*

*No later than December 15, the report of the audit for the preceding fiscal year shall be filed with the County Superintendent, the CDE, and the State Controller. (Education Code [41020](#))*

*Prior to December 15 whenever possible, but in no case later than January 31, the Board shall review, at an open meeting, the annual district audit for the prior year, any audit exceptions identified in that audit, the recommendations or findings of any management letter issued by the auditor, and any description of correction or plans to correct any exceptions or any issue raised in a management letter. (Education Code [41020.3](#))*

*The Board shall have an opportunity at the meeting to ask questions of the auditor and request further information about the audit findings.*

### *Legal Reference:*

#### *EDUCATION CODE*

*[1240](#) Duties of county superintendent of schools*

*[14500-14508](#) Financial and compliance audits*

*[17150-17150.1](#) Public disclosure of non-voter-approved debt*

*[17170-17199.5](#) California School Finance Authority*

*[33127](#) Standards and criteria for local budgets and expenditures*

*[33128](#) Standards and criteria; inclusions*

*[33129](#) Standards and criteria; use by local agencies*

*[35035](#) Powers and duties of superintendent*

*[41010-41023](#) Accounting system*

*[41326](#) Emergency apportionment*

*[41344](#) Repayment of apportionment significant audit exceptions*

*[41344.1](#) Appeals of audit findings*

*[41455](#) Examination of financial problems of local districts*

*[42100-42105](#) Requirement to prepare and file annual statement*

*[42120-42129](#) Budget requirements*

Proposed Update

[42130-42134](#) *Financial reports and certifications*

[42140-42142](#) *Public disclosure of fiscal obligations*

[42637](#) *County superintendent review of district's financial and budgetary conditions*

[42652](#) *Revocation or suspension of warrant authority*

[48300-48316](#) *Student attendance alternatives*

[52060-52077](#) *Local control and accountability plan*

GOVERNMENT CODE

[3540.2](#) *School district; qualified or negative certification; proposed agreement review and comment*

[7900-7914](#) *Appropriations limit*

[16429.1](#) *Local agency investment fund*

[53646](#) *Reports of investment policy and compliance*

CODE OF REGULATIONS, TITLE 5

[15060](#) *Standardized account code structure*

[15070](#) *Submission of reports using standardized account code structure*

[15440-15451](#) *Criteria and standards for school district budgets*

[15453-15464](#) *Criteria and standards for school district interim reports*

[19810-19816.1](#) *Audits*

UNITED STATES CODE, TITLE 31

7501- 7507 *Single audits of federal program funds*

*Management Resources:*

CSBA PUBLICATIONS

*Maximizing School Board Governance: Fiscal Accountability, 2006*

CALIFORNIA DEPARTMENT OF EDUCATION COMMUNICATIONS

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

*Audit Resolution Process: Repayment Plans, December 8, 2000*

FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

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

*GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENTS*

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

*GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENTS (continued)*

*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*

*STATE CONTROLLER PUBLICATIONS*

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

*U.S. GOVERNMENT ACCOUNTABILITY OFFICE AND PRESIDENT'S COUNCIL ON INTEGRITY AND EFFICIENCY (PCIE) PUBLICATIONS*

*Government Auditing Standards, 2011*

*Financial Audit Manual, revised 2008*

*U.S. OFFICE OF MANAGEMENT AND BUDGET CIRCULARS*

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

*WEB SITES*

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

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

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

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

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

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

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

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

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

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

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

**Legal Reference:**  
**EDUCATION CODE**

~~1240 Duties of County superintendent of schools~~  
~~14500-14508 Financial and compliance audits~~  
~~17150-17150.1 Public disclosure of non-voter-approved debt~~  
~~17170-17199.5 California School Finance Authority~~  
~~33127 Standards and criteria for local budgets and expenditures~~  
~~33128 Standards and criteria; inclusions~~  
~~33129 Standards and criteria; use by local agencies~~  
~~35035 Powers and duties of superintendent~~  
~~41010-41023 Accounting system~~  
~~41326 Emergency apportionment~~  
~~41344 Repayment of apportionment significant audit exceptions~~  
~~41344.1 Appeals of audit findings~~  
~~41455 Examination of financial problems of local districts~~  
~~42100-42105 Requirement to prepare and file annual statement~~  
~~42120-42129 Budget requirements~~  
~~42130-42134 Financial reports and certifications~~  
~~42140-42142 Public disclosure of fiscal obligations~~  
~~42637 County Superintendent review of district's financial and budgetary conditions~~  
~~42652 Revocation or suspension of warrant authority~~  
~~48300-48316 Student attendance alternatives~~  
~~GOVERNMENT CODE~~  
~~3540.2 School district; qualified or negative certification; proposed agreement-review and comment~~  
~~7900-7914 Appropriations limit~~  
~~16429.1 Local agency investment fund~~  
~~53646 Reports of investment policy and compliance~~  
~~CODE OF REGULATIONS, TITLE 5~~  
~~15060 Standardized account code structure~~  
~~15070 Submission of reports using standardized account code structure~~  
~~15440-15451 Criteria and standards for school district budgets~~  
~~15453-15464 Criteria and standards for school district interim reports~~  
~~19810-19816.1 Audits~~

Management Resources:

~~CSBA PUBLICATIONS~~

~~Maximizing School Board Governance: Fiscal Accountability, 2006~~

~~CALIFORNIA DEPARTMENT OF EDUCATION COMMUNICATIONS~~

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

~~1208.00 Audit Resolution Process: Repayment Plans~~

~~FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS~~

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

~~GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENTS~~

~~Statement 54, Fund Balance Reporting and Governmental Fund Type~~



~~Definitions, March 2009~~

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

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

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

~~Financial Audit Manual, revised 2003~~

~~U.S. OFFICE OF MANAGEMENT AND BUDGET CIRCULARS~~

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

~~STATE CONTROLLER PUBLICATIONS~~

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

#### ~~WEB SITES~~

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

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

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

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

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

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

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

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

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

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

Policy PACIFIC SCHOOL DISTRICT

adopted: October 15, 2009      Davenport, California

# Pacific SD

## Board Policy

### Integrated Waste Management

BP 3511.1

#### Business and Noninstructional Operations

~~The Board of Trustees believes that the conservation of water, energy and other natural resources as well as the protection of the environment are essential to the health and well being of the community. The Superintendent/Principal or designee shall develop an integrated waste management program to reduce waste, conserve natural resources and protect the environment.~~

*The Governing Board believes that the conservation of natural resources and the protection of the environment are connected to the district's educational mission and are essential to the health and well-being of the community. The Superintendent or designee shall develop and/or implement a cost-effective, integrated waste management program that incorporates the principles of green school operations.*

(cf. [0100](#) - Philosophy)

(cf. [3510](#) - Green School Operations)

(cf. [3511](#) - Energy and Water Management)

(cf. [3514](#) - Environmental Safety)

(cf. [3514.2](#) - Integrated Pest Management)

~~The program shall include specific strategies designed to help the district reduce waste generation and improve efficiency in using natural resources in all areas of its operations.~~

*The district's program shall include strategies designed to help the district reduce solid and hazardous waste generation, improve efficiency in its use of natural resources, and minimize the impact of such use on the environment. The program shall address all areas of the district's operations, including, but not limited to, procurement, resource utilization, and facilities management practices.*

(cf. [3300](#) - Expenditures and Purchases)

(cf. [3517](#) - Facilities Inspection)

The Superintendent/Principal or designee may collaborate with city, county and state agencies in developing and implementing the district's integrated waste management program.

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

(cf. 7131 - Relations With Local Agencies)

The Superintendent/Principal or designee shall make every effort to identify funding opportunities for the district's integrated waste management program including applying for available grants or other cost-reducing incentives.

*To the extent that funding permits, the Superintendent/Principal or designee shall provide appropriate **educational and** training opportunities to students and staff regarding the benefits and methods of conserving natural resources and protecting the environment.*

(cf. 4131 - Staff Development)  
(cf. 4231 - Staff Development)  
(cf. 4331 - Staff Development)  
(cf. 6142.5 - Environmental Education)  
(cf. 6142.93 - Science Instruction)

*The Superintendent or designee shall regularly monitor all aspects of the district's integrated waste management program and shall provide an update to the Board on its effectiveness as necessary.*

*Legal Reference:*

#### *EDUCATION CODE*

[8700-8707](#) *Environmental education*

[17070.96](#) *Leroy F. Greene School Facilities Act of 1996, consideration of high performance standards*

[17072.35](#) *New construction grants; use for designs and materials for high performance schools*

[32370-32376](#) *Recycling paper*

[33541](#) *Environmental education*

#### *PUBLIC RESOURCES CODE*

[25410-25421](#) *Energy conservation assistance*

[40050-40063](#) *Waste management; integrated waste management*

[41780](#) *Waste diversion*

[42620-42622](#) *Source reduction and recycling programs*

[42630-42647](#) *School site source reduction and recycling*

*42649-42649.7 Recycling of commercial solid waste*

*CODE OF REGULATIONS, TITLE 14*

*17225.12 Commercial solid waste*

*Management Resources:*

*WEB SITES*

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

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

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

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

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

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

Policy PACIFIC SCHOOL DISTRICT

adopted: October 15, 2009      Davenport, California

# **Pacific SD**

## **Board Policy**

### **Hazardous Substances**

BP 3514.1

#### **Business and Noninstructional Operations**

The Board of Trustees desires to provide a safe school environment that protects students and employees from exposure to potentially hazardous substances that may be used in the district's educational program and in the maintenance and operation of district facilities and equipment.

(cf. 3514 - Environmental Safety)

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

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

(cf. 5141.22 - Infectious Diseases)

(cf. 5142 - Safety)

(cf. 6161.3 - Toxic Art Supplies)

Insofar as reasonably possible, the Superintendent or designee shall minimize the quantities of hazardous substances stored and used on school property. When hazardous substances must be used, the Superintendent or designee shall give preference to materials that cause the least risk to people and the environment.

(cf. 3510 - Green School Operations)

(cf. 3514.2 - Integrated Pest Management)

The Superintendent or designee shall ensure that all potentially hazardous substances on district properties are inventoried, used, stored, and regularly disposed of in a safe and legal manner.

The Superintendent or designee shall develop, implement, and maintain a written hazard communication program in accordance with 8 CCR 5194 and shall ensure that employees, students, and others as necessary are fully informed about the properties and potential hazards of substances to which they may be exposed.

(cf. 1240 - Volunteer Assistance)

Legal Reference:

EDUCATION CODE

49340-49341 Hazardous substances education

49401.5 Legislative intent; consultation services

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

## Rewrite

## FOOD AND AGRICULTURAL CODE

12981 Regulations re pesticides and worker safety

## HEALTH AND SAFETY CODE

25163 Transportation of hazardous wastes; registration; exemptions; inspection

25500-25520 Hazardous materials release response plans; inventory

## LABOR CODE

6360-6363 Hazardous Substances Information and Training Act

6380-6386 List of hazardous substances

## CODE OF REGULATIONS, TITLE 8

### 339 List of hazardous substances

### 3203 Illness and injury prevention program

3204 Records of employee exposure to toxic or harmful substances

5139-5230 Control of hazardous substances, especially

### 5154.1-5154.2 Ventilation

## 5161 Definitions

5162 Emergency eyewash and shower equipment

5163 Control of spills

## 5164 Storage of hazardous substances

5191 Occupational exposure to hazardous chemicals in laboratories; chemical hygiene plan

5194 Hazard communication

## CODE OF REGULATIONS, TITLE 22

67450.40-67450.49 School hazardous waste collection, consolidation, and accumulation facilities

Management Resources:

## CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Science Safety Handbook for California Public Schools, 2012

## WEB SITES

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

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

Department of Industrial Relations, Cal/OSHA: <http://www.dir.ca.gov/dosh>

## Policy PACIFIC SCHOOL DISTRICT

adopted: October 15, 2009

Davenport, California

revised: xxxx

Davenport, California

# Pacific SD

## Board Policy

### Emergency Schedules

BP 3516.5

#### Business and Noninstructional Operations

In order to provide for the safety of students and staff, the Board of Trustees authorizes the Superintendent/Principal or designee to close the school, to change the regular school day schedule, or to take any necessary action when *hazardous environmental or adverse weather conditions or other emergencies warrant.*

(cf. 0450 - Comprehensive Safety Plan)  
(cf. 4157/4257/4357 - Employee Safety)  
(cf. 5142 - Safety)  
(cf. 6112 - School Day)

*When an emergency condition causes a school closure, reduction in attendance, or change in schedule pursuant to Education Code [41422](#) or [46392](#), thereby preventing the district from complying with the minimum number of instructional days or minutes required by law, the Superintendent or designee shall complete and submit to the Superintendent of Public Instruction the necessary forms for obtaining approval of the days of the closure, reduction in attendance, or change in schedule. The Superintendent or designee shall submit other relevant district records as may be required.*

(cf. [3580](#) - District Records)

(cf. [6111](#) - School Calendar)

The Superintendent/Principal or designee shall establish a system for informing students and parents/guardians when ~~school buses are not operating or when~~ the school day schedule is changed or the school is closed. *The district's notification system shall include, but is not limited to, notifying local television and radio stations, posting on district web site(s), sending email and text messages, and/or making telephone calls.*

(cf. [1112](#) - Media Relations)

(cf. [1113](#) - District and School Web Sites)

(cf. [3543](#) - Transportation Safety and Emergencies)

~~In the event that students arrive at school when the school day schedule changes or the schedule changes after school has begun, the~~

~~Superintendent/Principal or designee shall ensure that supervision is provided in accordance with the procedures specified in the district's emergency and disaster preparedness plan.~~

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

~~(cf. 3516.1 - Fire Drills and Fires)~~

~~(cf. 3516.2 - Bomb Threats)~~

~~(cf. 3516.3 - Earthquake Emergency Procedure System)~~

*Whenever the school day schedule changes after students have arrived at school, the Superintendent or designee shall ensure that students are supervised in accordance with the procedures specified in the district's emergency and disaster preparedness plan.*

(cf. [3516](#) - Emergencies and Disaster Preparedness Plan)

The Superintendent/Principal or designee may provide a means to compensate for lost instructional time later during the year. Students and parents/guardians shall receive timely advanced notice of any resulting changes in the school calendar or school day schedule.

(cf. 6111 - School Calendar)

*Legal Reference:*

*EDUCATION CODE*

[41420](#) Required length of school term

[41422](#) Schools not maintained for 175 days

[46010](#) Total days of attendance

[46100-46192](#) Attendance; maximum credit; minimum day

[46390](#) Calculation of ADA in emergency

[46391](#) Lost or destroyed ADA records

[46392](#) Decreased attendance in emergency situation

*VEHICLE CODE*

[34501.6](#) School buses; reduced visibility

*Management Resources:*

*CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE*

90-01 Average Daily Attendance Credit During Periods of Emergency, February 10, 2005

*WEB SITES*

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

Policy PACIFIC SCHOOL DISTRICT

adopted: October 15, 2009

Davenport, California

revised: xxxx

Davenport, California



# Pacific SD

## Board Policy

### Transportation For Students With Disabilities

BP 3541.2

#### **Business and Noninstructional Operations**

The Governing Board desires to meet the transportation needs of students with disabilities to enable them to benefit from special education and related services. The district shall provide appropriate transportation services for a student with disabilities when the district is the student's district of residence and the transportation services are required by his/her individualized education program (IEP) or Section 504 accommodation plan.

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 3540 - Transportation)

(cf. 6159 - Individualized Education Program)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

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

The specific needs of the student shall be the primary consideration when an IEP team is determining the student's transportation needs. Considerations may include, but are not limited to, the student's health needs, travel distances, physical accessibility and safety of streets and sidewalks, accessibility of public transportation systems, midday or other transportation needs, extended-year services, and, as necessary, implementation of a behavioral intervention plan.

The Superintendent or designee shall provide IEP teams with information about district transportation services in order to assist them in making decisions as to the mode, schedule, and location of transportation services that may be available to each student with disabilities.

Transportation services specified in a student's IEP or Section 504 plan shall be provided at no cost to the student or his/her parent/guardian.

(cf. 3250 - Transportation Fees)

If a student whose IEP or accommodation plan specifies transportation needs is excluded from school bus transportation for any reason, such as suspension, expulsion, or other reason, the district shall provide alternative transportation at no cost to the student or parent/guardian. (Education Code 48915.5)

(cf. 5131.1 - Bus Conduct)

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

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

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)

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

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 3541 - Transportation Routes and Services)

The Superintendent or designee shall ensure that any mobile seating devices used on district buses are compatible with bus securement systems required by 49 CFR 571.222. (Education Code 56195.8)

(cf. 3542 - School Bus Drivers)

As necessary, a student with disabilities may be accompanied on school transportation by a service animal, as defined in 28 CFR 35.104, including a specially trained guide dog, signal dog, or service dog. (Education Code 39839; Civil Code 54.1-54.2; 28 CFR 35.136)

(cf. 6163.2 - Animals at School)

When transportation is not specifically required by the IEP or Section 504 plan of a student with disabilities, the student shall be subject to the rules and policies regarding regular transportation offerings within the district.

#### Legal Reference:

##### EDUCATION CODE

39807.5 Payment of transportation cost

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

41850-41854 Allowances for transportation

48300-48315 Alternative interdistrict attendance program

48915.5 Expulsion of students with exceptional needs

56040 No cost for special education and related services

56195.8 Adoption of policies

56327 Assessment for special education and related services

56345 Individualized education program

56365-56366.1 Nonpublic nonsectarian schools or agencies

##### CIVIL CODE

54.1-54.2 Service animals

CODE OF REGULATIONS, TITLE 5

15243 Physically handicapped minors

15271 Exclusion from report

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 28

35.104 Definitions

35.136 Service animals

CODE OF FEDERAL REGULATIONS, TITLE 34

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

300.1-300.818 Individuals with Disabilities Education Act, especially:

300.34 Transportation defined as related service

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571.222 Federal requirements for bus securement systems

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WEB SITES

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U.S. Department of Education: <http://www.ed.gov>

Regulation

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