San Pasqual Union School District

The Little School in the Valley

15305 Rockwood Road, Escondido, CA 92027-6700 Phone 760-745-4931 Fax 760-745-2473 E-Mail spusd@sanpasqualunion.net Website: www.sanpasqualunion.net

BOARD OF EDUCATION ORGANIZATIONAL MEETING

In accordance with Ed. Code Section 35143, notice is hereby given of the Organizational Meeting of the Governing Board of Trustees Tuesday, December 8, 2015, at 5:30 p.m. at San Pasqual Union School

Blaise Jackson, Me		David Hersey, Member	
Scott Heidemann, I	Vlember	Tim Spivey, Member	
Angie Baker, Mem	ber	Shannon Hargrave, Supt	
		Cece Bostrom, Recording	g Secretary _
II. WELCOME	TO GUESTS AND	PLEDGE OF ALLEC	SIANCE
III. ADMINIST	RATION OF OATI	H OF OFFICE	
	ATION OF THE GO cers (EC sections 35022	OVERNING BOARD and 72000(c)(2)	
1.]	President		
Nominee:	First;	Second:	Vote:
2.	Vice President		
Nominee:	First:	Second:	Vote:
3. (Clerk		
Nominee:	First:	Second:	Vote:
B. Selection of day 7200(c)(4) Action	and time of regular mon	nthly meeting. (EC section.	s 35140 and
	61 1 1 1 1		17. 4

V. RECESS OF ORGANIZATIONAL MEETING

CALL TO ORDER

Separate attachments available by request at the District office. San Pasqual Union provides appropriate disability accommodations. Any person who requires disability-related accommodations or modifications including auxiliary aids and services in order to participate in the Board meeting should contact the Superintendent or designee in writing.

San Pasqual Union SD

Board Bylaw

Organization

BB 9100

Board Bylaws

Annual Organizational Meeting

The Board of Trustees shall hold an annual organizational meeting within the time limits prescribed by law. (Education Code 35143)

At this meeting the Board shall:

- 1. Elect a president and a clerk and/or vice president from its members.
- 2. Appoint a secretary to the Board.
- 3. Authorize signatures.
- 4. Develop a schedule of regular meetings for the year.
- 5. Develop a Board calendar for the year.
- 6. Designate Board representatives.

(cf. 9140 - Board Representatives)

(cf. 9320 - Meetings and Notices)

Election of Officers

The Board shall each year elect its entire slate of officers.

Legal Reference:

EDUCATION CODE

5017 Term of office

35143 Annual organizational meeting date, and notice

35145 Public meetings

GOVERNMENT CODE

54953 Meetings to be open and public; attendance

68 Ops. Cal. Atty. Gen. 65 (1985)

59 Ops. Cal. Atty. Gen. 619, 621-622 (1976)

2015-2016 San Pasqual Union School District Calendar

		-			,,						chool District Calendar
	N	-	7	w	Т	F	STUDENT DAYS	TEACHER DAYS	LEGAL HOLIDAY	LOCAL	NOTES
JULY	Τ	Ţ	T	1	2	3	0	0	1		7/03 Independence Day Observed
	6		7	8	9	10	0	0			
	13	3 1	4	15	16	17	0	0			
	20) 2	1	22	23	24	0	0			
	27	7 2	8	29	30	31	0	0			
AUG	3	4	1	5	6	7	0	0			
	10) 1	1	12	13	14	0	0			8/14New Tchrs Rpt
	17	1	8	19	20	21	3	5			8/17 Tchrs Rpt., 8/19 First Day of School
	24	2	5	26	27	28	8	10			
SEPT	31	1	Т	2	3	4	13	15			
	7	8	1	9	10	11	17	19	1		9/07 Labor Day
	14	1:	5	16	17	18	22	24			
	21	2:	2 :	23	24	25	27	29			
ост	28	29	9 3	30	1	2	32	34			10/2 Progress Reports
	5	6		7	8	9	37	39			Parent/Teacher Conference Week min days
	12	13	3	14	15	16	41	43			10/12 Columbus Day ~ No School
	19	20	2	21	22	23	46	48			
	26	27	7 2	28	29	30	50	53	#1		10/30 Non -Student Day
NOV	2	3		4	5	6	55	58			11/6 End of 1st Trimester
	9	10	1	11	12	13	59	62	1		11/11 Veteran's Day
	16	17	1	18	19	20	64	67			
	23	24	1 2	25	26	27	64	67	1	1	11/23 -11/27 Thanksgiving Break
DEC	30	1		2	3	4	69	72			
	7	8	1	9	10	11	74	77			
	14	15	1	16	17	18	79	82			12/18 Minimum Day before break
	21	22	2	23	24	25	79	82	1	1	12/21 - 01/1 Winter Break
	28	29	3	30	31	1.	79	82	1	1	
JAN	4	5	1	6	7	8	84	87			1/8 Progress Reports
	11	12	1	3	14	15	89	92			3
	18	19	2	20	21	22	93	96	1		1/18 Martin Luther King Jr. Day
	25	26	2	7	28	29	98	101			
FEB	1	2	1	3	4	5	103	106			
	8	9	1	0	11	12	107	110	1		2/12 Lincoln's Birthday, 2/15 President's Day
	15	16	1	7	18	19	110	114	1		2/16 Non-Student Day
	22	23	2	4	25	26	115	119			
MAR	29	_	2	-	3	4	120	124			3/4 End of Second Trimester
	7	8	9	9	10	11	125	129			
	14	15	1	6	17	18	130	134			
	21	22	2	3	24	25	130	134		1	3/21-3/28 Spring Break
	28	29	30	0	31	1	134	138			
APR	4	5	6	3	7	8	139	143			
	11	12	1:	3	14	15	144	148			
	18	19	20	0	21	22	149	153			4/22 Progress Report
	25	26	2	7 :	28	29	154	158			
MAY	2	3	4	T	5	6	159	163			
	9	10	1	1	12	13	164	168			
	16	17	18	В .	19	20	169	173			
	23	24	25	5 2	26	27	174	178			
JUNE	30	31	1	I	2	3	178	182	1		5/30 Memorial Day
	6	7	8	ſ	9	10	180	185			6/07 Last Day of School ~ Min day, 8th Grade Promotion
	13	14	15	5	16	17				$\overline{}$	6/8 Last Teacher Day
	20	21	22	2 2	23	24					
Approv	/ed	4/1	4/	15		Ī					School dismissed at 1:30 on "shaded" days
Approved 4/14/15							School closed on "bold outlined" days				

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BOARD OF EDUCATION REGULAR MEETING

Tuesday, December 8, 2015

CAL	L TO ORDER						
Scott	e Jackson, Membe Heidemann, Mem e Baker, Member_	ber	Tim Sp Shanno	David Hersey, Member Tim Spivey, Member Shannon Hargrave, Supt /Secretary Cece Bostrom, Recording Secretary			
OPE	N SESSION (5:3	30 p.m. in Trus	sell Hall)				
A.	Welcome to guest a	nd pledge of allegian	nce.				
В.	HEARING OF THE that lies within	E PUBLIC: Persons the Board's jurisdict	wishing to spetion.	eak to an item on th	e agenda or another topic		
C.	APPROVAL OF A regular meeting at this time.				tes of the 11/10/15 nt calendar must be made		
Action_					<u> </u>		
Motion	<i>By</i>	_Seconded by		Vote			
Baker_	Jackson	Heidemann	Hersey	Spivey			
D.	PTA/FOUNDATIO	N REPORT					
E.	SUPERINTENDEN	T REPORT					
ACT:	ION/DISCUSS	SION					
F.	NORTH INLAND S 2015 Local Plan		ION REGION	V 2015 LOCAL PL	AN: Approval of NISER		
Action_							
	Ву						
	Jackson						
G.	Manual as recor (including techn	nmended by the Cal	ifornia Schoo corrections. Th	l Boards Associatio	s to the District Policy n. These changes ilable by request in the		
Н.		EPORT: Finance Dir m Report. The Boar			presentation of the 2015- st Interim Report		
Acı	tion						
Мо	tion By	Secondea	l by		Vote		

CONSENT AGENDA

- I. FINANCIAL REPORTS: Collection advice, revolving cash, purchase orders, donations, credit card expenditures, commercial warrants.
- J. ANNUAL DEVELOPER FEE RESOLUTION: Approval of Resolution #R15-16-04 of the Annual Developer Fee Report for fiscal year 2014-15 prepared in accordance with Government Code Sections 66006 and 66001 regarding collection and expenditure of developer fees imposed on residential, commercial, and industrial development.

Action					
Motion By		Seconded by		_Vote	
Baker	Jackson	Heidemann	Hersey	Spivey	

BOARD COMMENTS AND DATES

K. Board Conference:

SSDA: Wednesday, March 9 – Friday, March 11, 2015 in Sacramento Registered: All Trustees including superintendent

L. Comments by Trustees

ADJOURNMENT

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BOARD OF EDUCATION MINUTES

Tuesday, November 10, 2015 at San Pasqual Union School

Call to Order

- Board met in closed session at 5:00pm. Members present: Jackson, Baker and Hersey.
- Board adjourned into Regular meeting at 5:30pm.
- Regular meeting called to order at 5:31pm. Members present: Jackson, Baker and Hersey.
 Member Heidemann and Spivey absent. Superintendent Hargrave and recording secretary,
 Cece Bostrom present.

Regular Session

- Public was welcomed and the flag salute was recited.
- No one addressed the Board during the Public hearing
- Member Hersey moved to approve the minutes of 10/13/15. Member Baker seconded the motion. Motion passed 3/0/2.

Aye: Baker, Jackson, Hersey No: 0 Absent: Heidemann, Spivey

Reports:

- No report from PTA or Foundation
- Director of Finance, Rhonda Brown updated the Board on technology purchases and needs.

Superintendent Report

- Great things happening at school. The Mano-a-Mano program was well received and attended by the EL parents. Graduation ceremony was held for those parents that completed the course. The same speaker was invited to speak at the staff's PLC day.
- PLC day for teachers was on writing, calibration, and student work.
- Busy time scheduling 24 observations which occur twice a year.
- All students participated in Benchmark testing. The FIT program has been very effective in K-5 and we will be rearranging the middle school elective class to target those students needing support.
- Harvest Night was very successful. We estimated around 400 attendees that night. Great family affair with booths, music and chili cook-off.
- School will be honoring our Veterans at the Patriotic Assembly on Thursday followed by the Book Fair Family Night on Friday.
- Mr. Burroughs highlighted for the Board events happening at school during the month of October and November.
- Mr. Burroughs attended a Safety workshop in preparation of updating our emergency plan which will be brought to the Board for review at a later date. He also told the Board that a couple of students would be attending the next Board meeting to purpose a change in district policy regarding bikes, scooters and skateboards.

Action/Discussion

• Member Hersey moved to approve policy AR6183. Member Baker seconded the motion. Motion passed 3/0/2

Aye: Baker, Jackson, Hersey No: 0 Absent: Heidemann, Spivey

 Member Baker moved to approve consent agenda. Member Hersey seconded the motion. Motion passed 3/0/2

Aye: Baker, Jackson, Hersey No: 0 Absent: Heidemann, Spivey

Comments by Trustees:

- Member Hersey: Appreciated everyone's effort and great reports. He is pleased with the athletic program. He had a great time at Harvest Night and appreciates the community involvement.
- Member Baker: Happy Thanksgiving.
- Member Heidemann: Absent
- Member Spivey: Absent
- Member Jackson: Echoed everyone's comments. He asked the Board to consider holding a
 workshop in January soliciting community input on the new purposed development with the
 help of Bill Santos from the San Diego County Office of Education.

Meeting moved to adjourn at 6:10pm.

Shannon Hargrave, Secretary SH:cb

To: Board

Board of Education

Meeting Date: 12/08/15

From: [Insert Name & Title]

Agenda Item: F

Subject: North Inland Special Education Region 2105 Local Plan

Item Category: Action

Minutes Requested: Yes

Documents Submitted for Signature: Yes

Qty: Copies/Sets for Signature: 2

Recommendation: Approve North Inland Special Education Region (NISER) 2015 Local Plan as submitted.

Background/Summary: Special Education is a program mandated by the Individuals with Disabilities Educational Act (IDEA). This legislation was originally passed in 1997 and underwent revision in 2004. California laws comply with federal statutes.

California has divided regions of the state into Special Education Local Plan Areas (SELPAs). SELPAs are large unified districts or consist of a specific group of local educational agencies (LEAs) charged with the responsibility of providing a free appropriate public education (FAPE) to qualified students with special needs within its area. Both federal and state special education funds are directed to the SELPA, and the member LEAs collaborate to meet the needs of its students and to devise a method for equitable distribution of funds.

The SELPA and LEAs must be in compliance with all state and federal special education laws. Failure of an LEA to remedy required noncompliant items could result in withholding of funds from the entire SELPA and/or a deduction from the superintendent's salary.

The first level of compliance is establishing and maintaining a Local Plan. This Local Plan contains statements from IDEA that briefly summarize major elements of IDEA. It also includes the governance structure of the North Inland SELPA, the charter school policy, and a copy of the Interagency Agreement with Early Start. Local school boards, the County Superintendent of Schools, and the State School Board must approve all items of the Local Plan. All additional policies and procedures that define the way that the North Inland SELPA operates shall be maintained on file at the SELPA Office with copies in each LEA. Each LEA shall supplement the Local Plan, SELPA polices and SELPA procedures with its own policies and procedures, such as parent and teacher handbooks.

Motion By:	Second By:	Vote:

Fiscal Impact/Funding: Failure to approve the 2015 Local Plan could result in the State withholding special education revenues to the SELPA, which would impact all ten (10) districts within the North Inland Special Education Region. It would also keep the 2007 Local Plan in effect, which would make us out of compliance with distribution of low incidence funds, IntraSELPA placement and services compensation, and High Cost Pool allocation.

Staffing Imp	olications:
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None

Motion By:	Second By:	Vote:
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California Department of Education SED-LP-5

Special Education Division Revised 11/2009

CERTIFICATION OF BOARD MINUTES

In accordance with Federal and State laws and regulations,

San Pasqual Union School District

(insert Special Education Local Plan Area [SELPA]/District name)

certifies that this plan has been adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs; and that the agency herein represented will meet all applicable requirements of state and federal laws, regulations and state policies and procedures, including compliance with the Individuals with Disabilities Education Act, 20 *United States Code (USC)* 1400 et.seq, and implementing regulations under 34 *Code of Federal Regulations (CFR)*, Parts 300 and 303, 29 *USC* 794, 705 (20), 794- 794b, the Federal Rehabilitation Act of 1973, as amended, and the provisions of the California *Education Code*, Part 30 and Chapter 3, Division 1 of Title V of the *California Code of Regulations*.

Be it further resolved, the local educational agency (LEA) superintendent shall administer the local implementation of procedures, in accordance with state and federal laws, rules, and regulations, which will ensure full compliance.

Furthermore, the LEA superintendent ensures that policies and procedures covered by this assurance statement are on file at the LEA and the SELPA office.

Adopted this	day of	
Yeas:	Nays:	
Signed:		_
Title:		
	Superintendent, Secretary to the Board of Education (or use appropriate titles)	

Page 6 of 6

Shannon Hargrave, Superintendent/Principal 15305 Rockwood Road, Escondido, CA 92027-6700 E-mail: shannon.hargrave@sanpasqualunion.net www.sanpasqualunion.net School Number: 760-745-4931

CALIFORNIA SCHOOL BOARDS ASSOCIATION

CSBA policy services provide sample policies, administrative regulations, bylaws and exhibits as a resource for school districts and county offices of education to develop their own policy manual. These samples reflect the law as of the date on each sample. Additionally, they do not necessarily express the personal, political, or legal opinions or viewpoints of CSBA, its Board of Directors, or its employees.

Though the samples have undergone legal review, neither the samples nor such review constitute legal advice. Therefore, CSBA strongly recommends that users of the samples modify them to reflect their local needs, practices and legal circumstances, and as necessary, consult their legal counsel.

The "notes" provided in the samples are intended for reference only and should be removed from the document prior to final adoption or publication. Any inapplicable option present in the sample should also be removed prior to final adoption or publication.

If you have any questions, please contact CSBA Policy Services at (800) 266-3382 or via e-mail policy@csba.org.

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Policy Reference UPDATE Service

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POLICY GUIDE SHEET October 2015 Page 2 of 2

P

BP/AR 4154/4254/4354 - Health and Welfare Benefits

(BP/AR revised)

Policy and regulation updated to reflect the federal Patient Protection and Affordable Care Act, applicable to districts with 50 or more full-time employees. Policy includes information about the calculation of full-time employees for the purpose of determining the applicability of the Act and reflects requirements to provide an affordable health insurance plan which includes specified minimum coverage and pays at least 60 percent of the medical expenses covered under the plan. Policy also reflects **NEW LAW** (SB 1306, 2014) which defines "marriage" as a personal relationship arising out of a civil contract between two persons rather than a man and a woman. Regulation adds section on "Affordability of Health Coverage" which includes methods by which districts may determine that each employee's contribution for employee-only health coverage does not exceed 9.5 percent of his/her household income.

of

AR 5112.2 - Exclusions from Attendance

(AR revised)

Regulation updated to clarify the circumstances under which students must or may be denied admission or be temporarily excluded from school. Regulation reflects **NEW LAW** (SB 277, 2015) which eliminates the immunization exemption based on a parent/guardian's personal beliefs, except in cases where a parent/guardian submits a letter or written affidavit by January 1, 2016. Regulation also adds the period of time for which each exclusion is applicable.

of

BP/AR 5141.31 - Immunizations

(BP/AR revised)

Policy and regulation updated to reflect **NEW LAW** (SB 277, 2015) which limits the personal beliefs exemption to students whose parent/guardian submits a letter or written affidavit by January 1, 2016, in which case the exemption shall be effective only until the student enters the next grade span, as defined. Policy also deletes material related to conditional enrollment of transfer students while waiting for the transfer of immunization records, now addressed in AR. Regulation also reflects provisions of SB 277 which (1) require districts to ensure that students advancing to grade 7 are fully immunized against all specified diseases, (2) state that students with disabilities must be provided special education and related services regardless of their immunization status, and (3) exempt students from immunization requirements who are enrolled in an independent study program and who do not receive classroom-based instruction.



BP 6141.4 - International Baccalaureate Program (BP added)

New policy addresses the philosophy and requirements of the International Baccalaureate (IB) program and is for use by districts that have received authorization from the International Baccalaureate Organization in Geneva, Switzerland to offer one or more IB programs at the elementary, middle, or high school level. Section on "IB Diploma Program or Career-related Program" reflects courses, examinations, and other requirements that high school students must complete to obtain the IB diploma and addresses the provision of fee assistance to low-income students taking IB examinations. Material on program evaluation includes optional indictors of program effectiveness and reflects **NEW LAW** (SB 416, 2015) which repeals requirements to submit certain reports to the California Department of Education.



BP 6190 - Evaluation of the Instructional Program (BP revised)

Policy updated to reflect the suspension of the state Academic Performance Index and **NEW LAW** (AB 104, 2015) which adds homeless students to the definition of numerically significant student subgroups whose progress toward district goals must be annually assessed. Policy also updates section on Federal Program Monitoring (FPM) to reflect new state tools for monitoring categorical programs, and actions needed if the FPM review results in a finding of noncompliance.

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES

Note: The following policy and administrative regulation address the sale and disposal of district-owned personal property, such as instructional materials, equipment, and supplies. For policy on the sale or lease of surplus real property, see BP 3280 - Sale or Lease of District-Owned Real Property.



The Governing Board recognizes its fiscal responsibility to maximize the use of district equipment, supplies, instructional materials, and other personal property while providing upto-date resources that facilitate student learning and effective district operations. When the Board, upon recommendation of the Superintendent or designee, declares any district-owned personal property unusable, obsolete, or no longer needed, the Board shall determine the estimated value of the property and shall decide whether the property will be donated, sold, or otherwise disposed of as prescribed by law and administrative regulation.

(cf. 0440 - District Technology Plan)

(cf. 3512 - Equipment)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6163.1 - Library Media Centers)

The Board shall approve the price and terms of any sale or lease of personal property of the district.

If the Board members who are in attendance at a meeting unanimously agree that the property, whether one or more items, does not exceed \$2,500 in value, the property may be sold without advertising for bids. (Education Code 17546)

If the Board members who are in attendance at a meeting unanimously find that the value of the property is insufficient to defray the costs of arranging a sale, the property may be donated to a charitable organization deemed appropriate by the Board or may be disposed of by dumping. (Education Code 17546)

Note: Education Code 60510-60530 establish conditions for the sale or disposal of obsolete instructional materials depending on whether such materials are usable or unusable for educational purposes; see the section "Instructional Materials" in the accompanying administrative regulation. The following **optional** paragraph prescribes criteria for determining when instructional materials are obsolete or unusable, and may be revised to reflect district practice. The mandate to adopt rules and procedures setting standards for identifying obsolete materials was repealed by SB 971 (Ch. 923, Statutes of 2014).



Instructional materials shall be considered obsolete or unusable by the district if they have been replaced by more recent editions or new materials selected by the Board, are not aligned with the district's academic standards or course of study, and have no foreseeable value in other instructional areas. Such materials may be sold or donated if they continue to serve educational purposes that would benefit others outside the district. Instructional materials are not appropriate for sale or donation if they meet any of the following criteria:

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

- 2. Contain demeaning, stereotyping, or patronizing references to any group of persons protected against discrimination by law or Board policy
- 3. Are damaged beyond use or repair

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(cf. 0410 - Nondiscrimination in District Programs and Activities)
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(cf. 1312.4 - Williams Uniform Complaint Procedures)

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

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

Note: Pursuant to 34 CFR 80.32-80.33, equipment or supplies acquired under a federal grant or subgrant may be retained, sold, or otherwise disposed of, with no further obligation to the awarding federal agency, when they are no longer needed for the original project or program or for other federally supported activities. However, when the current per-unit fair market value of the equipment or the residual inventory of the unused supplies is \$5,000 or more, the federal agency that provided the grant or subgrant shall be entitled to a share of the current market value of the equipment, if retained, or the proceeds from its sale, and to compensation for its share of the unused supplies. See the accompanying administrative regulation.

The Superintendent or designee shall establish procedures to be used whenever the district sells equipment or supplies originally acquired under a federal grant or subgrant. Such procedures shall be designed to ensure the highest possible return. (34 CFR 80.32)

(cf. 3440 - Inventories)

Legal Reference: (see next page)

Legal Reference:

EDUCATION CODE

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

17545-17555 Sale of personal property

35168 Inventory, including record of time and mode of disposal

60510-60530 Sale, donation, or disposal of instructional materials

GOVERNMENT CODE

25505 District property; disposition; proceeds

CODE OF REGULATIONS, TITLE 5

3944 Consolidated categorical programs, district title to equipment

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

UNITED STATES CODE, TITLE 40

549 Surplus property

CODE OF FEDERAL REGULATIONS, TITLE 34

80.32-80.33 Equipment and supplies acquired under a grant or subgrant

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Standards for Evaluating Instructional Materials for Social Content, 2013

WEB SITES

California Department of Education: http://www.cde.ca.gov School Services of California, Inc.: http://www.sscal.com

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES

Note: The following administrative regulation addresses the sale and disposal of district-owned personal property, such as instructional materials, equipment, and supplies. For procedures regarding the disposal of real property, see BP/AR 3280 - Sale or Lease of District-Owned Real Property.

Education Code 42303, which established conditions for the sale of school buses by districts receiving a state apportionment to replace the buses, was repealed by SB 78 (Ch. 19, Statutes of 2015).

Instructional Materials



Note: Education Code 60510-60530 address the sale or disposal of surplus or undistributed obsolete instructional materials that are either usable or unusable for educational purposes. See the accompanying Board policy for language regarding the determination of instructional materials as obsolete or unusable.

The legal requirement to use the proceeds of the sale of surplus or obsolete instructional materials to purchase new instructional materials, supplemental instructional materials, or technology-based materials was repealed by SB 971 (Ch. 923, Statutes of 2014).

Surplus or undistributed obsolete instructional materials that are usable for educational purposes may be sold by the district. Alternatively, such materials may be donated to: (Education Code 60510)

- 1. Another district, county free library, or other state institution
- 2. A United States public agency or institution
- 3. A nonprofit charitable organization
- 4. Children or adults in California or foreign countries for the purpose of increasing the general literacy of the people

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(cf. 0440 - District Technology Plan)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
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(cf. 6163.1 - Library Media Centers)

Any organization, agency, or institution receiving obsolete instructional materials donated by the district shall certify to the Governing Board that it agrees to make no charge to any persons to whom it gives or lends these materials. (Education Code 60511)

Note: Education Code 60510.5 encourages, but does not require, districts to take actions described in the following optional paragraph.



At least 60 days before selling or donating surplus or undistributed obsolete instructional materials, the Superintendent or designee shall notify the public of the district's intention to do so through a public service announcement on a local television station, in a local newspaper, or by other means that will most effectively reach the entities described above.

Representatives of those entities and members of the public also shall be notified of the opportunity to address the Board regarding the distribution of these materials.

04/

(cf. 9323 - Meeting Conduct)

Surplus or undistributed obsolete instructional materials which are unusable or which cannot be distributed as specified above may be disposed of by either of the following: (Education Code 60530)

- 1. Mutilated as not to be salable as instructional materials and sold for scrap or for use in the manufacture of paper pulp or other substances at the highest obtainable price
- 2. Destroyed by any economical means, provided that the materials are not destroyed until at least 30 days after the district has given notice to all persons who have filed a request for such notice

(cf. 3510 - Green School Operations) (cf. 3511.1 - Integrated Waste Management)

Equipment/Supplies Acquired with Federal Funds

Note: 34 CFR 80.32-80.33 address the sale or disposal of equipment and supplies that were acquired under a federal grant or subgrant. See BP 3512 - Equipment for additional requirements pertaining to the management of such equipment and supplies.

When the district has a need to replace equipment originally purchased with funds from a federal grant or subgrant, it may, subject to the approval of the agency that awarded the grant, trade in the original equipment or sell the property and use the proceeds to offset the cost of the replacement property. (34 CFR 80.32)



When any original or replacement equipment or supplies acquired under a federal grant or subgrant are no longer needed for the original project or program or for other federally supported activities, the district may retain or sell such items or, if the item has a current fair market value of less than \$5,000, may otherwise dispose of the item in a manner approved by the Board. Whenever the district sells equipment or supplies that have a current fair market value of \$5,000 or more, it shall provide an amount to the federal agency equal to the agency's share of the current market value of the equipment or the proceeds from the sale of the equipment or supplies. (34 CFR 80.32-80.33)

In the event that the district is provided equipment that is federally owned, the district shall request disposition instructions from the federal agency when it no longer needs the equipment. (34 CFR 80.32)

Other Personal Property

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

1. The Superintendent or designee may advertise for bids by posting a notice in at least three public places in the district for at least two weeks, or by publishing a notice at least once a week for at least two weeks in a newspaper having a general circulation in the district and, if possible, publishing within the district. The district shall sell the property to the highest responsible bidder or shall reject all bids. (Education Code 17545, 17548)

Property for which no qualified bid has been received may be sold, without further advertising, by the Superintendent or designee. (Education Code 17546)

(cf. 3311 - Bids)

- 2. The property may be sold by means of a public auction conducted by district employees, employees of other public agencies, or by contract with a private auction firm. (Education Code 17545)
- 3. The district may sell the property without advertising for bids under any of the following conditions:

Note: Pursuant to Education Code 17546, advertising without bids is authorized when the Governing Board members attending a meeting unanimously agree that the property, whether one or more items, does not exceed \$2,500 in value; see the accompanying Board policy.

a. The Board members in attendance at a meeting have unanimously determined that the property does not exceed \$2,500 in value. (Education Code 17546)

(cf. 9323.2 - Actions by the Board)

Note: Education Code 17540 authorizes the sale of property to government agencies eligible under the federal surplus property law, renumbered as 40 USC 549.

b. The district sells the property to agencies of the federal, state, or local government, to any other school district, or to any agency eligible under the federal surplus property law and the sale price equals the cost of the property plus the estimated cost of purchasing, storing, and handling. (Education Code 17540; 40 USC 549)



c. The district sells or leases the property to agencies of the federal, state, or local government or to any other school district and the price and terms of the sale or lease are fixed by the Board and approved by the County Superintendent of Schools. (Education Code 17542)

Money received from the sale of surplus personal property shall be either deposited in the district reserve or general fund or credited to the fund from which the original purchase was made. (Education Code 17547)

(cf. 3100 - Budget)

BIDS

Note: Pursuant to Government Code 54202, districts are mandated to adopt bidding procedures governing the purchase of equipment and supplies.

The following administrative regulation is for use by districts that have <u>not</u> adopted the provisions of the Uniform Public Construction Cost Accounting Act (UPCCAA). Procedures and bid limits under the UPCCAA are specified in Public Contract Code 22030-22045.

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Advertised/Competitive Bids

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

Note: For items #1-3 below, Public Contract Code 20111 requires the Superintendent of Public Instruction (SPI) to annually establish a bid limit that reflects U.S. Department of Commerce data. The following **optional** paragraph allows the amount to escalate automatically once the SPI has made the annual determination. For 2015, the bid limit is \$86,000.

The district shall also advertise for competitive bids when a contract exceeds the amount specified in law, as annually adjusted by the Superintendent of Public Instruction, for any of the following: (Public Contract Code 20111)

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

Maintenance means routine, recurring, and usual work for preserving, protecting, and keeping a district facility operating in a safe, efficient, and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered, or repaired. Maintenance includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craft work designed to preserve the facility, as well as repairs, cleaning, and other operations on machinery and other permanently attached equipment. Maintenance does not include painting, repainting, or decorating other than touchup, or among other types of work, janitorial or custodial services and protection provided by security forces. (Public Contract Code 20115)

Instructions and Procedures for Advertised Bids

The Superintendent or designee shall call for bids by placing a notice at least once a week for two weeks in a local newspaper of general circulation published in the district, or if no such

newspaper exists, then in some newspaper of general circulation that is circulated in the county. The Superintendent or designee also may post the notice on the district's web site or through an electronic portal. The notice shall state the work to be done or materials or supplies to be furnished and the time and place and web site where bids will be opened. The district may accept a bid that has been submitted electronically or on paper. (Public Contract Code 20112)

(cf. 1113 - District and School Web Sites)

The notice shall contain the time, date, and location of any mandatory prebid conference, site visit, or meeting and details regarding when and where project documents, including the final plan and specifications, are available. Any such mandatory visit or meeting shall occur not less than five calendar days after the publication of the initial notice. (Public Contract Code 6610)

Note: For a bid to be successful, it must conform to specifications (i.e., it must be "responsive") and the bidder must be determined to be able to perform the work (i.e., he/she must be "responsible"). A district must be careful in making a determination on the "non-responsiveness" of a bid based on investigation or information outside of the submitted bid. In addition, when relying on outside investigation or information to disqualify a bidder, the district must follow the hearing procedures applicable for a finding of "non-responsibility." (Great West Contractors Inc. v. Irvine Unified School District) To avoid any confusion, the district should provide clear and comprehensive specifications to bidders.

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

1. All bidders shall certify the minimum, if not exact, percentage of post-consumer materials in products, materials, goods, or supplies offered or sold. (Public Contract Code 22152)

(cf. 3510 - Green School Operations)

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

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

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

Note: Public Contract Code 20103.8 specifies that, in those cases when the bid includes items that may be added to or deducted from the scope of the work in the contract, the bid solicitation must specify the method to be used to determine the lowest bid, as detailed below. Districts should consult with legal counsel, as appropriate, as to the applicability of this law to school districts and other unclear provisions of this law.

- 6. If the district requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in item #6a below shall be used. (Public Contract Code 20103.8)
 - a. The lowest bid shall be the lowest total of the bid prices on the base contract without consideration of the prices on the additive or deductive items.
 - b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.
 - c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the district before the first bid is opened.

The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed to the district before the ranking of all bidders from lowest to highest has been determined. (Public Contract Code 20103.8)

- 7. The district shall consider only responsive bids from responsible bidders in determining the lowest bid.
- 8. Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4.
- 9. After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for public review pursuant to law, Board policy, and administrative regulation.

(cf. 1340 - Access to District Records)

10. When a bid is disqualified as nonresponsive based on district investigation or other information not obtained from the submitted bid, the Superintendent or designee shall notify the bidder and give him/her an opportunity to respond to the information.

Prequalification Procedure

Note: The following section is **optional** Pursuant to Public Contract Code 20111.6, as amended by AB 566 (Ch. 214, Statutes of 2015), a district with average daily attendance (ADA) of 2,500 or greater is required to prequalify all general contractors and electrical, mechanical, and plumbing subcontractors for any public project of \$1 million or more awarded on or after January 1, 2015, when the project uses or is reimbursed from School Facilities Program funds (Education Code 17070.10-17079.30) or other future state school bonds.

Additionally, pursuant to Public Contract Code 20111.5, districts are permitted, but not required, to establish prequalification procedures for other contracts which, by law, require competitive bidding.

When required by law or the Board, the Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. For this purpose, the Superintendent or designee shall furnish prospective bidders a standardized proposal form which, when completed, shall indicate a bidder's statement of financial ability and experience in performing public works. The bidder's information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Code of Civil Procedure 446; Public Contract Code 20111.5, 20111.6)

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Note: Pursuant to Public Contract Code 20111.6, as amended by AB 1581 (Ch. 408, Statutes of 2014), districts' authority to set timelines for bid submittal and opening as specified in the following paragraph apply to contracts awarded on or after January 1, 2015 and will be in effect only until January 1, 2019. In addition, Public Contract Code 20111.6, as amended by AB 566 (Ch. 214, Statutes of 2015), clarifies that the requirement for prequalification applies to projects that will be reimbursed from future state school bonds, not just those that use funds "received" from state construction bonds.

When any public project involves an expenditure of \$1,000,000 or more and is funded or reimbursed wholly or partly by the School Facilities Program funds or other future state school bond, the district shall prequalify prospective bidders either quarterly or annually. The prequalification shall be valid for one year and the following requirements shall apply: (Education Code 17406, 17407; Public Contract Code 20111.6)

- 1. Prospective bidders, including, but not limited to, prime, general engineering, and general building contractors and electrical, mechanical, and plumbing subcontractors, as defined in the Business and Professions Code 4113, 7056, or 7057, as applicable, shall submit a standardized questionnaire and financial statement 10 or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.
- 2. Prospective bidders shall be prequalified by the district five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.

If the project includes electrical, mechanical, or plumbing components that will be performed by electrical, mechanical, or plumbing contractors, the Superintendent or designee shall make available to all bidders a list of prequalified general contractors and electrical, mechanical, and plumbing subcontractors five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.

For all other contracts requiring competitive bidding, the district may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. Prospective bidders for such contracts shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids and shall be prequalified by the district at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

Award of Contract



Note: Pursuant to Public Contract Code 20111, the district is required to award a contract to the lowest responsible bidder except in the circumstances specified in the following optional section.

The district shall award each contract to the lowest responsible bidder except in the following circumstances:

1. When the contract is for the procurement and/or maintenance of electronic data processing systems and supporting software, in which case the Board may contract with any one of the three lowest responsible bidders (Public Contract Code 20118.1)

2. When the contract is for any transportation service which involves an expenditure of more than \$10,000 and which will be made with any person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of students who are to be transported, in which case the Board may contract with other than the lowest bidder (Education Code 39802)

Note: Pursuant to Public Contract Code 2000-2002, a district is permitted to establish bidding requirements that facilitate the participation of minority, women, disabled veteran, and small business enterprises in contracts. Though minorities and women are included in Public Contract Code 2000, Article 1, Section 31(a) of the California Constitution prohibits the granting of preferences based on race, sex, color, ethnicity, etc., in state employment and contracting. The district should consult legal counsel if there is any question about the granting of preferences to any such business.

3. When the contract is one for which the Board has established goals and requirements relating to participation of disabled veteran or small business enterprises in accordance with Public Contract Code 2000-2002, in which case the Board may contract with the lowest responsible bidder who submits a responsive bid and complies or makes a good faith effort to comply with the goals and requirements (Public Contract Code 2000-2002)

(cf. 9270 - Conflict of Interest)

Protests by Bidders

Note: The law does not specify a procedure for handling protests by bidders. The following optional section provides one such procedure and should be modified to reflect district practice.

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

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

Note: The following paragraph provides a process for appealing a bid award to the Board. Although the law does not specify the notice to be given in this circumstance, CSBA recommends at least three business days which may be modified to reflect district practice.



The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide notice to the bidder of the date and time for Board consideration of the protest at least three business days before the Board meeting. The Board's decision shall be final.

Alternative Bid Procedures for Technological Supplies and Equipment



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

The competitive negotiation process shall include, but not be limited to, the following requirements: (Public Contract Code 20118.2)

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

- 8. The Board, at its discretion, may reject all proposals and request new RFPs.
- 9. Provisions in any contract concerning utilization of small business enterprises that are in accordance with the RFP shall not be subject to negotiation with the successful proposer.

Sole Sourcing

Note: "Sole sourcing" is the practice by which one brand name product is specified, although comparable, competitive products are available. Public Contract Code 3400 allows sole sourcing in limited circumstances and requires that the specification of the designated product be followed by the words "or equal," so that bidders for such a contract are able to base their bids on the use of other products of equal functionality that may result in cost savings for the district. The following section is **optional**.

In any contract for the construction, alteration, or repair of school facilities, the Superintendent or designee shall ensure that the bid specification: (Public Contract Code 3400)



- 1. Does not directly or indirectly limit bidding to any one specific concern
- 2. Does not call for a designated material, product, thing, or service by a specific brand or trade name, unless the specification is followed by the words "or equal," so that bidders may furnish any equal material, product, thing, or service

In any such case, the bid specification shall provide a time period, before and/or after the award of the contract, for the contractor to submit data substantiating the request for substituting the designated material, product, thing, or service. If no such time period is specified, the contractor may submit the data within 35 days after the award of the contract.

Note: The following optional paragraph is for use by districts with ADA of more than 2,500. For the repair or replacement of the roof of a public facility, a material must meet the requirements specified below to be considered "equal" pursuant to Public Contract Code 3000-3010.

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



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

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

(cf. 9323.2 - Actions by the Board)

Bids Not Required

Note: The following paragraph lists those items that may be purchased through a "piggybacked" bid; see the accompanying Board policy. Many districts have used the piggyback procedure to purchase portable and relocatable buildings. The Attorney General has opined (89 Ops.Cal.Atty.Gen. 1 2006) that a district may not rely on the piggyback exception to contract for the acquisition and installation of factory-built modular building components (i.e., roofs and walls) for installation on a permanent foundation. However, this opinion does not apply to typical portable or relocatable single-classroom buildings, because they lack a permanent foundation and building mobility. Districts considering using the piggyback process for relocatables, portables, modulars, and the like should consult district legal counsel. While Attorney General opinions are not binding, they are often given deference by the court and may also be considered by the State Allocation Board when making funding decisions.

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

(cf. 3300 - Expenditures and Purchases) (cf. 3512 - Equipment)

Note: The following **optional** paragraph is commonly described as the "lease-leaseback" contract. This construction financing method should only be used in coordination with competent technical consultants and legal counsel to ensure all legal requirements are met. Pursuant to Education Code 17407.5, as added by AB 566 (Ch. 214, Statutes of 2015), the contractor must provide an enforceable commitment to the district that it will use a certain percentage of skilled and trained workers to complete project-related work that is within an "apprenticeable occupation" as defined in Labor Code 3075.





In addition, upon a determination that it is in the best interest of the district and without advertising for bids, the Board may lease currently owned district property to any person, firm, or corporation for a minimum of \$1 per year, as long as the lease requires the person, firm, or corporation to construct a building or buildings on the property for the district's use during the lease and the property and building(s) will vest in the district at the expiration of the lease ("lease-leaseback"). Prior to entering into a lease-leaseback agreement, the Superintendent or designee shall have on file the contractor's enforceable commitment that the contractor and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades. (Education Code 17406, 17407.5)

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

Note: In <u>Davis v. Fresno Unified School District</u>, a California appellate court ruled that, to be valid, a lease-leaseback agreement must contain a lease term and a financing component as specified in the following paragraph.

Any lease-leaseback agreement shall include a lease term that specifies the district's occupancy of the building or improved property and a financing component as may be determined on a case-by-case basis.

Note: Pursuant to Education Code 17406, as amended by AB 1581 (Ch. 408, Statutes of 2014), the prequalification requirements for contracts that meet the criteria specified in Public Contract Code 20111.6 are also applicable to lease-leaseback contracts. As amended by AB 566 (Ch. 214, Statutes of 2015), Education Code 17406 requires prequalification for such projects irrespective of whether or not they are funded locally or through state sources and makes the provision applicable to all districts, not just those with ADA of 2,500 or more. See "Prequalification Procedure" section above.

Regardless of the funding source, when any lease-leaseback agreement is for a public project, involves an expenditure of \$1,000,000 or more, and meets other criteria in Public Contract Code 20111.6, the prequalification requirements specified in the "Prequalification Procedure" section above shall be followed. (Education Code 17406)

Note: The following **optional** paragraph reflects the authority granted to public agencies pursuant to Government Code 4217.10-4217.18 to enter into energy service contracts without competitive bidding when the agency's governing body determines that the contract is in the best interest of the agency based on the "costs-benefits" analysis specified in Government Code 4217.12.

Without advertising for bids, the Board may enter into an energy service contract and any related facility ground lease, when it determines that the terms of the contract and lease are in the best interest of the district. The Board's determination shall be made at a regularly scheduled public hearing of which notice is given to the public at least two weeks in advance and shall be based on cost comparison findings specified in Government Code 4217.12. (Government Code 4217.12)

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(cf. 3511 - Energy and Water Management)
(cf. 9320 - Meetings and Notices)
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Supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals may be purchased in any amount without taking estimates or advertising for bids. (Public Contract Code 20118.3)

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(cf. 6161.1 - Selection and Evaluation of Instructional Materials) (cf. 6161.11 - Supplementary Instructional Materials) (cf. 6163.1 - Library Media Centers)
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Perishable foodstuffs and seasonal commodities needed in the operations of cafeterias may be purchased through bid or on the open market. (Education Code 38083)

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



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

Note: Pursuant to Public Contract Code 20113, a district may award contracts without competitive bidding in emergency situations, as specified below. In <u>Marshall v. Pasadena Unified School District</u>, a court held that the definition of "emergency" in Public Contract Code 1102 is applicable. Public Contract Code 1102 defines "emergency" as a "sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services."

In an emergency when any repairs, alterations, work, or improvement to any school facility is necessary to permit the continuance of existing school classes or to avoid danger to life or property, the Board may, by unanimous vote and with the approval of the County Superintendent of Schools, contract for labor and materials or supplies without advertising for or inviting bids or may authorize the use of day labor or force account for the emergency purpose. (Public Contract Code 1102, 20113)

(cf. 3517 - Facilities Inspection)

The district may purchase any surplus property from the federal government or any of its agencies in any quantity needed for the operation of its schools without taking estimates or advertising for bids. (Education Code 17602)

Regulation approved:

EQUIPMENT

Note: The <u>California School Accounting Manual</u> distinguishes between "equipment" and "supplies" and defines equipment as having relatively permanent value (e.g., is serviceable for more than one year) and substantially increasing the value of the district's physical assets. Equipment is generally not of an expendable nature and does not easily deteriorate in use. Examples include computer systems, machinery, vehicles, and playground equipment.

District equipment shall be used primarily for educational purposes and/or to conduct district business. The Superintendent or designee shall ensure that all employees, students, and other users understand the appropriate use of district equipment and that any misuse may be cause for disciplinary action or loss of user privilege.

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(cf. 0440 - District Technology Plan)
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(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 3540 - Transportation)

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

(cf. 4040 - Employee Use of Technology)

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

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

(cf. 5142 - Safety)

(cf. 5144 - Discipline)

(cf. 6000 - Concepts and Roles)

(cf. 6163.4 - Student Use of Technology)

(cf. 6171 - Title I Programs)

School-connected organizations may be granted reasonable use of the equipment for school-related matters as long as it does not interfere with the use by students or employees or otherwise disrupt district operations.

(cf. 1230 - School-Connected Organizations)

(cf. 1330 - Use of School Facilities)

Note: The following paragraph is **optional**. It is recommended that the district check its liability coverage for off-site use of district equipment and materials. Whenever an individual is authorized to borrow district equipment, he/she could be required to complete a form identifying the equipment and the intended use and indicating that the individual will assume responsibility for any loss or damage to the equipment. See the accompanying Exhibit for a sample form that may be used for this purpose.

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The Superintendent or designee shall approve the transfer of any district equipment from one work site to another and the removal of any district equipment for off-site use. When any equipment is taken off site, the borrower is responsible for its safe return and shall be fully liable for any loss or damage.

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Employees transferred to another work site shall take with them only those personal items that have been purchased with their own funds unless otherwise authorized by the Superintendent or designee or applicable Board policy.

EQUIPMENT (continued)

Note: Education Code 35168 requires the district to maintain an inventory containing specified information for all equipment currently valued in excess of \$500. Although 34 CFR 80.3 and 80.32 only require districts to maintain inventory records of tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit, the state's Federal Program Monitoring process reviews whether the district maintains an inventory record for every item of equipment with an acquisition cost of \$500 or more per unit that is purchased with state and/or federal categorical funds. CSBA recommends an inventory of all equipment currently valued in excess of \$500 in order to simplify the district's inventory procedures and to comply with law. Also see AR 3440 - Inventories.



The Superintendent or designee shall maintain an inventory of all equipment currently valued in excess of \$500. (Education Code 35168; 5 CCR 3946)

(cf. 3440 - Inventories)

When equipment is unusable or is no longer needed, it may be sold, donated, or disposed of in accordance with Education Code 17540-17555 or 34 CFR 80.32, as applicable.

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

Equipment Acquired with Federal Funds

Note: Office of Management and Budget (OMB) guidance in OMB Circular A-87 (Cost Principles for State, Local, and Indian Tribal Governments) requires a district receiving federal grant funds to obtain prior written approval from its awarding agency before incurring the cost of a capital expenditure. Both the OMB guidance and generally accepted accounting principles identify equipment as a capital expenditure.

The Superintendent or designee shall obtain prior written approval from the California Department of Education or other awarding agency before purchasing equipment with federal funds.

(cf. 3300 - Expenditures and Purchases)

All equipment purchased for federal programs funded through the consolidated application pursuant to Education Code 64000-64001 shall be labeled with the name of the project, identification number, and name of the district. (5 CCR 3946)

For any equipment acquired in whole or in part with federal funds, the Superintendent or designee shall develop adequate maintenance procedures to keep the property in good condition. He/she shall also develop adequate safeguards to prevent loss, damage, or theft of the property and shall investigate any loss, damage, or theft. (34 CFR 80.32)

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

EQUIPMENT (continued)

of

Equipment purchased for use in a federal program shall be used in that program as long as needed, whether or not the program continues to be supported by federal funds. The equipment may be used in other activities currently or previously supported by a federal agency when such use does not interfere with the work on the project or program for which it was originally acquired or when use of the equipment is no longer needed for the original program. (34 CFR 80.32)

Legal Reference:

EDUCATION CODE

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

17545-17555 Sale of personal property

17605 Delegation of authority to purchase supplies and equipment

35160 Authority of governing boards

35168 Inventory of equipment

64000-64001 Consolidated application process

CODE OF REGULATIONS, TITLE 5

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

4424 Comparability of services

16023 Class 1 - Permanent records

UNITED STATES CODE, TITLE 20

6321 Fiscal requirements

CODE OF FEDERAL REGULATIONS, TITLE 34

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

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

OFFICE OF MANAGEMENT AND BUDGET PUBLICATIONS

<u>Cost Principles for State, Local, and Indian Tribal Governments, OMB Circular A-87 WEB SITES</u>

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

Office of Management and Budget: https://www.whitehouse.gov/omb

SPECIAL EDUCATION STAFF

Qualifications/Assignment of Special Education Teachers

Note: Individuals providing instruction in special education must possess an appropriate credential or added authorization issued by the Commission on Teacher Credentialing (CTC) permitting such service, including the (1) education specialist credential, which includes specializations in mild/moderate disabilities, moderate/severe disabilities, deaf and hard of hearing, visual impairments, physical and health impairments, early childhood special education, and language and academic development; (2) previously issued special education credential; (3) speech-language pathology services credential; or (4) clinical or rehabilitative services credential authorizing the provision of audiology and/or orientation and mobility services.

Teachers who receive an added authorization may be assigned to serve students in the broad specialty area pursuant to their credential and in the specific area of the added authorization. 5 CCR 80048.7 allows credential holders to obtain added authorizations in the following areas: autism spectrum disorders (ASD), deaf-blind, emotional disturbance, orthopedically impaired, other health impaired, and traumatic brain injury. In addition, holders of a valid prerequisite teaching credential authorizing the teaching of physical education in any grade K-12 or a credential authorizing instruction or services in special education may obtain an added authorization pursuant to 5 CCR 80046.1 to provide adapted physical education to students with special needs who are unable to participate in a general physical education program. Holders of a special education teaching credential may obtain an added authorization pursuant to 5 CCR 80048.5 to provide early childhood special education to children from birth through prekindergarten. An added authorization to provide resource specialist services may be granted pursuant to 5 CCR 80070.1-80070.5 to a person who holds a special education credential, but is unnecessary for holders of education specialist credentials issued since September 1997 since that credential already includes an authorization to provide resource specialist services.

An option that allowed districts, under certain conditions, to assign teachers who possess the mild/moderate disabilities specialization to provide instruction to students with ASD expired in 2013. Preliminary education specialist credential programs now include ASD content for all specialty areas, and preliminary and clear credentials authorize the holder to provide ASD services within their specialty areas.



Any teacher assigned to serve students with disabilities shall possess an appropriate credential or other authorization issued by the Commission on Teacher Credentialing (CTC) that specifically authorizes him/her to teach students with the primary disability within the program placement recommended in the students' individualized education program (IEP). (5 CCR 80046.1-80048.9.4)

(cf. 4112.2 - Certification) (cf. 4113 - Assignment)

(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)

Note: The No Child Left Behind Act (20 USC 6319; 34 CFR 200.55-200.57) requires all teachers of core academic subjects, including special education teachers, to be "highly qualified" as defined in 20 USC 7801 and 5 CCR 6100-6126; see AR 4112.24 - Teacher Qualifications Under the No Child Left Behind Act.

Special education teachers who teach core academic subjects shall possess the qualifications required by the No Child Left Behind Act. (5 CCR 6100-6126; 20 USC 1401, 6319, 7801; 34 CFR 200.55-200.57, 300.18)

SPECIAL EDUCATION STAFF (continued)

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

Note: Pursuant to Education Code 44325, the CTC issues special education district intern credentials which authorize their holders to provide classroom instruction to students with disabilities. For requirements pertaining to internship programs, see BP/AR 4112.21 - Interns.

The district may employ a person with an appropriate district intern credential to provide classroom instruction to students with disabilities, provided he/she has met the subject matter requirement specified in Education Code 44325 and receives guidance, supervision, and professional development through an established district intern program. (Education Code 44325, 44326, 44830.3)

(cf. 4112.21 - Interns)

Note: 5 CCR 80027.1 establishes the special education limited assignment teaching permit which allows a special education credential holder to serve outside his/her specialty area while completing the coursework for an added authorization in special education or an additional full specialty area in another special education area. The permit is valid for up to one year from the date of issuance but may be renewed twice, for a total of three years in the specialty area, if renewal requirements are met.

The Superintendent or designee may request that the CTC issue a special education limited assignment teaching permit which authorizes a qualified special education teacher, with his/her written consent, to serve outside the specialty area of his/her credential. If the teacher has not yet obtained permanent status, the Superintendent or designee shall assign one or more experienced educators in the special education subject area(s) of the permit, who have at least three years of full-time teaching experience in each of the subject area(s) of the permit, to provide guidance and assistance to the permit holder. (5 CCR 80026, 80027.1)

As needed, the district may apply to the CTC for an emergency permit for resource specialist services pursuant to 5 CCR 80023.2 and 80024.3.1.

Note: When requesting that the CTC issue a special education limited assignment teaching permit or an emergency resource specialist permit, the district must submit a Declaration of Need for Fully Qualified Educators in accordance with 5 CCR 80026. The form for the Declaration of Need is available in the CTC's online Credential Information Guide, which may be accessed only by employers. Pursuant to 5 CCR 80026, the Declaration of Need is valid for up to 12 months, but expires no later than June 30 following its submission to the CTC. See BP 4112.2 - Certification for additional information regarding the Declaration of Need.

When requesting either a limited assignment teaching permit or an emergency resource specialist permit, the Superintendent or designee shall submit a Declaration of Need for Fully Qualified Educators that satisfies the requirements of 5 CCR 80026 and has been approved by the Board at a regularly scheduled Board meeting. (5 CCR 80026)



SPECIAL EDUCATION STAFF (continued)

Note: Pursuant to 5 CCR 80021.1, if the district is unable to employ a suitable credentialed teacher after a diligent search, it may request that the CTC issue a provisional internship permit (PIP) to a qualified candidate for one year. Pursuant to 5 CCR 80021, the district may request that the CTC issue a short-term staff permit (STSP) when there is a need to immediately fill a classroom vacancy. See BP/AR 4112.2 - Certification for requirements related to these permits. When the district is unable to hire a person with the STSP or PIP, the district may request that the CTC issue a short-term or variable term waiver.

Before the district applies for the STSP, PIP, or a waiver, the CTC recommends that the district first seek a special education limited assignment permit if an individual meets the requirements for that permit. See the CTC's Special Education Teaching and Services Credentials, Added Authorizations in Special Education, and Limited Assignment Permits for California Prepared Teachers: Frequently Asked Questions, available on its web site.

If there is a need to immediately fill a classroom vacancy or a suitable credentialed teacher cannot be found after a diligent search, the Superintendent or designee may, as appropriate, apply to the CTC for a short-term staff permit pursuant to 5 CCR 80021, a provisional internship permit pursuant to 5 CCR 80021.1, or, as a last resort, a credential waiver.

Individuals providing related services to students with disabilities, including developmental, corrective, and other supportive and related services, shall meet the applicable qualifications specified in 5 CCR 3051-3051.24. (5 CCR 3051; 34 CFR 300.34, 300.156)

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

The Superintendent or designee shall provide ongoing professional development as needed to assist special education staff in updating and improving their knowledge and skills.

(cf. 4131 - Staff Development) (cf. 4231 - Staff Development) (cf. 4331 - Staff Development)

Note: Pursuant to 5 CCR 80048.8.1, completion of a CTC-approved induction program offered by either a district or a college/university is a requirement to earn a clear credential. Also see BP 4131.1 - Teacher Support and Guidance.

Whenever a candidate for a clear education specialist credential is employed by the district, the Superintendent or designee shall, within 60 days of employment, collaborate with the candidate and, as applicable, with the college or university to develop an individualized induction plan including supported induction and job-related course of advanced preparation. (5 CCR 80048.8.1)

(cf. 4131.1 - Teacher Support and Guidance)



Resource Specialists

Note: Education Code 56195.8 mandates entities providing special education to adopt policy related to resource specialists. The following section fulfills this mandate and should be revised for consistency with the policy and regulations of the Special Education Local Plan Area (SELPA) in which the district participates. Also see language on caseloads for resource specialists in the section "Caseloads" below.

The duties of resource specialists shall include, but are not limited to: (Education Code 56362; 5 CCR 80070.5)

- 1. Providing instruction and services for students with disabilities whose needs have been identified in an IEP
- 2. Conducting educational assessments
- 3. Providing information and assistance for students with disabilities and their parents/guardians
- 4. Providing consultation, resource information, and material regarding students with disabilities to staff members in the regular education program and the students' parents/guardians
- 5. Coordinating special education services with the regular school program for each student with disabilities enrolled in the resource specialist program
- 6. Monitoring student progress on a regular basis, participating in the review and revision of IEPs as appropriate, and referring students who do not demonstrate appropriate progress to the IEP team

Note: Item #7 below should be deleted by districts that do not maintain secondary schools.

7. Providing services for secondary students that emphasize academic achievement, career and vocational development, and preparation for adult life

Any student who receives resource specialist services shall be assigned to regular classroom teacher(s) for a majority of the school day, unless his/her IEP team approves enrollment in the resource specialist program for a majority of the school day. (Education Code 56362; 5 CCR 80070.5)

Resource specialists shall not simultaneously be assigned to serve as resource specialists and to teach regular classes. (Education Code 56362)



The district's resource specialist program shall be under the direction of a resource specialist who possesses the qualifications specified in Education Code 56362.

Caseloads



Note: The following section should be revised to reflect district practice. Education Code 56362 specifies maximum caseloads for resource specialists. Education Code 56363.3 and 56441.7 specify caseloads for language, speech, and hearing specialists. Other special education caseloads are not set by law and may be determined through collective bargaining agreements or the policies and regulations of the SELPA in which the district participates.

The Superintendent or designee shall ensure that caseloads for special education teachers are within the maximum caseloads established by law, the collective bargaining agreement, and/or the comprehensive plan of the Special Education Local Plan Area (SELPA) in which the district participates.

(cf. 0430 - Comprehensive Local Plan for Special Education) (cf. 1312.3 - Uniform Complaint Procedures) (cf. 4141/4241 - Collective Bargaining Agreement)

Note: Education Code 56195.8 and 56362 **mandate** that each entity providing special education adopt policy that includes caseloads for resource specialists. Such caseloads must not exceed 28 students per resource specialist except as provided below. The following paragraph should be revised as necessary for consistency with SELPA and district practice.

In addition, pursuant to Education Code 56362, at least 80 percent of the resource specialists within a SELPA must be provided with an instructional aide.

No resource specialist shall have a caseload which exceeds 28 students. As necessary and with the agreement of the resource specialist, the Governing Board may request a waiver from the State Board of Education to increase the caseload to no more than 32 students, provided that an individual resource specialist does not have a caseload exceeding 28 students for more than two school years and has the assistance of an instructional aide at least five hours daily during the period of the waiver. (Education Code 56362, 56362.1; 5 CCR 3100)

(cf. 1431 - Waivers)

The average caseload for language, speech, and hearing specialists shall not exceed 55 cases, unless the SELPA plan specifies a higher average caseload and states the reasons for the higher average caseload. The maximum caseload for speech and language specialists exclusively serving children with disabilities age 3-5 years shall not exceed 40. (Education Code 56363.3, 56441.7)

Legal Reference: **EDUCATION CODE** 8264.8 Staffing ratios 44250-44279 Credentials, especially: 44256 Credential types, specialist instruction 44258.9 Assignment monitoring 44265-44265.9 Special education credential 44325-44328 District interns 44830.3 District interns, supervision and professional development 56000-56865 Special education, especially: 56195.8 Adoption of policies 56361 Program options 56362-56362.5 Resource specialist program 56363.3 Maximum caseload; language, speech, and hearing specialists 56440-56441.7 Programs for individuals between the ages of three and five years; caseloads CODE OF REGULATIONS, TITLE 5 3051.1-3051.24 Staff qualifications to provide related services to students with disabilities 3100 Waivers of maximum caseload for resource specialists 6100-6126 Teacher qualifications, No Child Left Behind Act 80021 Short-term staff permit 80021.1 Provisional internship permit 80023.2 Emergency permits 80025.4 Substitute teaching, special education 80026 Declaration of need for fully qualified educators 80027.1 Special education limited assignment teaching permit 80046.1 Adapted physical education specialist 80046.5 Credential holders authorized to serve students with disabilities 80047-80047.9 Credentials to provide instructional services to students with disabilities 80048-80048.9.4 Credential requirements and authorizations 80070.1-80070.6 Resource specialists UNITED STATES CODE, TITLE 20 1400-1482 Individuals with Disabilities Education Act, especially: 1401 Definition of highly qualified special education teacher 6319 Highly qualified teachers 7801 Definitions, highly qualified teacher CODE OF FEDERAL REGULATIONS, TITLE 34 200.55-200.57 Highly qualified teachers 300.8 Definition of autism 300.18 Highly qualified special education teachers 300.34 Related services

300.156 Special education personnel requirements

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

Special Education Teaching and Services Credentials, Added Authorizations in Special Education, and Limited Assignment Permits for California Prepared Teachers: Frequently Asked Questions, May 26, 2014

Education Specialist Teaching and Other Related Services Credential Program Standards, 2012 WEB SITES

California Association of Resource Specialists and Special Education Teachers:

http://www.carsplus.org

California Department of Education, Special Education: http://www.cde.ca.gov/sp/se

California Speech-Language-Hearing Association: http://www.csha.org

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

National Association of Special Education Teachers: http://www.naset.org

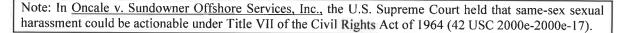
SEXUAL HARASSMENT

4219.11 4319.11

Note: The following administrative regulation is **mandated** pursuant to Education Code 231.5 and includes reasonable steps for preventing the occurrence of discrimination and harassment as required pursuant to Government Code 12940 (California Fair Employment and Housing Act).

The focus of this administrative regulation is on sexual harassment of employees. For information related to the sexual harassment of students, see BP/AR 5145.7 - Sexual Harassment.

Definitions



Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the work or educational setting when: (Education Code 212.5; Government Code 12940; 5 CCR 4916)

- 1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
- Submission to or rejection of such conduct by the individual is used as the basis for an employment decision affecting him/her.

Note: Pursuant to Government Code 12940, conduct specified in item #3 below constitutes sexual harassment if it is sufficiently severe, pervasive, or offensive to create a hostile or abusive work environment for the victim, regardless of whether or not the alleged harasser is motivated by sexual desire for the victim.

- 3. The conduct has the purpose or effect of having a negative impact upon the individual's work or has the purpose or effect of creating an intimidating, hostile, or offensive work environment. Regardless of whether or not the alleged harasser was motivated by sexual desire, the conduct is sufficiently severe, persistent, pervasive, or objectively offensive as to create a hostile or abusive working environment or to limit the individual's ability to participate in or benefit from an education program or activity.
- 4. Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs, or activities available at or through the district.

Note: Pursuant to Government Code 12940, the district may be held liable for sexual harassment committed against employees by clients, customers, or other third parties if the district knew, or should have known, of the harassment and failed to take immediate and appropriate corrective action to stop the harassment. The following paragraph clarifies that sexual harassment may include acts by supervisors, co-workers, or other parties and should be modified to reflect district practice.





Other examples of actions that might constitute sexual harassment, whether committed by a supervisor, a co-worker, or a non-employee, in the work or educational setting include, but are not limited to:

- 1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
- 2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
- 3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

Training

Note: The following optional paragraph is consistent with a district's obligation to protect its employees from sexual harassment, and may be modified to reflect district practice. Although training is not legally required for all employees, Government Code 12940 requires districts to take reasonable steps to prevent harassment. In addition, since the language of BP/AR 5145.7 - Sexual Harassment requires employees to report sexual harassment against students, training such employees to recognize sexual harassment and address reports of incidents furthers the district's interest in protecting both employees and students against prohibited conduct. Thus, it is strongly recommended that districts periodically provide sexual harassment training or information to all their employees, especially those who work at school sites.

Provision of periodic training to all district employees could also help foster a positive work environment and mitigate damages against a district in the event of sexual harassment litigation. In <u>Department of Health Services v. Superior Court (McGinnis)</u>, the California Supreme Court held that employers that have taken reasonable steps to prevent and correct workplace sexual harassment may be able to reduce damages in the event of a lawsuit. Such steps may include establishing anti-harassment policies and communicating those policies to employees.



The Superintendent or designee shall ensure that all employees receive training regarding the district's sexual harassment policies when hired and periodically thereafter. Such training shall include the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the district's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee.

⁽cf. 4031 - Complaints Concerning Discrimination in Employment)

⁽cf. 5145.7 - Sexual Harassment)

Note: The remainder of this section is for use by districts with 50 or more employees. Government Code 12950.1 requires such districts to provide two hours of sexual harassment training and education once every two years to every supervisory employee, defined as any employee with the authority to take employment action, including hiring, transferring, suspending, and disciplining other employees, or recommend such action if the exercise of that authority is not merely routine or clerical in nature. All newly hired supervisors or employees promoted to a supervisory position must receive the training within six months of their hire or assumption of the supervisory position. Compliance with this law does not insulate the district from any liability for harassment.

Governing Board members, as elected officials, are not usually considered "supervisors"; however, since Board members have the authority to hire, reward, or discipline the Superintendent and other employees, Board members may also be required to receive sexual harassment training. Districts should consult with legal counsel to ensure that the appropriate individuals receive training.

Although the law does not require districts with fewer than 50 employees to provide sexual harassment training to supervisors, court decisions have held that providing training may help mitigate damages in sexual harassment suits. Districts with fewer than 50 employees may delete or modify the remainder of this section to reflect district practice.

02

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All such newly hired or promoted employees shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A supervisory employee is any employee with the authority to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or to effectively recommend such action.

Note: Government Code 12950.1 and 2 CCR 11023 require that the training for supervisory employees contain specified components and be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation.

The district's sexual harassment training and education program for supervisory employees shall include the provision of: (Government Code 12950.1; 2 CCR 11023)

- 1. Information and practical guidance regarding federal and state laws on the prohibition against and the prevention and correction of sexual harassment, and the remedies available to the victims of sexual harassment in employment
- 2. Practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation



Note: Pursuant to Government Code 12950.1, as amended by AB 2053 (Ch. 306, Statutes of 2014), the prevention of abusive conduct must be included as a component of the sexual harassment training for supervisors.

- 3. A component on the prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance
- 4. A copy of the district's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received
- 5. All other contents of mandated training specified in 2 CCR 11023

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR 11023)

Notifications

Note: Education Code 231.5 requires that the district provide copies of its policy on sexual harassment to staff, as specified below. In addition, 2 CCR 11023 requires that supervisory employees undergoing mandatory training receive a copy of the district's policy and acknowledge receipt of the policy; see item #4 in the section "Training" above.

A copy of the Board policy and this administrative regulation shall: (Education Code 231.5)

- 1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted
- 2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired

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

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct

Note: Government Code 12950 requires the Department of Fair Employment and Housing (DFEH) to develop posters and information sheets on employment discrimination and the illegality of sexual harassment. These documents are available on DFEH's web site.



All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or a copy of district information sheets that contain, at a minimum, components on: (Government Code 12950)

- 1. The illegality of sexual harassment
- 2. The definition of sexual harassment under applicable state and federal law
- 3. A description of sexual harassment, with examples
- 4. The district's complaint process available to the employee
- 5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)
- 6. Directions on how to contact DFEH and the EEOC
- 7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC

In addition, the district shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment. (Government Code 12950)

HEALTH AND WELFARE BENEFITS

4354

Note: The following optional policy should be revised to reflect district practice and collective bargaining agreements. Districts that contract with the Board of Administration of the Public Employees' Retirement System to obtain a health benefit plan under the Public Employees' Medical and Hospital Care Act (PEMHCA), Government Code 22750-22944, should revise the following policy and accompanying administrative regulation to reflect the requirements of that program.



The Governing Board recognizes that health and welfare benefits are essential to promote employee health and productivity and are an important part of the compensation offered to employees. The district shall provide health and welfare benefits for employees in accordance with state and federal law and subject to negotiated employee agreements.

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

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4151/4251/4351 - Employee Compensation)

Note: The district should select or revise the appropriate option below to reflect district practice regarding employees who are not in bargaining units. Districts selecting Option 2 should expand this policy or accompanying administrative regulation to specify benefits for unrepresented employees. Also see BP 4121 - Temporary/Substitute Personnel.

OPTION 1: Certificated management, administrative, and supervisory employees who are not in bargaining units shall receive the same health and welfare benefits as those specified in the collective bargaining agreement for certificated employees. Classified management, administrative, and supervisory employees who are not in bargaining units shall receive the same health and welfare benefits as those specified in the collective bargaining agreement for classified employees.

(cf. 4300 - Administrative and Supervisory Personnel)



OPTION 2: Employees who are not in bargaining units shall receive health and welfare benefits as specified in Board policy and administrative regulation.

(cf. 4121 - Temporary/Substitute Personnel)

Note: Family Code 300, as amended by SB 1306 (Ch. 82, Statutes of 2014), defines marriage as a personal relationship arising out of a civil contract between "two persons" rather than between a man and a woman. In addition, pursuant to Family Code 297.5, registered domestic partners have the same rights, protections, and benefits as spouses. Therefore, to the extent that the district provides health benefit coverage to spouses of employees pursuant to state law, the same coverage must be provided to registered domestic partners. Pursuant to Health and Safety Code 1374.58, health care service plans and health insurers are required to provide registered domestic partners coverage that is equal to the coverage provided to spouses.

For purposes of granting benefits, a registered domestic partner and his/her child shall have the same rights, protections, and benefits as a spouse and spouse's child. (Family Code 297.5, 300)

Note: The following paragraph is for use by districts that have an average of 50 or more full-time equivalent (FTE) employees over the preceding calendar year. The federal Patient Protection and Affordable Care Act (PPACA) (42 USC 300gg-300gg95; 26 USC 4980H; 26 CFR 54.4980H-1-54.4980H-6) requires such districts to offer FTE employees and their dependents (not including spouses) the opportunity to enroll in an affordable district-sponsored group health plan or health insurance coverage that provides minimum "essential coverage," as defined in Health and Safety Code 1367.005, 26 USC 5000A, and 26 CFR 1.5000A-2 and 54.4980H-1. In addition, the district must ensure that the employee's contribution toward the cost of the coverage does not exceed 9.5 percent of his/her household income; see the accompanying administrative regulation for further information about the calculation of the employee's contribution.

For purposes of determining the applicability of this law, the district must calculate the number of FTE employees in accordance with 26 USC 4980H and 26 CFR 54.4980H-1. An FTE employee is one who works at least 30 hours per week (including actual work hours and hours for which an employee is paid or entitled to be paid due to vacation, holiday, sick leave, disability, jury duty, military leave, or other leave of absence). 26 CFR 54.4980H-3, as amended by 79 Federal Register 29, Feb. 12, 2014, clarifies that districts should not calculate employment breaks of four or more consecutive weeks, such as summer break, in a way that would significantly detract from the calculation of an employee's overall work hours. Thus, an employee who averages 30 hours or more per week for nine months and then no hours for three months would still be considered a full-time employee. In addition, in determining the number of FTE employees, the district must include the hours of service for all part-time employees for a calendar month divided by 120. Although part-time employees are considered in the determination as to whether the PPACA applies to the district, the district is not required under the PPACA to provide health benefits to part-time employees. See BP 4121 - Temporary/Substitute Personnel. The calculation of FTE employees is complex and the district should consult legal counsel as necessary.

Beginning with the 2016 plan year, a district with 50 or more FTE employees will be required to offer health coverage that meets the PPACA requirements to at least 95 percent of its FTE employees. If a district fails to comply with this law and any FTE employee uses a federal tax credit or cost-sharing premium reduction to purchase coverage through a health exchange (i.e., Covered California), the district must pay a financial penalty.

The district shall offer full-time employees who work an average of 30 hours or more per week and their dependents up to age 26 years a health insurance plan that includes coverage for essential health benefits, pays at least 60 percent of the medical expenses covered under the terms of the plan, and meets all other requirements of the federal Patient Protection and Affordable Care Act.

Note: Pursuant to 26 USC 105 and 26 CFR 1.105-11, self-insured medical expense reimbursement plans are prohibited from discriminating in favor of "highly compensated" individuals as to eligibility to participate or level of benefits provided under the plan. As defined in 26 USC 105(h), "highly compensated" individuals are those who are among the highest paid 25 percent of all employees, with specified exceptions. The PPACA (42 USC 300gg-16) extends this requirement to non-self-insured group health plans. Implementation of this provision with respect to group health plans has been delayed until the first plan year after the issuance of federal regulations or other guidance on how to comply with the requirement. As of October 6, 2015, this delay is still in effect. However, it is still recommended that districts begin to review their plans and practices to be prepared to comply with the expected rules.



With respect to eligibility to participate in the health benefits plan or the level of health benefits provided, the district shall not discriminate in favor of employees who are among the highest paid 25 percent of all district employees. (26 USC 105; 42 USC 300gg-16)

Continuation of Coverage

Note: Education Code 7000-7005 provide for continued health and dental care benefits for retired certificated employees and their spouses/domestic partners. In addition, for districts with 20 or more employees, continued health and disability benefits for former classified and certificated employees and their qualified beneficiaries are addressed in the federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) (26 USC 4980B; 29 USC 1161-1168; 26 CFR 54.4980B-1-54.4980B-10). For districts with 2-19 employees, continued health and disability benefits for former employees and their qualified beneficiaries are addressed in the California Continuation Benefits Replacement Act (Cal-COBRA) (Health and Safety Code 1366.20-1366.29; Insurance Code 10128.50-10128.59). These programs provide continuation coverage for limited time periods and under limited conditions. The following section reflects the general purposes of these programs; see the accompanying administrative regulation for a summary of major program requirements.

Pursuant to Governmental Accounting and Standards Board Statement 45, "other postemployment benefits" (OPEBs) (i.e., medical, dental, vision, hearing, life insurance, long-term care, long-term disability, and other nonpension benefits for retired employees) must be reported by the district as a current expense over the working years of an employee. To the extent that OPEBs are not prefunded in a designated fund or irrevocable trust, they must be reported as a liability on the district's financial statements. See BP 3100 - Budget and AR 3460 - Financial Reports and Accountability.

Retired certificated employees, other employees who would otherwise lose coverage due to a qualifying event specified in law and administrative regulation, and their qualified beneficiaries may continue to participate in the district's group health and welfare benefits in accordance with state and federal law.

Note: The following paragraph may be revised to reflect district practice. Covered employees and their qualified beneficiaries who elect continuation coverage may be required to pay all costs of the insurance plan as provided below (Education Code 7000; Health and Safety Code 1366.26; Insurance Code 10128.56; 26 USC 4980B). Any district contribution to retired employee health costs is a negotiable item.



Unless otherwise provided for in the applicable collective bargaining agreement, covered employees and their qualified beneficiaries may receive continuation coverage by paying the premiums, dues, and other charges, including any increases in premiums, dues, and costs incurred by the district in administering the program.

Confidentiality

Note: The Health Insurance Portability and Accountability Act (HIPAA) (45 CFR 164.500-164.534) specifies actions that a health plan, health care provider, or health care clearinghouse must take to protect the privacy of an individual's health information. Generally, entities covered by HIPAA may release or

receive "protected health information" about an individual only if that individual gives permission or the Act expressly permits its release.

Civil Code 56.20-56.245 address an employer's responsibility to maintain the confidentiality of medical information it receives.



The Superintendent or designee shall not use or disclose any employee's medical information the district possesses without the employee's authorization obtained in accordance with Civil Code 56.21, except for the purpose of administering and maintaining employee benefit plans and for other purposes specified in law. (Civil Code 56.20)

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

Legal Reference:

EDUCATION CODE

7000-7008 Health and welfare benefits, retired certificated employees

17566 Self-insurance fund

35208 Liability insurance

35214 Liability insurance (self-insurance)

44041-44042 Payroll deductions for collection of premiums

44986 Leave of absence, state disability benefits

45136 Benefits for classified employees

CIVIL CODE

56.10-56.16 Disclosure of information by medical providers

56.20-56.245 Use and disclosure of medical information by employers

FAMILY CODE

297-297.5 Rights, protections and benefits under law; registered domestic partners

GOVERNMENT CODE

12940 Discrimination in employment

22750-22944 Public Employees' Medical and Hospital Care Act

53200-53210 Group insurance

HEALTH AND SAFETY CODE

1366.20-1366.29 Cal-COBRA program, health insurance

1367.08 Disclosure of fees and commissions paid related to health care service plan

1373 Health services plan, coverage for dependent children who are full-time students

1373.621 Continuation coverage, age 60 or older after five years with district

1374.58 Coverage for registered domestic partners, health service plans and health insurers

Legal Reference continued: (see next page)

Legal Reference: (continued)

INSURANCE CODE

10116.5 Continuation coverage, age 60 or older after five years with district

10128.50-10128.59 Cal-COBRA program, disability insurance

10277-10278 Group and individual health insurance, coverage for dependent children

10604.5 Annual disclosure of fees and commissions paid

12670-12692.5 Conversion coverage

LABOR CODE

2800.2 Notification of conversion and continuation coverage

4856 Health benefits for spouse of peace officer killed in performance of duties

UNEMPLOYMENT INSURANCE CODE

2613 Education program; notice of rights and benefits

UNITED STATES CODE, TITLE 1

7 Definition of marriage, spouse

UNITED STATES CODE, TITLE 26

105 Self-insured medical reimbursement plan; definition of highly compensated individual

4980B COBRA continuation coverage

4980H Penalty for noncompliance with employer-provided health care requirements

5000A Minimum essential coverage

6056 Report of health coverage provided to employees

UNITED STATES CODE, TITLE 29

1161-1168 COBRA continuation coverage

UNITED STATES CODE, TITLE 42

300gg-300gg95 Patient Protection and Affordable Care Act, especially:

300gg-16 Group health plan; nondiscrimination in favor of highly compensated individuals

1395-1395g Medicare benefits

CODE OF FEDERAL REGULATIONS, TITLE 26

54.4980B-1-54.4980B-10 COBRA continuation coverage

54.4980H-1-54.4980H-6 Patient Protection and Affordable Care Act

1.105-11 Self-insured medical reimbursement plan

CODE OF FEDERAL REGULATIONS, TITLE 45

164.500-164.534 Health Insurance Portability and Accountability Act (HIPAA)

Management Resources: (see next page)

Management Resources:

CALIFORNIA SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Health Policy: Implications of Covered California for School Boards, Districts and Personnel,

Governance Brief, January 2013

INTERNAL REVENUE SERVICE NOTICES

2011-1 Affordable Care Act Nondiscrimination Provisions Applicable to Insured Group Health Plans U.S. DEPARTMENT OF TREASURY PUBLICATIONS

Fact Sheet: Final Regulations Implementing Employer Shared Responsibility Under the Affordable

Care Act (ACA) for 2015

WEB SITES

CSBA: http://www.csba.org

California Employment Development Department: http://www.edd.ca.gov

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

U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services:

http://www.cms.gov

U.S. Department of Labor: http://www.dol.gov

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HEALTH AND WELFARE BENEFITS



Note: The following optional administrative regulation should be revised to reflect district practice and collective bargaining agreements.

Affordability of Health Coverage

Note: The following section is for use by districts that have an average of 50 or more full-time equivalent (FTE) employees over the preceding calendar year. The federal Patient Protection and Affordable Care Act (PPACA) (42 USC 300gg-300gg95; 26 USC 4980H; 26 CFR 54.4980H-1-54.4980H-6) requires such districts to offer FTE employees and their dependents (not including spouses) the opportunity to enroll in an "affordable" district-sponsored group health plan or health insurance coverage. Pursuant to 26 USC 4980H and 26 CFR 54.4980H-4, health coverage will be deemed "affordable" if the employee's contribution for employee-only health coverage does not exceed 9.5 percent of his/her modified adjusted household income, as defined in 26 USC 5000A. Because the district generally will not know the employee's household income, 26 CFR 54.4980H-5 provides that the district can meet its obligation if it meets any of the "safe harbor" standards listed in items #1-3 below. All these methods are optional and the district may choose to use one or more of these methods for all its employees or for any category of employees, provided it does so on a uniform and consistent basis for all employees within the same category. The district may retain or delete any of the items below or specify its own method for ensuring affordability.

See the accompanying Board policy for additional requirements of the PPACA.

The Superintendent or designee shall seek written assurance from the district's health insurance carrier(s) that the health plan offered to full-time district employees and their dependents meets all requirements of the federal Patient Protection and Affordable Care Act. (42 USC 300gg-300gg95; 26 USC 4980H; 26 CFR 54.4980H-1-54.4980H-6)

The Superintendent or designee also shall ensure that each employee's contribution to the employee-only health coverage does not exceed 9.5 percent of his/her modified household income, as defined in 26 USC 5000A. The Superintendent or designee shall calculate the affordability of the coverage using one or more of the following methods in a uniform and consistent basis for all employees within the same category: (26 USC 4980H; 26 CFR 54.4980H-4-54.4980H-5)

- 1. The district shall ensure that the lowest cost employee-only coverage does not exceed 9.5 percent of wages paid to the employee by the district for the calendar year as reported on the employee's W-2 tax form. For an employee not offered coverage for an entire calendar year, the wages shall be adjusted to reflect the period for which coverage was offered.
- 2. The district shall ensure that the employee's required monthly contribution for the lowest cost employee-only coverage does not exceed 9.5 percent of an amount equal to 130 hours multiplied by the employee's hourly rate of pay on the first day of the plan year or his/her lowest hourly pay during the calendar month, whichever is lower.



3. The district shall ensure that the employee's contribution does not exceed 9.5 percent of a monthly amount determined as the federal poverty line for a single individual for the applicable calendar year, divided by 12.

Retired Certificated Employees

Note: Education Code 7000 requires that any district which provides health and welfare benefits or dental care benefits for its certificated employees must make those benefits available to retired certificated employees and their spouses or eligible surviving spouses as provided in the following section.

Pursuant to Education Code 7000, any eligible person who elects to enroll in the benefits program may be required to pay all premiums, dues, and other charges, including any increases in the rate of premiums or dues for these persons, and all costs incurred by the district in administering the program; see the accompanying Board policy. Education Code 7000 allows districts, if appropriate, to require persons eligible for these benefits to pay different rates as a class. Education Code 7000 specifies three classes based on age and Medicare benefits for which the plan must provide separate rates. Government Code 12940 provides that, with respect to retiree health benefits and health care reimbursement plans in effect on or after January 1, 2011, it is not discrimination based on age to provide health benefits or health care reimbursement plans to retired persons that are altered, reduced, or eliminated when the retirees become eligible for Medicare health benefits.

The following section does not apply to employees who receive health care coverage under the Public Employees' Medical and Hospital Care Act (PEMHCA), Government Code 22750-22944.

Any former certificated employee who retired from the district under any public retirement system and his/her spouse/domestic partner shall be permitted to enroll in the health and welfare and/or dental care benefit plan currently provided for certificated employees. The plan also shall be available to any surviving spouse/domestic partner of a former certificated employee who either retired from the district under any public retirement system or was, at the time of death, employed by the district and a member of the State Teachers' Retirement System. (Education Code 7000)

A retired certificated employee or surviving spouse/domestic partner shall be allowed to enroll in the coverage within 30 days of losing active employee coverage. If he/she does not enroll during this initial enrollment period, he/she may be denied further opportunity to do so. (Education Code 7000)

COBRA/Cal-COBRA Continuation Coverage

Note: The following section reflects requirements for both the federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) program (26 USC 4980B; 29 USC 1161-1168; 26 CFR 54.4980B-1-54.4980B-10) and the California Continuation Benefits Replacement Act (Cal-COBRA) program (Health and Safety Code 1366.20-1366.29; Insurance Code 10128.50-10128.59). These programs contain requirements designed to alleviate lapses in coverage due to employee termination, death, separation or



divorce, reduction in hours, eligibility for Medicare, or a dependent child of the covered employee ceasing to be a dependent child. COBRA applies to districts with at least 20 employees. Pursuant to Health and Safety Code 1366.21, Cal-COBRA applies to districts with 2-19 employees which have contracted for health care and/or disability coverage through a group benefit plan. If the district has contracted to provide administrative services for the health care service plan as authorized by Health and Safety Code 1366.25, it may expand the following section to reflect additional requirements of plan administrators.

The following section should be revised by districts that offer a group health insurance plan but not a group disability benefits plan. This section also should be revised by districts with employees who receive health care coverage under PEMHCA, Government Code 22750-22944.

Covered district employees and their qualified beneficiaries shall be offered the opportunity to continue health and disability insurance coverage when they otherwise would lose coverage due to one of the following qualifying events: (Health and Safety Code 1366.21, 1366.23, 1373; Insurance Code 10128.51, 10128.53, 10277; 26 USC 4980B; 26 CFR 54.4980B-4)

- 1. Death of the covered employee
- 2. Termination or reduction in hours of the covered employee's employment, other than termination by reason of the employee's gross misconduct

(cf. 4118 - Dismissal/Suspension/Disciplinary Action) (cf. 4218 - Dismissal/Suspension/Disciplinary Action)

- 3. Divorce or legal separation of the covered employee
- 4. The covered employee becoming entitled to Medicare benefits

Note: For purposes of item #5 below, Health and Safety Code 1373 and Insurance Code 10277 require that the age at which a person ceases to be a dependent child, as specified in the health plan, must be at least 26 years, except that certain specified health plans beginning before January 1, 2014 may exclude adult children younger than age 26 who are eligible to enroll in an employer-sponsored health plan. In addition, Health and Safety Code 1373 and Insurance Code 10277 require a health services plan or insurer to continue coverage for a dependent child who attains the age specified in the plan if he/she is incapable of self-sustaining employment by reason of a physically or mentally disabling injury, illness, or condition and is chiefly dependent on the subscriber or insured for support and maintenance. Health and Safety Code 1373 and Insurance Code 10277 also require that, if the plan provides coverage for a dependent child who is over age 26 and enrolled at a secondary or postsecondary educational institution, continued coverage must be provided during any break in the school calendar and during a medical leave of absence as specified.

5. A dependent child ceasing to be a dependent child of the covered employee

Continuation health coverage shall be the same as provided to similarly situated individuals under the group benefit plan. (Health and Safety Code 1366.23; Insurance Code 10128.53; 26 USC 4980B)



Note: Districts should select the appropriate option below based on the number of district employees.

OPTION 1: (Districts with 20 or more employees)

Note: Pursuant to 26 USC 4980B and 29 USC 1163, the 30-day notification period specified below may be revised if a longer time period is specified in the health plan.

The Superintendent or designee shall notify the health care service plan administrator of a qualifying event listed in item #1, 2, or 4 above, within 30 days of the event. A covered employee or qualified beneficiary shall notify the service plan administrator of a qualifying event listed in item #3 or 5 above within 60 days of the event or of the date that the beneficiary would lose coverage, whichever is later. (26 USC 4980B; 29 USC 1163, 1166; 26 CFR 54.4980B-6)

Continuation coverage shall be terminated in accordance with the district's insurance plan and federal and state law. (26 USC 4980B; 26 CFR 54.4980B-6; Health and Safety Code 1373.621; Insurance Code 10116.5)

OPTION 2: (Districts with 2-19 employees)

Note: If the district contracts to perform the administrative services of a health care service plan as authorized by Health and Safety Code 1366.25, the following two paragraphs should be revised to reflect the plan administrator to whom the notifications should be directed.

The Superintendent or designee shall provide written notification to the health care service plan administrator of a qualifying event listed in item #2 above, within 30 days of the event.

A covered employee or qualified beneficiary shall provide written notification to the health care service plan administrator regarding any other qualifying event listed above within 60 days of the event or of the date that the covered employee or qualified beneficiary was notified of the ability to continue coverage, whichever is later. (Health and Safety Code 1366.24, 1366.25; Insurance Code 10128.54, 10128.55)

Continuation coverage shall be terminated in accordance with the district's insurance plan and state law. (Health and Safety Code 1366.22, 1366.27, 1373.621; Insurance Code 10116.5, 10128.52, 10128.57)

Note: The following paragraph applies to all districts.



The Superintendent or designee shall notify covered employees and qualified beneficiaries of the availability of conversion and continuation coverage. This notification shall include the statement in Labor Code 2800.2 encouraging individuals to examine their options carefully before declining such coverage. (Labor Code 2800.2)



Disability Insurance

Note: The following notice is provided by the California Employment Development Department.

The Superintendent or designee shall give notice of disability insurance rights and benefits to each new employee and each employee leaving work due to pregnancy, nonoccupational illness or injury, the need to provide care for any sick or injured family member, or the need to bond with a minor child within the first year of the child's birth or placement in connection with foster care or adoption. (Unemployment Insurance Code 2613)

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries) (cf. 4161/4261/4361 - Leaves) (cf. 4161.1/4361.1 - Personal Illness/Injury Leave) (cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave) (cf. 4261.1 - Personal Illness and Injury Leave)

Note: The following paragraph does not apply to employees of districts that have contracted for health care coverage through PEMHCA, Government Code 22750-22944.

When disabled by an injury sustained from a violent act while performing duties within the scope of employment and performing creditable employment, a certificated or classified employee may continue in the district health and dental care plans upon meeting criteria specified by law. The employee shall pay all employer and employee premiums and related administrative costs. (Education Code 7008)

Students AR 5112.2(a)

EXCLUSIONS FROM ATTENDANCE

The Superintendent or designee shall ensure that each child entering a district school at any grade level adheres to district admission requirements and enrollment procedures.

(cf. 5111 - Admission)

(cf. 5111.1 - District Residency)

(cf. 5116 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

(cf. 5125 - Student Records)

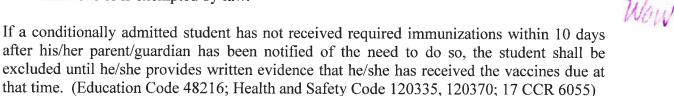
(cf. 5141.3 - Health Examinations)

Mandatory Exclusions

Note: Education Code 48216 requires that a student who has not met immunization requirements be excluded from school attendance until he/she meets those requirements. However, pursuant to Health and Safety Code 120335 and 120370, as amended by SB 277 (Ch. 35, Statutes of 2015), a student may be exempted from one or more immunizations for medical reasons or because his/her parent/guardian submits a letter or affidavit by January 1, 2016, stating that he/she objects to immunizations based on his/her personal beliefs. Students who are granted an exemption on the basis of their parent/guardian's personal beliefs must be immunized when they enter the next grade span as defined (birth to preschool, grades K-6, or grades 7-12). The new law specifies that its provisions do not prohibit a student who qualifies for an individualized education program (IEP) from "accessing any special education and related service" required by his/her IEP. See BP/AR 5141.31 - Immunizations for further information about immunization requirements and exemptions.



The Superintendent or designee shall not unconditionally admit any student to an elementary or secondary school, preschool, or child care and development program for the first time, nor, after July 1, 2016, admit or advance any student to grade 7 unless the student has been fully immunized in accordance with Health and Safety Code 120335 and BP/AR 5141.31 - Immunizations or is exempted by law.



(cf. 5141.31 - Immunizations) (cf. 5141.22 - Infectious Diseases)



The Superintendent or designee shall not admit a student who is reasonably suspected of having active tuberculosis. He/she shall be denied admission until the local health officer or licensed medical practitioner informs the district, in writing, that the student is no longer at risk of developing or transmitting the disease. (Health and Safety Code 121485, 121495, 121505)

(cf. 5141.26 - Tuberculosis Testing)

EXCLUSIONS FROM ATTENDANCE (continued)



The Superintendent or designee shall exclude a student who is infected with any contagious or infectious disease. The student shall be permitted to return to school when a medical provider informs the Superintendent or designee in writing that he/she is satisfied that the contagious or infectious disease no longer exists. (Education Code 49451; 5 CCR 202)

The Superintendent or designee shall exclude a student who resides where any contagious, infectious, or communicable disease subject to quarantine exists or has recently existed and who is subject to strict isolation or quarantine of contacts, unless written permission of the health officer is provided. (Health and Safety Code 120230)

Permissive Exclusions

A student may be excluded from attendance at a district school under either of the following circumstances:

- 1. If there is good cause to believe that the student has been exposed to any disease stated in Health and Safety Code 120335 and his/her documentation of immunization does not show proof of immunization against that disease, the student may be temporarily excluded from the school until the local health officer is satisfied that the student is no longer at risk of developing or transmitting the disease. (Health and Safety Code 120335, 120370)
- 2. If the student has not had the health screening specified in Health and Safety Code 124040 before or within the first 90 days of attending first grade, he/she may be excluded for up to five days unless the parent/guardian has presented a waiver or the district has exempted the student from this requirement in accordance with law. (Health and Safety Code 124105)

(cf. 5141.32 - Health Screening for School Entry)

Notifications to Parents/Guardians

The Superintendent or designee may exclude a student without prior notice to the parent/guardian if the student is excluded for any of the following reasons: (Education Code 48213)

- 1. He/she resides in an area subject to quarantine pursuant to Health and Safety Code 120230.
- 2. He/she is exempt from a medical examination but suffers from a contagious or infectious disease pursuant to Education Code 49451.

EXCLUSIONS FROM ATTENDANCE (continued)

3. The Superintendent or designee determines that the presence of the student would constitute a clear and present danger to the safety or health of other students or school personnel.

However, in such cases, the Superintendent or designee shall send a notice as soon as reasonably possible after the exclusion. (Education Code 48213)

(cf. 5145.6 - Parental Notifications)

In all other cases, the Superintendent or designee shall send a notice to the student's parent/guardian stating the facts leading to the exclusion, prior to excluding the student from attendance.

Appeals from Exclusion

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Note: The following section is optional and should be modified to reflect district practice.

Upon exclusion of his/her child, a parent/guardian may meet with the Superintendent or designee to discuss the exclusion. If the parent/guardian disagrees with the decision of the Superintendent or designee to exclude his/her child, he/she may appeal the decision to the Governing Board.

The parent/guardian shall have an opportunity to inspect all documents upon which the district is basing its decision, to challenge any evidence and question any witness presented by the district, to present oral and documentary evidence on the student's behalf, and to have one or more representatives present at the meeting.

Legal Reference: (see next page)

EXCLUSIONS FROM ATTENDANCE (continued)

Legal Reference:

EDUCATION CODE

48210-48216 Persons excluded

49076 Access to records by persons without written consent or under judicial order

49408 Information of use in emergencies

49451 Parent's refusal to consent

HEALTH AND SAFETY CODE

120230 Exclusion of persons from school

120325-120380 Educational and child care facility immunization requirements

121475-121520 Tuberculosis tests for students

124025-124110 Child Health and Disability Prevention Program

CODE OF REGULATIONS, TITLE 5

202 Exclusion of students with a contagious disease

CODE OF REGULATIONS, TITLE 17

6055 Exclusion for failure to obtain required immunizations

Management Resources:

CSBA PUBLICATIONS

Recent Legislation on Vaccines: SB 277, Fact Sheet, August 2015

WEB SITES

CSBA: http://www.csba.org

California Department of Public Health, Immunization Branch:

http://www.cdph.ca.gov/programs/immunize

California Healthy Kids Resource Center: http://www.californiahealthykids.org

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

Students BP 5141.31(a)

IMMUNIZATIONS

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

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools) (cf. 5141.22 - Infectious Diseases) (cf. 5141.26 - Tuberculosis Testing) (cf. 6142.8 - Comprehensive Health Education)

Note: The following optional paragraph should be revised to reflect the grade levels and programs offered by the district.

Health and Safety Code 120335 requires districts to ensure that students are fully immunized prior to admission. In addition, beginning July 1, 2016, Health and Safety Code 120335, as amended by SB 277 (Ch. 35, Statutes of 2015), requires districts to ensure that students are fully immunized against all specified diseases before advancing to grade 7. See the accompanying administrative regulation for requirements pertaining to the immunization record, including the diseases for which students must be immunized.

Health and Safety Code 120335, as amended by SB 277, further provides that students must be exempted from immunizations for any one of the following reasons: (1) a licensed physician indicates that a student should be exempted for medical reasons, (2) a parent/guardian files a letter or affidavit prior to January 1, 2016 stating his/her personal beliefs opposed to immunization (effective only until the student enters the next grade span), or (3) a student is enrolled in independent study and does not receive classroom-based instruction. See the accompanying administrative regulation for further information about exemptions.



Each student enrolling for the first time in a district elementary or secondary school, preschool, or child care and development program or, after July 1, 2016, enrolling in or advancing to grade 7 shall present an immunization record from any authorized private or public health care provider certifying that he/she has received all required immunizations in accordance with law. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

(cf. 5112.1 - Exemptions from Attendance) (cf. 5112.2 - Exclusions from Attendance) (cf. 5141.32 - Health Screening for School Entry) (cf. 5148 - Child Care and Development) (cf. 5148.3 - Preschool/Early Childhood Education)

Note: 17 CCR 6070 allows a transfer student to be conditionally admitted for up to 30 days while waiting for the transfer of immunization records from his/her previous school; see the accompanying administrative regulation. However, the California Department of Public Health's <u>California Immunization Handbook for Child Care Programs and Schools</u> recommends that schools request parents/guardians to bring their child's personal immunization record from his/her health care provider to registration, rather than waiting for the cumulative file, especially if the student's former school is located outside the United States. In this way, districts would only need to request the record from the previous district for those students who could not present an adequate record at the time of entry.

Pursuant to 42 USC 11431 and Education Code 48853.5, homeless children and foster youth must be immediately enrolled even if they are unable to produce records normally required for enrollment, including medical records. See AR 6173 - Education for Homeless Children and AR 6173.1- Education for Foster Youth. In addition, pursuant to Education Code 49701, children of military families must be allowed 30 days from the date of enrollment to obtain required immunizations; see AR 6173.2 - Education of Children of Military Families. These exceptions are also addressed in the accompanying administrative regulation.

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

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

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

Note: The following optional paragraph is for use by districts that permit medical personnel to administer immunizations at school as authorized by Education Code 49403. Pursuant to Education Code 49403, immunizations may be provided by a licensed physician or, if acting under the direction of a supervising physician, a registered nurse (including a school nurse), physician assistant, nurse practitioner, licensed vocational nurse, or nursing student acting under the supervision of a registered nurse. The authority of any health care practitioner, other than a licensed physician, to administer immunizations in a school immunization program is limited to immunizations for annual seasonal influenza, influenza pandemic episodes, and other diseases that represent a current or potential outbreak as declared by a federal, state, or local public health officer. Whenever a health care provider is authorized to administer immunizations at school, the school nurse must be notified and must maintain control, as necessary, as the supervisor of health in accordance with Education Code 44871 and other statutes.

The Superintendent or designee may arrange for an authorized health care provider to administer immunizations at school to any student whose parent/guardian has consented in writing. At the beginning of the school year, parents/guardians shall be notified of their right to provide consent for the administration of an immunization to their child at school. (Education Code 49403)

(cf. 5141.3 - Health Examinations)

(cf. 5141.6 - School Health Services)

(cf. 5145.6 - Parental Notifications)

Legal Reference: (see next page)





Legal Reference:

EDUCATION CODE

44871 Qualifications of supervisor of health

46010 Total days of attendance

48216 Immunization

48853.5 Immediate enrollment of foster youth

48980 Required notification of rights

49403 Cooperation in control of communicable disease and immunizations

49426 Duties of school nurses

49701 Flexibility in enrollment of children of military families

51745-51749.6 Independent study

HEALTH AND SAFETY CODE

120325-120380 Immunization against communicable disease, especially:

120335 Immunization requirement for admission

120395 Information about meningococcal disease, including recommendation for vaccination

120440 Disclosure of immunization information

CODE OF REGULATIONS, TITLE 5

430 Student records

CODE OF REGULATIONS, TITLE 17

6000-6075 School attendance immunization requirements

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

UNITED STATES CODE, TITLE 42

11432 Immediate enrollment of homeless children

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

Management Resources:

<u>CALIFORNIA DEPARTMENT OF PUBLIC HEALTH</u>

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

Guide to Immunizations Required for Child Care

Guide to Immunizations Required for School Entry

Parents' Guide to Immunizations Required for Child Care

Parents' Guide to Immunizations Required for School Entry

EDUCATION AUDIT APPEALS PANEL PUBLICATIONS

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

U.S. DEPARTMENT OF EDUCATION GUIDANCE

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

WEB SITES

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

California Department of Public Health, Immunization Branch:

http://www.cdph.ca.gov/programs/immunize

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

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

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

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

Policy adopted:

Students AR 5141.31(a)

IMMUNIZATIONS

Required Immunizations

Note: The following optional paragraph may be revised to reflect district practice. The California Department of Public Health's (CDPH) California Immunization Handbook for Child Care Programs and Schools recommends that districts provide parents/guardians with a written notice of immunization requirements. The CDPH's Parents' Guide to Immunizations Required for School Entry and Parents' Guide to Immunizations Required for Child Care may be used for this purpose.

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The Superintendent or designee shall provide parents/guardians, upon school registration, a written notice summarizing the state's immunization requirements.

Note: The following paragraph should be revised to reflect the grade levels and programs offered by the district. Health and Safety Code 120335 requires districts to ensure that students are fully immunized prior to admission. See 17 CCR 6020 and the CDPH's <u>California Immunization Handbook for Child Care Programs and Schools</u> for details regarding the ages/grades at which specific immunizations are required and the doses needed.

Pursuant to Health and Safety Code 120335, districts must ensure that students entering grade 7 are fully immunized against pertussis. Beginning July 1, 2016, Health and Safety Code 120335, as amended by SB 277 (Ch. 35, Statutes of 2015), also requires districts to ensure that students are fully immunized against all specified diseases before advancing to grade 7.



The Superintendent or designee shall not unconditionally admit any student to a district elementary or secondary school, preschool, or child care and development program for the first time nor, after July 1, 2016, admit or advance any student to grade 7 unless the student has been fully immunized. The student shall present documentation of full immunization, in accordance with the age/grade and dose required by the California Department of Public Health (CDPH), against the following diseases: (Health and Safety Code 120335; 17 CCR 6020)

- 1. Measles, mumps, and rubella (MMR)
- 2. Diphtheria, tetanus, and pertussis (whooping cough) (DTP, DTaP, or Tdap)
- 3. Poliomyelitis (polio)
- 4. Hepatitis B
- 5. Varicella (chickenpox)
- 6. Haemophilus influenza type b (Hib meningitis)
- 7. Any other disease designated by the CDPH

(cf. 5141.22 - Infectious Diseases) (cf. 5148 - Child Care and Development)

(cf. 5148.3 - Preschool/Early Childhood Education) (cf. 6170.1 - Transitional Kindergarten)

However, full immunization against hepatitis B shall not be a condition by which the Superintendent or designee shall admit or advance any student to grade 7. (Health and Safety Code 120335)

Note: State law does not exempt from vaccination requirements students who qualify for an individualized education program (IEP). However, Health and Safety Code 120335, as amended by SB 277 (Ch. 35, Statutes of 2015), specifies that its provisions do not prohibit a student who qualifies for an IEP from "accessing any special education and related service" required by his/her IEP. The district should consult legal counsel if it has questions about how to ensure compliance with vaccination requirements consistent with a student's IEP. The district may want to consider holding an IEP meeting to resolve any potential conflicts with the IEP.

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

(cf. 6159 - Individualized Education Program)

Note: According to the CDPH's <u>California Immunization Handbook for Child Care Programs and Schools</u>, the immunization record must be either a personal record with entries made by the physician or agency performing the immunization or a school immunization record from the student's previous school (either the California School Immunization Record or another state's school record). 17 CCR 6070 specifies the information that must be included in the record.

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

Exemptions

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

1. The parent/guardian files with the district a written statement by a licensed physician to the effect that the physical condition of the child is such, or medical circumstances





relating to the child are such, that immunization is not considered safe. The statement shall indicate the specific nature and probable duration of the medical condition or circumstances, including, but not limited to, family medical history, for which the physician does not recommend immunization. (Health and Safety Code 120370; 17 CCR 6051)

Note: Health and Safety Code 120365, which exempted a student from one or more immunization requirements if his/her parent/guardian stated in writing that the immunizations are contrary to his/her beliefs, was repealed by SB 277 (Ch. 35, Statutes of 2015). However, SB 277 also amended Health and Safety Code 120335 to provide that a personal beliefs exemption may be granted for any student whose parent/guardian files a letter or affidavit prior to January 1, 2016 stating his/her beliefs opposed to immunization, and that such exemption shall be effective until he/she enters the next grade span. For this purpose, Health and Safety Code 120335 defines three grade spans: birth through preschool, grades K-6 (including TK), and grades 7-12. For example, a student granted a personal beliefs exemption in preschool must be immunized when entering kindergarten, and a student granted such an exemption in grade 4 must be immunized when entering grade 7. The district may revise item #2 to reflect grade levels offered by the district.

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

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

Note: The following paragraph reflects the CDPH's <u>Senate Bill 277 Frequently Asked Questions</u>, which indicate that a personal beliefs exemption filed before January 1, 2016 may be transferred to another school or child care facility within the same district or in another school district within California. The CDPH's position is that a personal beliefs exemption from another state or country is not valid. The district should consult legal counsel if any question arises regarding the validity of a student's personal beliefs exemption.

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

Note: Health and Safety Code 120335, as amended by SB 277 (Ch. 35, Statutes of 2015), exempts certain students enrolled in independent study, as provided below.

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

(cf. 6158 - Independent Study)

Conditional Enrollment

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

- 1. The student has not received all the immunizations required for his/her age group, but has commenced receiving doses of all required vaccines and is not due for any other doses at the time of admission.
- 2. The student has a temporary exemption from immunization for medical reasons pursuant to item #1 in the section "Exemptions" above.

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

(cf. 5145.6 - Parental Notifications)

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

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

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

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

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





Exclusions Due to Lack of Immunizations

Any student without the required evidence of immunization may be excluded from school until the immunization is obtained or an exemption is granted in accordance with the section "Exemptions" above.

(cf. 5112.2 - Exclusions from Attendance) (cf. 6183 - Home and Hospital Instruction)

Before an already admitted student is excluded from school attendance because of lack of immunization, the Superintendent or designee shall notify the parent/guardian that he/she has 10 school days to supply evidence of proper immunization or an appropriate exemption. This notice shall refer the parent/guardian to the student's usual source of medical care or, if the student has no usual source of medical care, then to the county health department or school immunization program, if any. (Education Code 48216; 17 CCR 6040)

(cf. 5141.6 - School Health Services)

The Superintendent or designee shall exclude from further attendance any already admitted student who fails to obtain the required immunization within 10 school days following the parent/guardian's receipt of the notice specified above. The student shall remain excluded from school until he/she provides written evidence that he/she has received a dose of each required vaccine due at that time. The student shall also be reported to the attendance supervisor or principal. (17 CCR 6055)

Exclusion Due to Exposure to Disease

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

Records

Note: The CDPH requires that school staff record all immunization dates from each student's personal immunization record onto the California School Immunization Record (often referred to as the "blue card") and then complete the documentation section of the card which includes the type of record provided and the status of the student's immunizations. The record also may be maintained electronically.

An immunization record that is directly related to a student is an "education record" subject to the Family Educational Rights and Privacy Act (20 USC 1232g; 34 CFR 99.1-99.67) and therefore generally requires parent/guardian consent to be lawfully disclosed. However, pursuant to 20 USC 1232g and 34 CFR 99.31 and 99.36, an exception exists when knowledge of the information is necessary to address an articulable and significant threat to the health or safety of the student or other individuals.

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

(cf. 5125 - Student Records)

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

Audits

Note: The Education Audit Appeals Panel's <u>Guide for Annual Audits of Local Education Agencies and State Compliance Reporting</u> requires an audit of the immunization records for any school which, in the previous year, (1) failed to submit immunization assessment reports to the CDPH for kindergarten or grade 7 or (2) reported a conditional admission rate greater than 25 percent in kindergarten. The CDPH's web site contains information as to whether a school meets either of these conditions.

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

Instruction BP 6141.4(a)

INTERNATIONAL BACCALAUREATE PROGRAM

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Note: The following optional policy is for use by districts that have received authorization from the International Baccalaureate Organization (IBO) in Geneva, Switzerland to offer one or more International Baccalaureate (IB) programs at the elementary, middle school, and/or high school level and may be revised to reflect district practice. IB courses and examinations are governed and monitored by the IBO. The Primary Years Program is for elementary school age students and is a schoolwide program. The Middle Years Program is a five-year program beginning in grade 6. The IB Diploma and Career-related Programs are for high school students who participate in IB courses and take IB examinations. Such students may receive college credit for those courses when allowed by the postsecondary institution.

For additional information about the requirements for all IB programs, see the International Baccalaureate Organization's web site.

To encourage district students to challenge themselves academically, develop intercultural understanding and respect, and be more competitive when applying for admission to postsecondary institutions, the district shall offer opportunities for students to participate in the International Baccalaureate (IB) program. The Superintendent or designee shall provide a challenging, cross-disciplinary curriculum that provides the knowledge, concepts, skills, attitudes, and action that district students need to equip them for successful lives. The district's IB program shall provide structured, purposeful inquiry that engages students in their own learning.

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(cf. 6142.2 - World/Foreign Language Instruction)
(cf. 6143 - Courses of Study)
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The Superintendent or designee shall ensure that district students of all ability levels are offered the opportunity to participate in the program if it is available at their school.

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(cf. 0410 - Nondiscrimination in District Programs and Activities)
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The Superintendent or designee shall ensure that teachers and administrators are engaged in the planning process for the IB program to construct a rigorous and challenging curriculum. He/she shall coordinate implementation of the IB program with any other advanced learning opportunities offered by the district.

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(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6141.5 - Advanced Placement)
(cf. 6172 - Gifted and Talented Student Program)
(cf. 6172.1 - Concurrent Enrollment in College Classes)
(cf. 6181 - Alternative Schools/Programs of Choice)
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The Superintendent or designee shall provide staff development and support to teachers of IB courses. Such professional development may include, but is not limited to, mentoring for prospective teachers of IB courses, opportunities for teachers to obtain information on the curriculum of specific courses through online workshops, webinars, blended learning and elearning resources, and opportunities for district staff to share course syllabi and teaching practices.

INTERNATIONAL BACCALAUREATE PROGRAM (continued)

(cf. 4111/4211/4311 - Recruitment and Selection) (cf. 4113 - Assignment) (cf. 4131 - Staff Development)

IB Diploma Program or IB Career-related Program

Note: The following **optional** section is for districts that maintain one or more high schools that offer the IB Diploma Program pursuant to Education Code 52920-52922 and/or the IB Career-related Program and may be revised to reflect district practice. The district may also develop an administrative regulation to provide further details about the district's program and the requirements that students must fulfill in order to successfully complete the program.

The IB Diploma Program provides high school students with a balanced education, facilitates geographic and cultural mobility, and promotes international understanding through a shared academic experience in a comprehensive and rigorous two-year program.

The IB program has recently added the IB Career-related Program for high school students pursuing vocational or career and technical education (CTE). In this two-year program, students take fewer IB courses but still meet other diploma-level requirements and complete a final project related to their vocational or CTE field.

The district's IB Diploma Program shall offer a comprehensive, rigorous two-year program for students. To earn the IB diploma, students shall:

- 1. Complete a specific, intensive, balanced liberal arts course of study
- 2. Pass examinations in six curricular areas, including language and literature, language acquisition, individuals and societies, sciences, mathematics, and the arts
- 3. Demonstrate an understanding of the theory of knowledge through an oral presentation and extended essay on an externally assessed, independent research project
- 4. Demonstrate creativity, action, and service through involvement in a minimum of 150 hours of artistic activities, physical activities, and community service

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(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6142.6 - Visual and Performing Arts Education)
(cf. 6142.91 - Reading/Language Arts Instruction)
(cf. 6142.92 - Mathematics Instruction)
(cf. 6142.93 - Science Instruction)
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The district shall offer a two-year, rigorous IB Career-related Program to high school students pursuing vocational or career and technical education (CTE). Students participating in the IB Career-related Program shall take a minimum of two IB courses and meet other diploma-level requirements, including performing community service and completing a final project related to their vocational or CTE field.

INTERNATIONAL BACCALAUREATE PROGRAM (continued)

(cf. 6178 - Career Technical Education) (cf. 6178.1 - Work-Based Learning)

As necessary, the Superintendent or designee may adjust the number of courses taken and hours of community service performed by students depending on the IB program in which they are participating.

The Superintendent or designee shall develop support systems to encourage students to participate in IB courses and take IB course examinations. Support systems may include, but are not limited to, resource centers, programs to recognize student accomplishments, and parent involvement through an IB parent organization group. In addition, the Superintendent or designee may explore partnerships with colleges and universities to encourage students to pursue postsecondary education.

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(cf. 5126 - Awards for Achievement)
(cf. 6164.2 - Guidance/Counseling Services)
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Note: The following **optional** two paragraphs are for use by districts that receive federal funding distributed by the California Department of Education (CDE) pursuant to 20 USC 6534, or choose to use district funds, to assist economically disadvantaged students in paying the cost of IB examination fees. Students eligible for assistance through federal funds are those whose family income does not exceed 185 percent of the federal poverty level. A student who is eligible for the free and reduced-price meal program qualifies for fee assistance.

According to the CDE's Frequently Asked Questions, available on its web site, in order to receive funding assistance, districts must annually submit an application to the CDE which includes the number of incomeeligible students and the number of tests taken by each incomeeligible student.

To the extent feasible, the district shall reduce the cost of IB examination fees for eligible low-income students. The Superintendent or designee shall notify parents/guardians of the availability of funds for this purpose and shall provide information on how students may apply for funding.

The Superintendent or designee shall annually apply to the California Department of Education for federal funds to support the reimbursement of fees for low-income students. In addition, the Superintendent or designee may recommend the use of district funds, when available and appropriate, to provide additional support for the fee assistance program.

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(cf. 3100 - <mark>Budget)</mark>
(cf. 3260 - Fees and Charges)
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Note: Education Code 52060 requires that the district's local control and accountability plan include annual goals, aligned with specified state priorities, to be achieved for all students and for each numerically significant subgroup as defined in Education Code 52052. Pursuant to Education Code 52060, one measure of the state priority of student achievement is the percentage of students who have passed an Advanced Placement examination with a score of 3 or higher. At its discretion, the district's measures of student achievement could also include the percentage of all students and of each numerically significant student subgroup who pass IB examinations. See AR 0460 - Local Control and Accountability Plan.

INTERNATIONAL BACCALAUREATE PROGRAM (continued)

Pursuant to Education Code 52052, as amended by AB 104 (Ch. 13, Statutes of 2015), a numerically significant subgroup includes ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students, when there are at least 30 students in the subgroup (or at least 15 foster youth or homeless students) in the school or district. For schools or districts with 11-99 students, numerically significant student subgroups are defined by the Superintendent of Public Instruction with approval by the State Board of Education.

SB 416 (Ch. 538, Statutes of 2015) repealed Education Code 52921 which had required submission of certain program data to the CDE.

The Superintendent or designee shall regularly report to the Board regarding the number of students participating in the IB program and, as applicable, the percentage of participating students who pass the IB examination in each curricular area. Such reports shall include the participation and outcomes of numerically significant student subgroups as defined in Education Code 52052.

(cf. 0460 - Local Control and Accountability Plan) (cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

52052 Numerically significant student subgroups 52060-52077 Local control and accountability plan 52920-52922 International Baccalaureate Diploma program CODE OF REGULATIONS, TITLE 5

3840 Advanced Placement as program option for gifted and talented students

UNITED STATES CODE, TITLE 20

6534 Advanced Placement exam fee program

Management Resources:

WEB SITES

CSBA: http://www.csba.org

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

College Board: http://www.collegeboard.org/ap

Great Schools: www.greatschools.org

International Baccalaureate: http://www.ibo.org U.S. Department of Education: http://www.ed.gov Instruction BP 6190(a)

EVALUATION OF THE INSTRUCTIONAL PROGRAM



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

The Governing Board recognizes that it is accountable to students, parents/guardians, and the community for the effectiveness of the district's educational program in meeting district goals for student learning. The Superintendent or designee shall conduct a continual evaluation of the curriculum and the instructional program in order to improve student achievement.

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(cf. 0200 - Goals for the School District)
(cf. 0500 - Accountability)
(cf. 6000 - Concepts and Roles)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
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Note: The district may revise the following paragraph to specify the data and reports that will be used to evaluate the district's instructional program.

Historically, California's accountability system has been based on both federal and state requirements. Federal law requires a determination as to whether schools and districts make "adequate yearly progress" (AYP) pursuant to 20 USC 6311. The state accountability system is in a state of flux, with the Academic Performance Index (API) no longer being calculated and the State Board of Education likely to adopt a multiple-measures accountability system that is aligned with the state priority areas specified in Education Code 52060. Education Code 52060-52061 require that the district's local control and accountability plan (LCAP) establish goals for all students and for each numerically significant subgroup that are aligned with the state priorities, and that the district annually review progress toward the goals; see BP/AR 0460 - Local Control and Accountability Plan. Pursuant to Education Code 52052, numerically significant student subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and, as amended by AB 104 (Ch. 13, Statutes of 2015), homeless students, when the subgroup consists of at least 30 students with a valid test score or 15 foster or homeless youth.

The Superintendent or designee shall provide the Board and the community with regular reports on student progress toward Board-established standards of expected achievement at each grade level in each area of study. In addition, he/she shall evaluate and report data for each district school and for every numerically significant student subgroup, as defined in Education Code 52052, including, but not limited to, school and subgroup performance on statewide achievement indicators and progress toward goals specified in the district's local control and accountability plan (LCAP).

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(cf. 0460 - Local Control and Accountability Plan)
(cf. 0510 - School Accountability Report Card)
(cf. 6011 - Academic Standards)
(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - State Academic Achievement Tests)
(cf. 6162.52 - High School Exit Examination)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6174 - Education for English Language Learners)
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Based on these reports, the Board shall take appropriate actions to maintain the effectiveness of programs and to improve the quality of education that district students receive.

Annual Monitoring of Consolidated Application Programs

Note: The following **optional** section should be revised to reflect district practice. Pursuant to Education Code 64000-64001, the consolidated application is used by the California Department of Education (CDE) to distribute funds from certain federal categorical programs. For 2015-16, these programs include (1) Title I, Part A basic grant (low-income students); (2) Title I, Part D (delinquent students); (3) Title II, Part A (teacher quality); (4) Title III, Part A (immigrant students); (5) Title III, Part A (English learners); and (6) Title VI, Part B (rural, low-income students). As a condition of receiving continued funding for these programs, the district must make certain general assurances and certifications, including an assurance that the district's annual evaluation of categorical programs demonstrates that each program is "not one of low effectiveness" (5 CCR 3942). The district does not need to sign or return the general assurances, but does need to keep them on file for compliance reviews, complaint investigations, or audits.

Pursuant to 5 CCR 3942, criteria for the annual program evaluation are to be established by the Governing Board. In order to consolidate the district's various evaluation processes, the district may consider the progress of numerically significant student groups, in addition to other measures of student progress contained in school plans or adopted by the Board.

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The Board and the Superintendent or designee shall annually determine whether the district's categorical programs funded through the state's consolidated application are effective in meeting the needs of the students they are intended to serve. As a basis for this evaluation, the Superintendent or designee shall recommend for Board approval the specific, measurable criteria that shall be used at each school and at the district level. These criteria may include, but are not necessarily limited to, the progress of all students and of each numerically significant subgroup toward goals contained in the district's LCAP, the school's single plan for student achievement, Title I local educational agency plan, and/or other applicable district or school plans.

Federal Program Monitoring

Note: Pursuant to Education Code 64001, the CDE is required to monitor the district's compliance with legal requirements for categorical programs. This monitoring is accomplished through the Federal Program Monitoring (FPM) process, which is based on a combination of data and document reviews and on-site visits. Districts are assigned to one of four cycles, and may be selected for on-site or online monitoring every two years. Districts and school sites are selected based on criteria that include compliance history, academic achievement, program size, and fiscal analysis, with several districts being randomly selected for monitoring each year. During the FPM process, the CDE reviews school plans and may require a district to submit district policies, administrative regulations, or any other data necessary for the CDE to effectively monitor these programs. The CDE has developed monitoring instruments which contain major program legal requirements and are used by CDE staff to determine district compliance with the requirements. These instruments are available on the CDE's web site. Also, beginning in 2015, the CDE is transitioning to a new application, the California Monitoring Tool, to facilitate districts' response to state and federal requirements for program monitoring.

The following paragraph is **optional**. The CDE does not require districts to complete a self-review as part of the FPM process. However, the CDE emphasizes that compliance monitoring should be an ongoing responsibility of the district, not an event that occurs only when the CDE conducts its on-site monitoring. The FPM program instruments may be useful for this purpose.

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To ensure that the district's categorical programs comply with applicable legal requirements, the Superintendent or designee shall, on an ongoing basis, conduct a district self-evaluation which may utilize tools developed by the district or the California Department of Education (CDE).



When the district is selected by the CDE for a Federal Program Monitoring (FPM) compliance review, the Superintendent or designee shall gather and submit all documentation and data required for the review and shall cooperate with CDE staff to facilitate program monitoring.

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(cf. 0410 - Nondiscrimination in District Programs and Activities)
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(cf. 0420 - School Plans/Site Councils)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 0520.3 - Title I Program Improvement Districts)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

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

(cf. 4131 - Staff Development)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5148 - Child Care and Development Programs)

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6020 - Parent Involvement)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6171 - Title I Programs)

(cf. 6173 - Education for Homeless Children)

(cf. 6175 - Migrant Education Program)

(cf. 6178 - Career Technical Education)

(cf. 6178.1 - Work-Based Learning)

(cf. 6200 - Adult Education)

Note: According to the CDE's <u>FPM Frequently Asked Questions</u>, available on its web site, if the review results in a finding of noncompliance with legal requirements, the district must submit a Proposed Resolution of Findings through the CMT within 45 days of the date that the district was notified of the finding. The resolution agreement will specify a time period, not to exceed 225 calendar days from the last day of the review, to resolve the finding. The district may request additional resolution time if needed, and the CDE program monitor will determine whether to grant or adjust the request.

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In the event that the FPM review results in a finding of noncompliance in relation to any program, the Superintendent or designee shall submit a proposed resolution to the CDE within 45 days of the date the district was notified of the finding. The resolution shall be implemented in accordance with the terms and timeframe specified in the resolution agreement with the CDE.

The Superintendent or designee shall report to the Board regarding the results of the review process.

N/A

Western Association of Schools and Colleges (WASC) Accreditation

Note: The following optional section is for use by districts that participate in the evaluation process leading to accreditation by the Western Association of Schools and Colleges (WASC). WASC is a private, nonprofit organization whose Accrediting Commission for Schools provides regular assessments of public and private schools in order to support ongoing improvement of the educational program. The term of the accreditation process varies from one to six years, as determined by WASC. Districts may seek accreditation for both elementary and secondary schools and may revise the following section to specify schools that will seek accreditation (e.g., only secondary schools and/or middle schools). Districts also may revise the following section to apply to any other accrediting agency.

The Board believes that accreditation by the Western Association of Schools and Colleges (WASC) can foster excellence and ongoing academic improvement in the district's schools. The results of the accreditation process also may demonstrate to parents/guardians and the community that the schools are meeting their goals and objectives and the WASC criteria for school effectiveness through a viable instructional program.

The Superintendent or designee shall undertake procedures whereby district schools may achieve and maintain full WASC accreditation status. The schools shall conduct a self-study in accordance with WASC requirements, cooperate with the WASC committee during a site visit, and develop and review action plans to increase the effectiveness of the instructional program for students. The Superintendent or designee shall regularly report to the Board on the status of district schools and any WASC recommendations for school improvement.

The results of any inspection of a school by WASC, or any other the accrediting agency, shall be published not later than 60 days after the results are made available to the school.

Publication shall be by notifying each parent/guardian in writing and/or by posting the information on the district's or school's web site, as determined by the Superintendent or designee. (Education Code 35178.4)

(cf. 1113 - District and School Web Sites) (cf. 5145.6 - Parental Notifications)

If any district school loses its accreditation status, the Board shall give official notice at a regularly scheduled Board meeting. The Superintendent or designee shall provide written notification to each parent/guardian of a student in the school that the school has lost its accreditation status, including the potential consequences of the loss of accreditation status. This notice shall also be posted on the district's web site and the school's web site. (Education Code 35178.4)

Legal Reference:

EDUCATION CODE

33400-33407 Educational evaluations

35178.4 Notice of accreditation status

44662 Evaluation and assessment guidelines, certificated employee performance

48985 Compliance with translation of parental notifications

51041 Education program, evaluation and revisions

51226 Model curriculum standards

52052-52052.1 Academic Performance Index; numerically significant student subgroups

52060-52077 Local control and accountability plan

62005.5 Failure to comply with purposes of funds

64000-64001 Consolidated application process

CODE OF REGULATIONS, TITLE 5

3930-3937 Program requirements

3942 Continuity of funding

UNITED STATES CODE, TITLE 20

6311 Adequate yearly progress

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

FPM Frequently Asked Questions

Federal Program Monitoring Instruments

WESTERN ASSOCIATION OF SCHOOLS AND COLLEGES PUBLICATIONS

Focus on Learning Joint WASC/CDE Process Guide, 2014

WEB SITES

CSBA: http://www.csba.org

California Department of Education, Testing and Accountability: http://www.cde.ca.gov/ta Western Association of Schools and Colleges (WASC), Accrediting Commission for Schools:

http://www.acswasc.org

SAN PASQUAL UNION SCHOOL DISTRICT COLLECTION ADVICE FOR THE MONTH OF NOVEMBER 2015

INCOME:

Garden Fund-Pumpkins	\$257.00
Total	\$257.00
REIMBURSEMENT:	
Lunch	\$5,586.00
Snacks	\$172.00
School Nutrition-Federal/Sept. '15	\$6,927.51
School Nutrition-State/Sept. '15	\$514.39
Preschool Lunches	\$88.00
Field Trip-Kind.	\$440.00
Field Trip-3rd Grade	\$166.00
PE Uniforms	\$20.00
Health Premiums-Bostrom, Wilson	\$1,458.45
Personal Phone Usage	\$165.51
Preschool Tuition	\$11,474.00
Kids Club Tuition	\$12,258.00
Total	\$39,269.86
GRAND TOTAL	<u>\$39,526.86</u>

SAN PASQUAL UNION SCHOOL DISTRICT MONTHLY LIST OF REVOLVING CASH FUND PAYMENT **FOR NOBEMBER 2015**

NO ACTIVITY FOR THE MONTH OF NOVEMBER 2015

CERTIFICATION OF APPROVAL OF REVOLVING CASH FUND PAYMENTS

I hereby certify that the governing Board in its meeting December 8, 2015 aproved the list of Revolving Cash Fund Payments for the month of November 2015.

Date Shannon Hargrave, District Superintendent

PURCHASE ORDER REPORT NOVEMBER 2015

PO Number	Date	Supplier	Description	Fund	Amount
0000000377	11/9/2015	RENAISSANCE LEARNING, INC.	STAR MATH & READING	0100	353.00
0000000378	11/13/2015	SEHI COMPUTER PRODUCTS, INC.	PRINTER SUPPLIES	0100	208.40
0000000379	11/13/2015	DOCUMENT TRACKING SERVICES	DTS FORMS	0100	395.00
0000000380	11/16/2015	BIRCH AQUARIUM AT SCRIPPS	FIELD TRIP-2ND GRADE	0100	437.25
0000000381	11/18/2015	SCHOOL SPECIALTY	O.T. SUPPLIES	0100	323.48

COMMERCIAL WARRANT REPORT NOVEMBER 2015

Supplier ID	Supplier	Payment Date	Amount	Description
0000000141	NICOLE DEVINE	11/5/2015		REIMB MILEAGE PARENT TRANSPORT
0000000142	A-OK POWER EQUIPMENT	11/5/2015	445.79	CUSTODIAL REPAIR
A00001	A&R FOODS DISTRIBUTORS	11/5/2015	351.78	CAFETERIA FOOD
B00450	BUCK, LINDSAY	11/5/2015		REMB SUPPLIES
G00070	GALASSO'S BAKERY	11/5/2015	49.59	BAKERY SERVICE
P00025	P&R PAPER SUPPLY COMPANY	11/5/2015	301.95	CAFETERIA SUPPLIES
S01161	SUNRISE PRODUCE	11/5/2015	644.95	CAFETERIA PRODUCE
U00401	US FOODS	11/5/2015	4,017.75	CAFETERIA FOOD
W00270	WELLS FARGO BD OPERATIONS	11/6/2015		CREDIT CARD PAYMENT HARGRAVE
W00271	WELLS FARGO BD OPERATIONS	11/6/2015		CREDIT CARD PAYMENT SIFUENTES
W00272	WELLS FARGO	11/6/2015		CREDIT CARD PYMENT BOSTROM
W00275	WELLS FARGO	11/6/2015	814.48	CREDIT CARD PAYMENT BROWN
0000000053	PCH EQUIPMENT SOLUTIONS	11/9/2015	491.98	CUSTODIAL EQUIPMENT
0000000056	US GAMES/BSN SPORTS	11/9/2015	176.90	PLAYGROUND EQUIPMENT
0000000059	ROSETTA STONE LTD.	11/9/2015	6,147.00	CURRICULUM SOFTWARE
0000000064	WESS TRANSPORTATION SERVICES INC	11/9/2015	1,772.16	CONTRACTED BUS SERVICE
0000000067	REPUBLIC SERVICES	11/9/2015	554.17	TRASH & RECYCLING SERVICE
000000102	SOLIANT HEALTH, INC.	11/9/2015	1,883.75	SCHOOL OCCUPATIONAL THERAPIST
0000000143	J.E.T.S.	11/9/2015	110.00	STAFF CPR TRAINING
0000000144	ESCONDIDO HISTORY CENTER	11/9/2015	159.00	FIELD TRIP
A00600	AT&T	11/9/2015	540.93	TELEPHONE/LONG DISTANCE SERVICE
B00050	B&B LOCK & SAFE	11/9/2015	31.24	MAINTENANCE REPAIR
C00370	CHEVRON USA INC.	11/9/2015	259.07	TRUCK/VAN FUEL
C00399	CHRISTY WHITE ACCOUNTANCY CORP	11/9/2015	4,027.50	AUDIT SERVICES
C00590	COUNTY OF SAN DIEGO	11/9/2015	309.00	CAFETERIA LICENSE RENEWAL
D00100	DEMCO, INC	11/9/2015	66.31	LIBRARY SUPPLIES
G00245	GOLDEN STATE TIRE	11/9/2015	330.94	TIRE REPAIR SERVICE
H00170	SHANNON HARGRAVE	11/9/2015	248.78	REIMB SUPPLIES
H00215	HAWTHORNE MACHINERY CO	11/9/2015	428.12	CUSTODIAL RENTAL
L00585	LOZANO SMITH, LLP	11/9/2015	267.75	ATTORNEY SERVICES
O00101	OFFICE DEPOT, INC.	11/9/2015	1,254.08	SUPPLIES
R00190	KIM READ-SMITH	11/9/2015	44.24	REIMB VAPA SUPPLIES
R00400	RIVERSIDE PUBLISHING CO.	11/9/2015	77.06	SPECIAL ED MATERIALS
S00130	SAN DIEGO COUNTY SUPERINTENDENT	11/9/2015	216.15	TEACHER COPIES
S00950	SPEECH SERVICES, INC	11/9/2015	4,798.75	SPEECH CONSULTANT
S01170	SUPREME SCHOOL SUPPLY COMPANY	11/9/2015	164.44	ATTENDANCE/OFFICE SUPPLIES
W00200	WAXIE SANITARY SUPPLY	11/9/2015	251.17	CUSTODIAL SUPPLIES
W00289	WESCO	11/9/2015	390.10 [MAINTENANCE SUPPLIES
D00129	DIGITAL NETWORK GROUP, INC.	11/10/2015	10,867.32	SOUND EQUIPMENT/INSTALLATION
C00110	CA SCHOOL BOARD ASSOCIATION	11/12/2015		TRAVEL/CONFERENCE
E00165	EDUCATORS PUBLISHING SERVICE	11/12/2015		CURRICULUM
P00995	PZA GUY, INC.	11/12/2015	1,008.00	CAFETERIA FOOD - PIZZA
0000000127	AURELIO AGUILAR	11/13/2015		CUSTODIAL SERVICES
0000000085	BATTERY SYSTEMS INC	11/18/2015	85.80 (CUSTODIAL SUPPLIES
0000000086	S D COUNTY OFFICE OF EDUCATION	11/18/2015	1,972.54 F	RETIREE HEALTH BENEFITS
	ERRIN ARNOLD	11/18/2015	•	REIMB SUPPLIES HARVEST NGT
0000000099	ERIN O'CARROLL	11/18/2015		REIMB SUPPLIES HARVEST NGT
H00110	HAL'S SPORT SHOP	11/18/2015		MAINTENANCE SUPPLIES
0000000094	READY LINE FLEET SERVICE INC	11/19/2015		BUS MAINTENANCE & REPAIR SERVI
000000102	SOLIANT HEALTH, INC.	11/19/2015		SCHOOL OCCUPATIONAL THERAPIST
0000000117	JOLLY TECHNOLOGIES INC.	11/19/2015		OFFICE SUPPLIES

COMMERCIAL WARRANT REPORT NOVEMBER 2015

000000136	GST	11/19/2015	124.02 PROJECTION SCREEN	
A00475	AR VERTABRATE PEST CONTROL	11/19/2015	975.00 PEST CONTROL	
C00260	CANON SOLUTIONS AMERICA, INC.	11/19/2015	1,752.83 COPIER SERVICE CONTRACT	
D00205	DOCUMENT TRACKING SERVICES	11/19/2015	395.00 DTS ADD-ON	
H00500	HOLLANDIA DAIRY	11/19/2015	1,824.22 MILK, JUICE, DAIRY PRODUCTS	
H00530	HOME DEPOT	11/19/2015	424.63 CUSTODIAL SUPPLIES	
M00382	MITEL LEASING	11/19/2015	481.69 PHONE LEASE PAYMENT	
O00101	OFFICE DEPOT, INC.	11/19/2015	291.76 RED BARN ART SUPPLIES	
P00491	PITNEY BOWES/PURCHASE POWER	11/19/2015	204.94 POSTAGE	
R00036	R&R CONTROLS	11/19/2015	288.00 MAINTENANCE SERVICE/TRAINING	
R00100	RADY CHILDREN'S HOSPITAL-	11/19/2015	2,745.15 SCREENING/HEALTH SERVICES	
R00250	RENAISSANCE LEARNING, INC.	11/19/2015	353.00 STAR READING SPANISH /MATH	
R00300	REVOLVING CASH FUND	11/19/2015	670.00 REIMB REVOLVING CASH	
S00140	SAN DIEGO GAS & ELECTRIC	11/19/2015	17,227.97 GAS & ELECTRIC SERVICE	
S00798	SMART & FINAL	11/19/2015	778.26 PRESCHOOL/KIDS CLUB SNACKS	
S01169	SUPREME OIL COMPANY	11/19/2015	622.88 BUS FUEL	
T00805	TURBOSCAPE, INC.	11/19/2015	4,940.00 WOODCHIPS DELIVER AND INSTALL	
V00060	VERIZON WIRELESS	11/19/2015	244.99 OFFICE COMMUNICATION	
V00218	VISTA HILL-COMMUNITY SERVICE	11/19/2015	5,013.00 COUNSELING SERVICE	
W00200	WAXIE SANITARY SUPPLY	11/19/2015	139.21 CUSTODIAL SUPPLIES	



WELLS FARGO® BUSINESS CARD VISA

Page 1 of 4

Prepared For	SAN PASQUAL UNION SCHOOL SHANNON L HARGRAVE
Account Number	
Statement Closing Date	10/23/15
Days in Billing Cycle	30
Next Statement Date	11/24/15
Credit Line	\$15,750

For 24-Hour Customer Service Call: 800-225-5935

Inquiries or Questions:

WF Business Direct PO Box 348750 Sacramento, CA 95834

Payments:

\$14,496

Payment Remittance Center PO Box 6426 Carol Stream, IL 60197-6426

Payment Information

Available Credit

New Balance	\$1,253.39
Current Payment Due	\$25.00
Current Payment Due Date	11/13/15

If you wish to pay off your balance in full: The balance noted on your statement is not the payoff amount. Please call 800-225-5935 for payoff information.

Account Summary

Previous Balance		\$2,521.69
Credits	•	\$0.00
Payments	.=	\$2,521.69
Purchases & Other Charges	+	\$1,253.39
Cash Advances	+	\$0.00
Finance Charges	+	\$0.00
New Balance	=	\$1,253.39

Rate Information

Your rate may vary according to the terms of your agreement.

TYPE OF BALANCE	ANNUAL INTEREST RATE	DAILY FINANCE CHARGE RATE	AVERAGE DAILY BALANCE	PERIODIC FINANCE CHARGES	TRANSACTION FINANCE CHARGES	TOTAL FINANCE CHARGES
PURCHASES	9.750%	.02671%	\$0.00	\$0.00	\$0.00	\$0.00
CASH ADVANCES	23.990%	.06572%	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL				\$0.00	\$0.00	\$0.00

Important Information

Effective immediately, the address you've been sending your payment to has changed. Please send all future payments to:

Payment Remittance Center

PO Box 6426

Carol Stream, IL 60197-6426

In order to ensure on time payments, you must use this address for all future payments.

See reverse side for important information.

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Tran	sactio	on Details			
Trans	Post	Reference Number	Description	Credits	Charges
10/07	10/07	24164078T8NFF861P	VONS Store00023440 ESCONDIDO CA		69.83
10/14	10/14	7485620900A95J6AS	Branch Payment - Check	2,521.69	
10/17	10/17	240195194HE1J6PFG	SAN DIEGO REPAIR CENTER 760-8896611 CA	·	49.99
10/17	10/17	240195194HE1J6PFP	SAN DIEGO REPAIR CENTER 760-8896611 CA		49.99
10/17	10/17	240195194HE1J6PFZ	SAN DIEGO REPAIR CENTER 760-8896611 CA		130.00
10/17	10/17	240195194HE1J6PHH	SAN DIEGO REPAIR CENTER 760-8896611 CA		49.99
10/17	10/17	240195194HE1J6PHT	SAN DIEGO REPAIR CENTER 760-8896611 CA		130.00
10/17	10/17	240195194HE1J6PH9	SAN DIEGO REPAIR CENTER 760-8896611 CA		49.99
10/19	10/19	2443106940D181G5H	FEA 650-692-4300 CA		545.00
10/19	10/19	244310696PZW1ZG0L	ALASKA AIR 0272180600026 SEATTLE WA		(178.60)
		01/26/16	HARGRAVE/SHANNON		
		1 AS K	SAN DIEGO MONTEREY		
		2 AS K	MONTEREY SAN DIEGO		

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Prepared For	SAN PASQUAL UNION SCHOOL CECILIA Q BOSTROM
Account Number	
Statement Closing Date	10/23/15
Days in Billing Cycle	30
Next Statement Date	11/24/15
Credit Line	\$1,000
Available Credit	\$785

For 24-Hour Customer Service Call: 800-225-5935

Inquiries or Questions: WF Business Direct PO Box 348750 Sacramento, CA 95834

Payments:

Payment Remittance Center PO Box 6426 Carol Stream, IL 60197-6426

Payment Information

New Balance	\$214.20
Current Payment Due	\$25.00
Current Payment Due Date	11/13/15

If you wish to pay off your balance in full: The balance noted on your statement is not the payoff amount. Please call 800-225-5935 for payoff information.

Account Summary

Previous Balance		\$293.05
Credits	P1	\$0.00
Payments	583	\$293.05
Purchases & Other Charges	+	\$214.20
Cash Advances	+	\$0.00
Finance Charges	+	\$0.00
New Balance	#19 (\$214.20

Rate Information

Your rate may vary according to the terms of your agreement.

TYPE OF BALANCE	ANNUAL INTEREST RATE	DAILY FINANCE CHARGE RATE	AVERAGE DAILY BALANCE	PERIODIC FINANCE CHARGES	TRANSACTION FINANCE CHARGES	TOTAL FINANCE CHARGES
PURCHASES	10,240%	.02805%	\$0.00	\$0.00	\$0.00	\$0.00
CASH ADVANCES	23.990%	.06572%	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL					\$0.00	\$0.00

Important Information

Effective immediately, the address you've been sending your payment to has changed. Please send all future payments to:

Payment Remittance Center

PO Box 6426

Carol Stream, IL 60197-6426

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Tran	sactio	on Details			
Trans	Post	Reference Number	Description	Credits	Charges
09/25	09/25	24801978Q0RB4HYR6	STARBUCKS EGIFTCARD 877-850-1977 ME		20.00
10/08	10/08	24431068XPZW3L22P	ALASKA AIR 0272179905914 SEATTLE WA		194.20
		01/12/16	BURROUGHS/MARK		
		1 AS K	SAN DIEGO MONTEREY		
		2 AS V	MONTEREY SAN DIEGO		
10/14	10/14	7485620900A95J6DD	Branch Payment - Check	293.05	

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Prepared For	SAN PASQUAL UNION SCHOOL RAYMUNDO SIFUENTES			
Account Number	3.37.74			
Statement Closing Date	10/23/15			
Days in Billing Cycle	30			
Next Statement Date	11/24/15			

Credit Line	\$3,000
Available Credit	\$1,575

For 24-Hour Customer Service Call: 800-225-5935

Inquiries or Questions:

WF Business Direct PO Box 348750 Sacramento, CA 95834

Payments:

Payment Remittance Center PO Box 6426 Carol Stream, IL 60197-6426

Payment Information

New Balance	\$1,424.10
Current Payment Due	\$28.00
Current Payment Due Date	11/13/15

If you wish to pay off your balance in full: The balance noted on your statement is not the payoff amount. Please call 800-225-5935 for payoff information.

Account Summary

The same and the s		
Previous Balance		\$237.91
Credits	•	\$12.17
Payments	*	\$237.91
Purchases & Other Charges	+	\$1,436.27
Cash Advances	+	\$0.00
Finance Charges	+	\$0.00
New Balance	=	\$1,424.10

Rate Information

Your rate may vary according to the terms of your agreement

TYPE OF BALANCE	ANNUAL INTEREST RATE	DAILY FINANCE CHARGE RATE	AVERAGE DAILY BALANCE	PERIODIC FINANCE CHARGES	TRANSACTION FINANCE CHARGES	TOTAL FINANCE CHARGES
PURCHASES	10.240%	.02805%	\$0.00	\$0.00	\$0.00	\$0.00
CASH ADVANCES	23.990%	.06572%	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL					\$0,00	\$0.00

Important Information

Effective immediately, the address you've been sending your payment to has changed.

Please send all future payments to:

Payment Remittance Center

PO Box 6426

Carol Stream, IL 60197-6426

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See reverse side for important information.

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1 0 5921 0300 BXIF 01DQ5596



Transaction Details Trans Post Reference Number Description Credits Charges 09/22 09/24 24767898AA5FYHTAH AC AUTOMOTIVE ESCONDIDO CA 417.80 09/23 09/24 24755428B3J7VPH7V WW GRAINGER 877-2022594 PA 84.68 09/23 09/24 24755428B3J7VPK01 WW GRAINGER 877-2022594 PA 24.53 09/24 09/24 24755428Q3J859PB7 WW GRAINGER 877-2022594 PA 95.93 09/30 09/30 74755428N3J9YGBDG WW GRAINGER PITTSBURGH PA 12.17 10/07 10/07 24632698T2XJJJGLA J AND W REDWOOD LUMBER CO ESCONDIDO CA 89.82 10/07 10/07 24792628T5SV50AQD WILLIAMSON-DICKIE 817-336-7201 TX 116.60 10/09 10/09 24445008V8PRSVQHM LITTLE CAESARS 1658 0002 ESCONDIDO CA 32.40 10/10 10/10 24692168V00WBM4E4 Amazon.com AMZN.COM/BILL WA 104.15 10/12 10/12 24431068Y5SF5E2LD AQUA BAR ESCONDIDO CA 6.00 10/12 10/12 24692168X00PX2EJM Amazon.com AMZN,COM/BILL WA 36.87 10/13 10/13 24231688Z61DK60TW 760-746-1132 CA SIGN-A-RAMA 162.00 10/13 10/13 24610438Z09FE7K7H THE HOME DEPOT 1053 ESCONDIDO CA 43.40 10/14 10/14 2444500905SD0KE6J U-HAUL MOVING & STORAGE A ESCONDIDO CA 44.35 10/14 10/14 24610439009FQD44B THE HOME DEPOT 1053 ESCONDIDO CA 68.16 10/14 10/14 7485620900A95J6A2 Branch Payment - Check 237.91 10/16 10/16 244921591S0SL8GT5 A PARTS 248-391-2300 MI 73.98 10/16 10/16 THE HOME DEPOT 1053 ESCONDIDO CA 24610439209FQD5N9 35.60

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WELLS FARGO® BUSINESS CARD

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Prepared For	SAN PASQUAL UNION SCHOO RHONDA M BROW		
Account Number			
Statement Closing Date	10/23/15		
Days in Billing Cycle	30		
Next Statement Date	11/24/15		
Credit Line	\$15,750		
Available Credit	\$14,847		

For 24-Hour Customer Service Call: 800-225-5935

Inquiries or Questions:

WF Business Direct PO Box 348750 Sacramento, CA 95834

Payments:

Payment Remittance Center PO Box 6426 Carol Stream, IL 60197-6426

Payment Information

1-2

New Balance	\$814.48
Current Payment Due	\$25.00
Current Payment Due Date	11/13/15

If you wish to pay off your balance in full: The balance noted on your statement is not the payoff amount. Please call 800-225-5935 for payoff information.

Account Summary

Previous Balance		\$10,106.92
Credits	•	\$3,918.42
Payments	÷	\$10,106.92
Purchases & Other Charges	+	\$4,732.90
Cash Advances	+	\$0.00
Finance Charges	+	\$0.00
New Balance	=	\$814.48

Rate Information

Your rate may vary according to the terms of your agreement.

TYPE OF BALANCE	ANNUAL INTEREST RATE	DAILY FINANCE CHARGE RATE	AVERAGE DAILY BALANCE	PERIODIC FINANCE CHARGES	TRANSACTION FINANCE CHARGES	TOTAL FINANCE CHARGES
PURCHASES	10.240%	.02805%	\$0.00	\$0.00	\$0.00	\$0.00
CASH ADVANCES	23.990%	.06572%	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL				\$0.00	\$0.00	\$0.00

Important Information

Effective immediately, the address you've been sending your payment to has changed. Please send all future payments to:

Payment Remittance Center

PO Box 6426

Carol Stream, IL 60197-6426

In order to ensure on time payments, you must use this address for all future payments.

ahonda Brown

See reverse side for important information.

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10 5921 0300 BXIF 01DQ5596



Tran	sacti	on Details			
Trans	Post	Reference Number	Description	Credits	Charges
09/28	09/28	24492158FS1BFX699	PAYPAL *ONCHEE TECH 402-935-7733 CA	~	44.21
09/28	09/28	24692168F00E9X4DS	Amazon,com AMZN.COM/BILL WA		77.60
09/30	09/30	24639238JS66DV8FF	SMALL SCHOOL DISTRICTS AS916-6627213 CA		1,787.05
09/30	09/30	24692168H00QE3D50	AMAZON MKTPLACE PMTS AMZN.COM/BILL WA		25.96
10/01	10/01	24492158JS1DS84NR	MONOPRICE COM 909-989-6887 CA		16.49
10/01	10/01	24692168J00WGS2JD	AMAZON MKTPLACE PMTS AMZN.COM/BILL WA		77.88
10/02	10/02	74692168K00M9XRZ0	AMAZON MKTPLACE PMTS AMZN.COM/BILL WA	√ 507.92	,,,,,,
10/03	10/03	24692168L00WTZ3BF	Amazon.com AMZN.COM/BILL WA	******	281.86
10/03	10/03	24692168L00X0QDF8	Amazon.com AMZN.COM/BILL WA		281.86
10/05	10/05	24436548P06SHE362	BUYQUEST.COM 866-9523334 NY		166.00
10/06	10/06	F5921008P000AO279	REFUND OF OVERLIMIT FEE	39.00	100.00
10/08	10/08	24224438S30VNLT8Y	MAYER JOHNSON 412-381-4883 PA		59.90
10/09	10/09	24431068XPZW1NA6P	ALASKA AIR 0272179987068 SEATTLE WA		204.20
		11/18/15	BROWN/RHONDA		201.20
		1 AS K	SAN DIEGO MONTEREY		
		2 AS L	MONTEREY SAN DIEGO		
10/14	10/14	244310690KJ18HTE1	FASTRAK CSC 415-486-8655 CA		25.00
10/14	10/14	24692168Z00PE252W	Amazon.com AMZN.COM/BILL WA		30.23
10/14	10/14	24692168Z00PQW50Q	Amazon.com AMZN.COM/BILL WA		21.47
10/14	10/14	7485620900A95J6B2	Branch Payment - Check	10,106.92	
10/16	10/16	240710593WPAJ7P8E	ALL SPORTS UNIFORMS 877-8953537 GA	,,,,,,	779.70
10/16	10/16	240710593WPAJ7P8Z	ALL SPORTS UNIFORMS 877-8953537 GA		509.80
10/16	10/16	24692169100JS29Z8	Amazon.com AMZN.COM/BILL WA		10.10
10/16	10/16	24692169100K944KY	Amazon.com AMZN.COM/BILL WA		69.11
10/21	10/21	244310696KJ1AARM4	FASTRAK CSC 415-486-8655 CA		25.00
10/21	10/21	24431069760MM9BH4	POWER SYSTEMS 865-769-8223 TN		148.85
10/21	10/21	24692169600AZ4QNM	AMAZON MKTPLACE PMTS AMZN.COM/BILL WA		16.99
10/21	10/21	246921696005EE6BB	AMAZON MKTPLACE PMTS AMZN.COM/BILL WA		31.69
10/21	10/21	2469216960085GD20	AMAZON MKTPLACE PMTS AMZN.COM/BILL WA		41.95
10/21	10/21	746921696007NVKTJ	WWW.NEWEGG.COM 800-390-1119 CA	/ 3,371.50	

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SAN PASQUAL UNION SCHOOL DISTRICT GOVERNING BOARD RESOLUTION

Resolution #R15-16-04

A RESOLUTION OF THE BOARD OF EDUCATION OF THE SAN PASQUAL UNION SCHOOL DISTRICT ADOPTING THE FINDINGS CONTAINED IN THE ANNUAL DEVELOPER FEE REPORTS FOR FISCAL YEAR 2014-15

WHEREAS, pursuant to its authority under Education Code Section 17620 and Government Code Section 65995, the Board of Education has previously adopted and imposed statutory school fees for the 2014-15 fiscal year on residential, commercial, and industrial development ("Developer Fees") to mitigate the impact of new development on the San Pasqual Union School District ("District"); and

WHEREAS, the District has deposited all Developer Fees that it has received in a separate non-commingled capital facilities fund ("Capital Facilities Fund") established for such a purpose, pursuant to Government Code Section 66006(a) and (b); and

WHEREAS, the District has made available to the public within one hundred and eighty (180) days of the end of the 2014-15 fiscal year the Annual Developer Fee Reports for Fiscal Year 2014-14; and

WHEREAS, the District has reviewed the information provided in the Annual Developer Fee Reports and has determined the information contained therein to be true and correct; and

WHEREAS, the Annual Developer Fee Report was prepared in accordance with Government Code Section 66006(b) (1); and

WHEREAS, the District has mailed notice at least fifteen (15) days prior to this meeting to all interested parties who have requested notice of any meeting relative to the District's imposition of Developer Fees; and

WHEREAS, the Board of Education has reviewed and considered the Annual Developer Fee Reports at a duly noticed, regularly scheduled public meeting at least fifteen (15) days after the District made this information publicly available, pursuant to Government Code Section 66006(b)(2).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE SAN PASQUAL UNION SCHOOL DISTRICT AS FOLLOWS:

Section 1. The Board has reviewed the information provided in the Annual Developer Fee Reports, and finds it to be true and correct.

Section 2. The Board, based upon the information contained in the Annual Developer Fee Report, finds as follows:

Section 2.1 That the Annual Developer Fee Report describes the types of fees contained in the Capital Facilities Fund, including the amount of the fees, the beginning and ending balance of the Capital Facilities Fund, as well as the amount of fees collected, and the interest earned thereon.

Section 2.2 That the Annual Developer Fee Report identifies each public improvement on which Developer Fees were expended, and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with Developer Fees.

Section 2.3 That sufficient funds have not been collected to complete the financing on any incomplete public improvement.

Section 2.4 That there were no interfund transfers or loans made from the Capital Facilities Fund.

Section 2.5 That sufficient funds have not been collected to complete the financing of any incomplete public improvement, and that there were no refunds made of Developer Fees.

Section 3.1 That the purpose of Developer Fees imposed on new residential, commercial, and industrial development within the District is to fund the school facilities required to serve the additional grade K-12 students generated by such new development and that the Developer Fees will be used for the construction and/or acquisition of additional school facilities and the remodeling of exiting school facilities to provide additional capacity.

Section 3.2 That there is a proportional and reasonable relationship between the Developer Fees imposed on new development and the need for additional District school facilities because new development will generate new students to be enrolled in the District which will lead to increased need for school facilities, and that the Developer Fees imposed do not exceed the cost of providing such additional school facilities.

Section 3.3 That there is a further proportional and reasonable relationship between the unexpended Developer Fees contained in the Capital Facilities Fund and the need for additional school facilities because the Developer Fees imposed on new developments will not fully cover the costs of providing such school facilities for these new students.

Section 3.4 That the portion of the Capital Facilities Fund that remains unexpended will be used for the construction and/or acquisition of additional school facilities, remodeling existing school facilities in order to increase capacity, and the acquisition of additional portable classrooms to accommodate students generated from new development.

Section 3.5 That the funding anticipated to complete the financing of incomplete projects will be obtained from the State School Facilities Program and additional Developer Fees as set forth in the Five-Year Developer Fee Report.

Section 3.6 That the dates upon which the District's school facilities projects employing the unexpended funds in the Capital Facilities Fund will commence are not presently known.

Section 4. The Annual Developer Fee Reports have been made available to the public within one hundred and eighty (180) days after the last day of the fiscal year pursuant to Government Code Sections 66001(d) and 66006(b).

Section 5.	The District made the Annua	al Reports available for public review at least	
fifteen (15) days prior to the Board's consideration of these reports.			
Section 6.	The District mailed notice o	f the time and place of the Board meeting in	
which the Annual Developer Fee Reports would be considered, as well as the location where the			
reports could be reviewed, at least fifteen (15) days before the meeting, to each individual who			
had filed a written request for such notice.			
PASSED AND ADOPTED this 8 th day of December, 2015, the Governing Board of the San Pasqual Union School District of the San Diego County, California, by the following vote:			
AYES:NOES	S: ABSENT: A	ABSTAIN:	
I hereby certify that the foregoing is a full, true and correct copy of the resolution adopted by			
said Board of Trustees at a regularly called and conducted meeting held on said date and that the			
same has not been amended or repealed.			
President of the Board		Secretary or Clerk to the Board	

SAN PASQUAL UNION SCHOOL DISTRICT ANNUAL DEVELOPER FEE REPORT FOR FISCAL YEAR 2014-15

I. Introduction

This Annual Developer Fee Report for Fiscal Year 2014-15 ("Report") provides an annual accounting of school facilities fees collected by the San Pasqual Union School District ("District") during fiscal year 2014-15 as required by Government Code Section 66001(d) & 66006(b).

II. Description of School Facilities Fees in Capital Facilities Fund

The District collects school facilities fees from the owners of residential, commercial and industrial development projects to mitigate the costs of providing interim and permanent school facilities to students generated from such development projects. School facilities fees collected by the District consist of the following:

A. Fees collected pursuant to Education Code Section 17620 and Government Code Section 65995, referred to herein as Statutory School Fees, are currently in the amount of \$2.24 per square foot of residential development and \$0.36 per square foot of commercial and/or industrial development

The school facilities fees described in the Report do not include letters of credit, bonds, or other instruments to secure payment of school facilities fees at a later date.

III. Activity for Fiscal Year 2014-15

Beginning Balance of the Capital Facilities Fund as of 7/01/14	\$444,488.10
Statutory School Fees Collected	\$9,613.00
Interest Earned on Capital Facilities Fund	\$1,294.60
Less: Expenditures	(\$220,123.42)
Ending Balance of the Capital Facilities Fund as of 6/30/15	<u>\$235,272.28</u>