

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BUSINESS AND NON-INSTRUCTIONAL OPERATIONS INDEX BP 3000 SERIES

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| 3460 | BP | Financial Accounts and Accountability | 05/16/95 |
| 3460 | AR | Financial Accounts and Accountability | 05/16/06 |
| 3470 | BB | Debt Issuance and Management | 04/25/17 |
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| 3511 | BP | Energy and Water Conservation | 06/19/01 |
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| Number | Type | Title | Adoption/Revision/ Review Date |
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| 3513.3 | AR | Tobacco-Free Schools | 02/21/95 |
| 3514 | BP | Environmental Safety | 01/22/91 |
| 3514.1 | AR | Hazardous Substances | 01/22/91 |
| 3515 | BP | Campus Security | 06/25/19 |
| 3515 | AR | Campus Security | 06/25/19 |
| 3515.1 | AR | Crime Date Reporting | 05/07/02 |
| 3515.2 | BP | Disruptions | 09/16/03 |
| 3515.2 | AR | Disruptions | 09/16/03 |
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| 3515.5 | BP | Sex Offender Notification | 08/09/05 |
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| 3530 | BP | Insurance Management | 01/22/91 |
| 3540 | BP | Transportation | 01/22/91 |
| 3541 | BP | Transportation Routes and Services | 01/22/91 |
| 3541.1 | BP | School Related Trips | 01/22/91 |
| 3541.4 | BP | Transportation for Outside Groups | 01/22/91 |
| 3541.5 | BP | Alternative Transportation Arrangements | 01/22/91 |
| 3542 | BP | Authority of School Bus Drivers | 01/22/91 |
| 3542 | AR | School Bus Drivers | 05/20/03 |
| 3543 | AR | Transportation Safety and Emergencies | 03/14/02 |
| 3543.1 | AR | Procedures for Emergencies; Safety | 01/22/91 |
| 3550 | BP | Food Service/Child Nutrition Program | 06/11/19 |
| 3550 | AR | Food Service/Child Nutrition Program | 06/11/19 |
| 3551 | BP | Food Service Operations/Cafeteria Fund | 01/22/91 |
| 3553 | BP | Free and Reduced Price Meals | 05/17/05 |
| 3553 | AR | Free and Reduced Price Meals | 05/17/05 |
| 3554 | BP | Other Food Sales | 06/11/19 |
| 3554 | AR | Other Food Sales | 06/11/19 |
| 3555 | BP | Food Served on Campus by Other than Non-District Employees | 01/22/91 |
| 3556 | BP | Expense Reimbursement for District Functions | 09/15/92 |
| 3580 | BP | District Records | 03/21/00 |
| 3580 | AR | District Records | 03/21/00 |
| 3581 | AR | Care of District Records: Disposition of Records | 01/22/91 |

BOARD POLICY

BP 3000

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Concepts and Roles

The Board of Trustees recognizes that the business and other noninstructional operations of the District support the educational program by maximizing and prioritizing resources and providing a safe and healthy environment for students and staff. The Superintendent or designee shall ensure that the District's business and noninstructional operations are efficient and responsive to the needs of students, parents/guardians, staff, and the community.

The District shall maintain high standards of safety in the operation of facilities, equipment, and services. The Superintendent or designee shall establish a risk management program that promotes safety and protects district resources.

In the development of a District budget, the Board of Trustees and the Superintendent or designee shall establish a calendar that reflects the full budget cycle and a process that satisfies the requirements of the law, including opportunities for public input. The Superintendent or designee shall provide fiscal data and prepare a proposed budget document within the budget priorities and parameters set by the Board. The Board shall adopt a budget that is aligned with the District's vision and goals and enable the District to meet its fiscal obligations.

The Board of Trustees expects sound fiscal management from the administration. The Superintendent or designee shall administer the adopted budget in accordance with Board policies and accepted business practices.

The Board of Trustees shall monitor financial operations so as to ensure the District's fiscal integrity and accountability to the community. The Superintendent or designee shall complete all required financial reports, facilitate the independent audit process, recommend financial plans for meeting program needs, and keep the Board informed about the District's fiscal and noninstructional operations.

Legal Reference:

EDUCATION CODE

35035 Powers and duties of superintendent

35160 Authority of governing boards

35160.1 Broad authority of school district

35161 Powers and duties of governing boards

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: Understanding California's Public School Finance System, 2006

Maximizing School Board Governance: Budget Planning and Adoption, 2006

Maximizing School Board Governance: Understanding District Budgets, 2006

Maximizing School Board Governance: Fiscal Accountability, 2006

School Finance CD-ROM, 2005

Websites:

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

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

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

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

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

Policy Adopted: 11/27/90

Policy Revised: 11/04/14

BOARD POLICY

BP 3100

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Budget

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

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

The Board of Trustees shall adopt the budget only after a local control and accountability plan (LCAP) developed pursuant to Education Code 52060-52077 or an annual update to the LCAP is in place for the budget year. Expenditures necessary to implement the LCAP or the annual update during the subsequent fiscal year shall be included in the budget. (Education Code 42127)

Budget Development and Adoption Process

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

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

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

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

The budget that is formally adopted by the Board of Trustees shall be in the format prescribed by the Superintendent of Public Instruction. The Superintendent or designee may supplement this format with additional information as necessary to effectively communicate the budget to the Board of Trustees, staff, and public.

BOARD POLICY

BP 3100

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Budget (continued)

Budget Advisory Committee

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

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

Budget Criteria and Standards

The Superintendent or designee shall develop a district budget in accordance with criteria and standards adopted by the State Board of Education (SBE)

The budget shall provide that funding received through state supplemental and concentration grants pursuant to Education Code 42238.02 and 42238.03 shall be used in accordance with regulations adopted by the SBE for school wide or districtwide purposes to increase or improve services for students who are English learners, eligible for free or reduced-price meals, and/or foster youth at least in proportion to the increase to the District's revenue generated from such funds.

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

Fund Balance

The District shall classify fund balances in compliance with Governmental Accounting Standards Board (GASB) Statement 54, as follows:

1. Nonspendable fund balance includes amounts that are not expected to be converted to cash, such as resources that are not in a spendable form (e.g., inventories and prepaids) or that are legally or contractually required to be maintained intact.
2. Restricted fund balance includes amounts constrained to specific purposes by their providers or by law.

BOARD POLICY

BP 3100

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Budget (continued)

3. Committed fund balance includes amounts constrained to specific purposes by the Board.

For this purpose, all commitments of funds shall be approved by a majority vote of the Board. The constraints shall be imposed no later than the end of the reporting period of June 30, although the actual amounts may be determined subsequent to that date but prior to the issuance of the financial statements.

4. Assigned fund balance includes amounts which the Board or its designee intends to use for a specific purpose.

The Board delegates authority to assign funds to the assigned fund balance to the Superintendent or designee and authorizes the assignment of such funds to be made any time prior to the issuance of the financial statements.

5. Unassigned fund balance includes amounts that are available for any purpose.

When multiple types of funds are available for an expenditure, the District shall first utilize funds from the restricted fund balance as appropriate, then from the committed fund balance, then from the assigned fund balance, and lastly from the unassigned fund balance.

To protect the District against unforeseen circumstances such as revenue shortfalls and unanticipated expenditures, the Board intends to maintain a minimum unassigned fund balance which includes a reserve for economic uncertainties equal to at least two months of general fund operating expenditures, or 17 percent of general fund expenditures and other financing uses.

If the unassigned fund balance falls below this level due to an emergency situation, unexpected expenditures, or revenue shortfalls, the Board shall develop a plan to recover the fund balance which may include dedicating new unrestricted revenues, reducing expenditures, and/or increasing revenues or pursuing other funding sources.

Long-Term Financial Obligations

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

BOARD POLICY

BP 3100

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Budget (continued)

The Board of Trustees shall approve a plan for meeting the District's long-term obligations to fund nonpension, other postemployment benefits (OPEBs). This plan shall include a specific funding strategy and the method that will be used to finance the District's annual fiscal obligations for such benefits in a manner that continually reduces the deficit to the District to the extent possible. The Board of Trustees reserves the authority to review and amend the funding strategy as necessary to ensure that it continues to serve the best interests of the District and maintains flexibility to adjust for changing budgetary considerations.

When the Superintendent or designee presents a report to the Board of Trustees on the estimated accrued but unfunded cost of OPEBs, the Board of Trustees shall disclose, as a separate agenda item at the same meeting, whether or not it will reserve a sufficient amount of money in its budget to fund the present value of the benefits of existing retirees and/or the future cost of employees who are eligible for benefits in the current fiscal year. (Education Code 42140)

When the Superintendent or designee presents a report to the Board on the estimated accrued but unfunded cost of workers' compensation claims, the Board shall disclose, as a separate agenda item at the same meeting, whether or not it will reserve in the budget sufficient amounts to fund the present value of accrued but unfunded workers' compensation claims or if it is otherwise decreasing the amount in its workers' compensation reserve fund. The Board shall annually certify to the County Superintendent the amount, if any, that it has decided to reserve in the budget for these costs. The Board shall submit to the County Superintendent any budget revisions that may be necessary to account for this budget reserve. (Education Code 42141)

Budget Amendments

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

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

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BOARD POLICY

BP 3100

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Budget (continued)

Legal Reference:

EDUCATION CODE

1240 Duties of county superintendent of schools
33127-33131 Standards and criteria for local budgets and expenditures
35035 Powers and duties of superintendent
35161 Powers and duties, generally, of governing boards
42103 Public hearing on proposed budget; requirements for content of proposed budget
42122-42129 Budget requirements
42130-42134 Financial certifications
42140-42141 Disclosure of fiscal obligations
42238-42251 Apportionments to districts, especially:
42238.01-42238.07 Local control funding formula
42602 Use of unbudgeted funds
42605 Tier 3 categorical flexibility
42610 Appropriation of excess funds and limitation thereon
45253 Annual budget of personnel commission
45254 First year budget of personnel commission
52060-52077 Local control and accountability plan

GOVERNMENT CODE

7900-7914 Appropriations limit

CODE OF REGULATIONS, TITLE 5

15060 Standardized account code structure
15440-15451 Criteria and standards for school district budgets

Management Resources:

CSBA PUBLICATIONS

Local Control Funding Formula 2013, Governance Brief, August 2013
State Priorities for Funding: The Need for Local Control and Accountability Plans, Fact Sheet, August 2013
School Finance CD-ROM, 2005

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

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

FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

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

GOVERNMENT FINANCE OFFICERS ASSOCIATION

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

GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENTS

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

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

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

WEB SITES

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

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

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

Management Resources: (continued)

WEB SITES

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

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

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

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

Legislative Analyst's Office: <http://www.lao.ca.gov>

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

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3100

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Budget (continued)

Policy Adopted: 11/27/90
Policy Adopted: 03/19/91
Policy Revised: 10/21/03
Policy Revised: 11/15/11
Policy Revised: 11/04/14
Police Revised: 02/03/15
Police Revised: 04/14/15

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 3100

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Budget

Budget Development Philosophy

Ocean View School District uses an open, integrated budget development process. It is designed to provide an open and transparent process in which all members of District staff and community have the opportunity to provide input in the development of an annual budget.

The budgeting process is continual and situations will arise that will need to be addressed. In this open process, a primary objective is sharing as much information as possible with all who are interested.

The budget reflects the District's goals and objectives that are established and adopted by the Board of Trustees. Budget development, monitoring, and evaluation are focused to support the goals and objectives.

Initial Budget Adoption

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

Before adopting the District budget for the subsequent fiscal year, the Board shall hold a public hearing. The agenda for this hearing shall be posted at least 72 hours before the hearing and shall indicate the location where the budget may be inspected. The proposed budget shall be available for public inspection at least three working days before this hearing. This hearing shall be held at the same meeting as the public hearing to solicit public input on the local control and accountability plan (LCAP) or the annual update to the LCAP.

The Superintendent or designee shall notify the County Superintendent of Schools of the location, dates, and times at which the proposed budget may be inspected, as well as the location, date, and time of the public hearing, in sufficient time for the County Superintendent to publish such information in a newspaper of general circulation at least 10 days but not more than 45 days before the hearing as required by Education Code 42103.

During the hearing, any District resident may speak to the proposed budget or to any item in the budget. The hearing may conclude when all residents who have requested to be heard have had the opportunity to speak.

OCEAN VIEW SCHOOL DISTRICT
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ADMINISTRATIVE REGULATION

AR 3100

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Budget

Initial Budget Adoption (continued)

After the public hearing, at a public meeting held on a different date, the Board shall adopt the District budget following adoption of the LCAP at the same meeting. The budget shall not be adopted if an approved LCAP or annual update to the LCAP is not in effect for the budget year.

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

Revised Budget

Single Budget Adoption Process

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

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

Budget Review Committee for Disapproved Budgets

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

This committee shall consist of either:

1. Three persons selected by the Board from a list of candidates provided by the SPI, who shall be selected within five working days after receiving the list of candidates
2. A regional review committee convened by the County Superintendent with the approval of the Board

ADMINISTRATIVE REGULATION

AR 3100

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Budget

Single Budget Adoption Process (continued)

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

If the SPI disapproves the District budget after reviewing the committee's report and the District's response, the Board shall consult with the County Superintendent as he/she develops and adopts, by November 30, a fiscal plan and budget that will allow the district to meet its financial obligations. For the current fiscal year, the district shall operate in accordance with the budget adopted by the County Superintendent.

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

Budget Monitoring

Budgeting is a process, not an event, and is not a one-shot activity that comes to a sudden halt when the budget is formally adopted. The budget is a year-long plan that needs to be monitored and updated as conditions change. A system must exist to adjust the budget to reflect changes that occur so that there are no surprises at the end of the year. The Assistant Superintendent, Administrative Services, has the responsibility for projecting revenues and expenditures and must analyze these as the year progresses. Any significant changes in budgeted amounts shall be reported to the Board of Trustees and District Administrators, and the budget shall be revised.

Each person with responsibility for monitoring the budget shall understand his or her role, authority, and the procedures for administering the budget. This includes the Board of Trustees and all District budget administrators. Budget monitoring shall be a shared responsibility among the business official, the Board of Trustees, the Superintendent, and the site and program managers. When expenditure authority is decentralized, it is essential that budget information be disseminated to those administrators.

The budget document is not intended to be static throughout the fiscal year. As income and expenditures vary from the adopted budget, the budget must be changed by Board of Trustees action. Expenditures must not exceed the amount budgeted in the major expenditure classifications. However, budget transfers can be made with the approval of the Board of Trustees in accordance with Board Policy 3110.

BUSINESS AND NONINSTRUCTIONAL OPERATIONSBudgetFinancial ReportsInterim Reports

Interim financial reports shall be provided to the Board of Trustees with a comparison between the budgeted financial condition and the projected financial condition of the District in sufficient detail for the Board of Trustees to certify the District's ability to meet future obligations. When significant changes in income or expenditures occur, the Board of Trustees and administration shall receive monthly reports that include a narrative explanation.

COMMUNITY BUDGET ADVISORY COMMITTEE (CBAC)

The Ocean View School District values the input of its community members. The Board of Trustees hereby establishes the Community Budget Advisory Committee (CBAC) that will be composed of community members appointed by the Board of Trustees. As an appointed committee of the Board of Trustees, it will be subject to the provisions of the Ralph M. Brown Act.

The CBAC is charged with learning the intricacies of the district budgeting process through staff presentations, news articles, questions to staff and other educational sources that are involved in the budgeting process. It may also seek information from parent, community, and business sources.

The CBAC is not obligated to give a definitive report or recommendations. However, it will make periodic reports to the Board of Trustees on findings or recommendations when needed or requested. The Board of Trustees may request the CBAC review or investigate any issue of interest to it.

Method of Appointment

The CBAC will consist of 10 members. Members shall be residents of the district. Each board member will appoint two members. Term of office will be for one year. Applicants are not limited to terms, but must reapply each year. The CBAC will be formed on the first meeting after the annual organizational meeting in December. Sufficient notice and advertisement of the positions will commence with the opening of school each fall.

Meeting Protocol

The members will elect a chairperson and a vice chairperson. The chairperson will preside over meetings and develop an agenda with the designated district staff person. The committee will meet at least once a month. Lack of a quorum will not cancel a meeting, as there are no actions to be taken other than meeting minutes. Members must submit agenda items at least SEVEN days before a meeting. The number of items per member will not exceed TWO per meeting. Not all items may be agendaized due to time restraints. An agenda must be posted 72 hours before a meeting, unless it is a subcommittee meeting. Members will inform staff of the time and location of any subcommittee meeting. Members should advise the chair or staff when not able to attend. Roberts's Rules of order will be used for meetings.

ADMINISTRATIVE REGULATION

AR 3100

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Budget

COMMUNITY BUDGET ADVISORY COMMITTEE (CBAC)

Scope of Review

The CBAC is encouraged to develop an on-going assessment and review process of the operations and programs. It is important for all concerned to understand and focus on the support systems of schools and students. The committee welcomes input from citizens, staff, and board members.

Each CBAC member shall consult with their appointing Board Trustee to prioritize areas of interest, choosing two to focus on.

Areas of review might include:

1. Administrative practices and procedures, internal and external communications
2. Technology efficiency
3. Budgeting process, accounting, and reporting
4. Food service
5. Human resource
6. Facilities and maintenance
7. Risk management and legal costs
8. Transportation
9. School and Community participation in the budgeting process
10. Board policy review procedures
11. Educational services

Included in the reviews, the administrators of the above-mentioned areas would compile a list of resources and actions needed to improve the functions of their operations. This would also include the adequacy and efficacy of current board policies that affect their operations.

Districtwide surveys by school site administrators, in conjunction with staff and community members, would also assess the impact of support services on the educational programs of their schools.

In an effort to establish a method of open and transparent budgeting process, A Community Budget Advisory Committee (CBAC) will be established to provide community and staff viewpoints.

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 3100

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Budget (continued)

Regulation Adopted: 02/02/93
Regulation Revised: 02/07/95
Regulation Revised: 03/05/96
Regulation Revised: 02/04/03
Regulation Revised: 10/21/03
Regulation Revised: 06/07/05
Regulation Revised: 05/02/06
Regulation Revised: 01/16/07
Regulation Revised: 12/09/08
Regulation Revised: 11/15/11
Regulation Revised: 09/18/12
Regulation Revised: 11/04/14
Regulation Revised: 02/03/15
Regulation Revised: 04/04/15

BOARD POLICY

BP 3110

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Transfer of Funds

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

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

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

1. At any time, adopt a written resolution providing for transfers from the designated fund balance or the unappropriated fund balance to any expenditure classification or between classifications. The resolution shall be filed with the County Superintendent of Schools and the county auditor.
2. Direct the temporary transfer of monies held in any district fund or account to another fund or account as necessary for the payment of obligations. Such borrowing shall occur only when the fund or account receiving the money will earn sufficient income during the current fiscal year to repay the amount transferred. No more than 75 percent of the maximum amount held in any fund or account during the current fiscal year may be transferred. Amounts transferred shall be repaid in the same fiscal year, or in the following fiscal year if the transfer takes place within the final 120 calendar days of a fiscal year.
3. At the close of a school year, request that the County Superintendent make transfers between the designated fund balance or the unappropriated fund balance and any expenditure classification(s), or balance any expenditure classifications of the district budget as necessary for the payment of obligations incurred during that school year.
4. Specify amounts to be transferred by the county auditor and treasurer from the District's general fund to the special reserve fund during the fiscal year. If any special reserve funds are maintained for purposes other than capital outlay or if monies in the special reserve fund are not actually encumbered for ongoing expenses, the Board may transfer those monies into the general fund for the general operating purposes of the District. If any monies remain in the special reserve fund at the conclusion of a project, the Board may, by written request to the County Superintendent, auditor, and treasurer, transfer those monies to the District's general fund.
5. Transfer monies between other funds or accounts when authorized by law.

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3110

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Transfer of Funds (continued)

Legal Reference:

EDUCATION CODE

78 Definition, governing board
5200 Districts governed by boards of education
16095 Transfer of district funds to district state school building fund
41301 Section A state school fund allocation schedule
42125 Designated and unappropriated fund balances
42238-42251 Apportionments to districts, especially:
42238.01-42238.07 Local control funding formula
42600 District budget limitation on expenditure
42601 Transfers between funds to permit payment of obligations at close of year
42603 Transfer of monies held in any fund or account to another fund; repayment
42840-42843 Special reserve fund
52616.4 Expenditures from adult education fund

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>
California Department of Education: <http://www.cde.ca.gov>
Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>

Policy Adopted: 11/27/90
Policy Revised: 11/04/14

BOARD POLICY

BP 3112

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Fund Balance Reporting And Governmental Fund Type Definitions

Fund Balance Reporting

The District hereby establishes and will maintain reservations of fund balance in accordance with Governmental Accounting and Financial Standards Board (GASB) Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*. This policy shall apply only to the District's governmental funds. In accordance with GASB 54, fund balance shall be composed of non-spendable, restricted, committed, assigned, and unassigned amounts.

- *Non-Spendable Fund Balance* consists of funds that cannot be spent due to their form (e.g. inventories and prepaid expenditures) or funds that legally or contractually must be maintained intact.
- *Restricted Fund Balance* consists of funds that are mandated for a specific purpose by external parties, constitutional provisions, or enabling legislation.
- *Committed Fund Balance* consists of funds that are set aside for a specific purpose by the Board of Trustees. Formal action must be taken prior to the end of the fiscal year. The same formal action must be taken to remove or change the limitations placed on the funds.
- *Assigned Fund Balance* consists of funds that are set aside with the intent to be used for a specific purpose by the Board of Trustees or a body or official that has been given the authority to assign funds. Assigned funds cannot cause a deficit in unassigned fund balance.
- *Unassigned Fund Balance* consists of excess funds that have not been classified in the previous four categories. All funds in this category are considered spendable resources. This category also provides the resources necessary to meet unexpected expenditures and revenue shortfalls.

Authority to Commit Funds

Pursuant to GASB 54, the Board of Trustees has sole authority to specify purposes of funds classified as "committed." Commitments may be established, modified, or rescinded only through budget adoption or resolutions approved by majority vote of the Board of Trustees. Committed fund balances do not lapse at year end.

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3112

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Fund Balance Reporting And Governmental Fund Type Definitions

Authority to Assign Funds

The Board of Trustees delegates authority to the District Superintendent and/or Superintendent's designee to assign funds for specific purposes. Any funds set aside as Assigned Fund Balances would be reported to the Board of Trustees at the time of the adoption of the Original Budget, Interim Reports, Final Budget, and Unaudited Actual Reports.

Spending Order

The Board of Trustees adopts the following spending order policy statement. For purposes of fund balance classification, when an expenditure is incurred for which both restricted and unrestricted funds are available, the District considers restricted funds to have been spent first. When an expenditure is incurred for which committed, assigned, or unassigned fund balances are available, the District considers amounts to have been spent first out of committed funds, then assigned funds, and finally unassigned funds, as needed.

Minimum Fund Balance

The Board of Trustees recognizes that good fiscal management comprises the foundational support for the District's instructional program. The Board of Trustees recognizes that a variety of factors may occur during the fiscal year that could affect the District's fund balance. These include, but are not limited to, volatility of revenues, liquidity of resources, and unanticipated expenditures. In order to protect the District from revenue shortfalls or unpredictable one-time expenditures, and in order to comply with the State Board of Education Criteria and Standards, the District shall maintain an unrestricted reserve for economic uncertainties of no less than three percent (3%) of the General Fund expenditure budget.

The Board of Trustees further recognizes that in order to protect and support the District's instructional programs, a three percent (3%) unrestricted reserve for economic uncertainties may not be sufficient due to revenue volatility and unanticipated expenditure. Therefore, the Board of Trustees wishes to maintain an additional unrestricted reserve of at least two percent (2%) of the General Fund budgeted expenditures. However, the Board of Trustees recognizes that it may deviate from this additional unrestricted reserve during periods of difficult financial downturn or uncertainty.

Policy Adopted: 06/07/11
Policy Reviewed: 11/04/14

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3220.1

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Lottery Funds

The Board of Trustees intends to use California State Lottery funds for supplemental and nonrecurring expenditures in support of educational programs and activities. In recognition of the yearly fluctuations of lottery funds received by the District, the Board of Trustees shall not commit lottery funds for any purpose until they have been received.

The Board of Trustees shall establish funding priorities and approve all allocations in accordance with law.

Lottery funds allocated by the state for the purchase of instructional materials shall be expended on instructional materials as defined in Education Code 60010. Lottery funds shall not be used for the acquisition of real property, construction of school facilities, financing of research, or any other noninstructional purpose.

For the receipt and expenditure of lottery funds, the Superintendent or designee shall establish a separate account that shall be clearly identified as a lottery education account.

The Board of Trustees encourages staff and community members to participate in determining how lottery funds will be used. The Superintendent or designee may solicit input through District advisory groups, school site councils, and/or individual students, staff, parents/guardians, and community members.

Legal Reference:

EDUCATION CODE

14600 Legislative findings and declarations: state control of lottery funds

14700-14701 Use of lottery funds

60010 Definitions

60119 Sufficiency of instructional materials

GOVERNMENT CODE

8880-8880.5 California State Lottery: general provisions

CODE OF REGULATIONS, TITLE 5

19834 Audits, Proposition 20 lottery funds

19835 Audits, state lottery funds

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE

2001.05.10 Proposition 20 - Allocation of Lottery Funds for Instructional Materials

WEB SITES

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

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

Policy adopted: 11/04/14

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3230

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

FEDERAL GRANT FUNDS

The Board of Trustees recognizes the District's responsibility to maintain fiscal integrity and transparency in the use of all funds awarded through federal grants. The District shall comply with all requirements detailed in any grant agreement with an awarding agency and with the federal Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards specified in Code of Federal Regulations (CFR), 2 CFR 200.0-200.521 and any stricter state laws and District policy.

Any goods or services purchased with federal funds shall be reasonable in cost and necessary for the proper and efficient performance or administration of the program.

The Superintendent or designee shall ensure that the District's financial management systems and procedures provide for the following: (2 CFR 200.302)

1. Identification in District accounts of each federal award received and expended and the federal program under which it was received;
2. Accurate, current, and complete disclosure of the financial and performance results of each federal award or program in accordance with the reporting requirements of 2 CFR 200.327 and 200.328;
3. Records and supporting documentation that adequately identify the source and application of funds for federally funded activities, including information pertaining to federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income, and interest;
4. Effective controls and accountability for all funds, property, and other assets and assurance that all assets are used solely for authorized purposes;
5. Comparison of actual expenditures with budgeted amounts for each federal award;
6. Written procedures to implement provisions governing payments as specified in 2 CFR 200.305;
7. Written procedures for determining the allowability of costs in accordance with 2 CFR 200.400-200.475 and the terms and conditions of the federal grant award.

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3230

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

FEDERAL GRANT FUNDS (continued)

The Superintendent or designee shall develop and implement appropriate internal control processes to reasonably assure that transactions are properly executed, recorded, and accounted for so that the District can prepare reliable financial statements and federal reports, maintain accountability over assets, and demonstrate compliance with federal laws, regulations, and conditions of the federal award. (2 CFR 200.61, 200.62, 200.303)

Equipment purchased with federal funds shall be properly inventoried and adequately maintained to safeguard against loss, damage, or theft of the property.

All staff involved in the administration or implementation of programs and activities supported by federal funds shall receive information and training on the allowable use of federal funds, purchasing procedures, and reporting processes commensurate with their duties.

The District shall submit performance reports to the awarding agency in accordance with the schedule and indicators required for that federal grant by law and the awarding agency. As required, such reports may include a comparison of actual accomplishments to the objectives of the federal award, the relationship between financial data and performance accomplishments, the reasons that established goals were not met if applicable, cost information to demonstrate cost effective practices, analysis and explanation of any cost overruns or high unit costs, and other relevant information. The final performance report shall be submitted within 90 days after the ending date of the grant. (2 CFR 200.301, 200.328)

Legal Reference:

EDUCATION CODE

42122-42129 Budget requirements

64001 School plan for student achievement, consolidated application programs

CODE OF FEDERAL REGULATIONS, TITLE 2

180.220 Amount of contract subject to suspension and debarment rules

200.0-200.521 Federal uniform grant guidance, especially:

200.1-200.99 Definitions

200.100-200.113 General provisions

200.317-200.326 Procurement standards

200.327-200.329 Monitoring and reporting

200.333-200.337 Record retention

200.400-200.475 Cost principles

200.500-200.521 Audit requirements

CODE OF FEDERAL REGULATIONS, TITLE 34

76.730-76.731 Records related to federal grant programs

CODE OF FEDERAL REGULATIONS, TITLE 48

2.101 Federal acquisition regulation; definitions

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3230

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

FEDERAL GRANT FUNDS (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California Department of Education Audit Guide

California School Accounting Manual

EDUCATION AUDIT APPEALS PANEL PUBLICATIONS

Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Questions and Answers Regarding 2 CFR Part 200, March 17, 2016

WEB SITES

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

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

Office of Management and Budget, Uniform Guidance: https://www.whitehouse.gov/omb/grants_docs

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

System for Award Management (SAM): www.sam.gov/portal/SAM/##11

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

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

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 3230

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

FEDERAL GRANT FUNDS

To ensure the lawful expenditure of any federal formula or discretionary grant funds awarded to the District, the Superintendent or designee shall comply with the requirements of the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (the "Uniform Guidance"), as contained in 2 CFR 200.0-200.521 and Appendices I-XII.

Allowable Costs

Prior to obligating or spending any federal grant funds, the Superintendent or designee shall determine whether a proposed purchase is an allowable expenditure in accordance with 2 CFR 200.400-200.475 and the terms and conditions of the award. He/she shall also determine whether the expense is a direct or indirect cost as defined in 2 CFR 200.413 and 200.414 and, if the purchase will benefit other programs not included in the grant award, the appropriate share to be allocated to the federal grant.

The Superintendent or designee shall review and approve all transactions involving federal grant funds and shall ensure the proper coding of expenditures consistent with the California School Accounting Manual.

Period of Performance

All obligations of federal funds shall occur on or between the beginning and ending dates of the grant project and shall be paid no later than 90 days after the end of the funding period, unless specifically authorized by the grant award to be carried over beyond the initial term of the grant. (2 CFR 200.77, 200.308, 200.309, 200.343)

Procurement

When procuring goods and services with a federal grant, the Superintendent or designee shall comply with the standards contained in 2 CFR 200.317-200.326 and Appendix II of Part 200, or with any applicable state law or District policy that is more restrictive.

As appropriate to encourage greater economy and efficiency, the Superintendent or designee shall avoid acquisition of unnecessary or duplicative items, give consideration to consolidating or breaking out procurements, analyze lease versus purchase alternatives, consider entering into an interagency agreement for procurement of common or shared goods and services, and/or use federal excess or surplus property. (2 CFR 200.318)

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 3230

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

FEDERAL GRANT FUNDS

Procurement (continued)

The procurement of goods or services with federal funds shall be conducted in a manner that provides full and open competition in accordance with state laws and District regulations and the following requirements:

1. Any purchase of supplies or services that does not exceed the "micro-purchase" threshold specified in 48 CFR 2.101 may be awarded without soliciting competitive quotes, provided that the District considers the price to be reasonable and maintains written evidence of this reasonableness in the record of all micro-purchases. (2 CFR 200.67, 200.320)
2. For any purchase that exceeds the micro-purchase threshold but is less than the bid limit required by Public Contract Code 20111, the Superintendent or designee shall utilize "small-purchase" procedures that include obtaining price or rate quotes from an adequate number of qualified sources. (2 CFR 200.320)
3. Contracts for goods or services over the bid limits required by Public Contract Code 20111 shall be awarded pursuant to California law and AR 3311 - Bids, unless exempt from bidding under the law.
4. If a purchase is exempt from bidding and the District's solicitation is by a request for proposals, the award may be made by either a fixed-price or cost-reimbursement type contract awarded to the entity whose proposal is most advantageous to the program, with price and other factors considered. (2 CFR 200.320)
5. Procurement by noncompetitive proposals (sole sourcing) may be used only when the item is available exclusively from a single source, the need or emergency will not permit a delay resulting from competitive solicitation, the awarding agency expressly authorizes sole sourcing in response to the District's request, and/or competition is determined inadequate after solicitation of a number of sources. (2 CFR 200.320)
6. Time and materials type contracts may be used only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract for which the cost is the sum of the actual cost of materials and direct labor hours charged at fixed hourly rates that reflect wages, general administrative expenses, and profit. (2 CFR 200.328)

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 3230

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

FEDERAL GRANT FUNDS

Procurement (continued)

For any purchase of \$25,000 or more, the Superintendent or designee shall verify that any vendor which is used to procure goods or services is not excluded or disqualified by the federal government. (2 CFR 180.220, 200.213)

All solicitations shall incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description shall avoid detailed product specifications to the extent possible, but may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. When it is impractical or not economical to make a clear and accurate description of the technical requirements, a brand name or equivalent description may be used to define the performance or other salient requirements of procurement, clearly stating the specific features of the named brand which must be met by offers. In addition, every solicitation shall identify all requirements which the offer must fulfill, and any other factors to be used in evaluating bids or proposals. (2 CFR 200.319)

The Superintendent or designee shall maintain sufficient records to document the procurement, including, but not limited to, the rationale for the method of procurement, selection of the contract type, contractor selection or rejection, and the basis for the contract price. (2 CFR 200.318)

The Superintendent or designee shall ensure that all contracts for purchases using federal grant funds contain the applicable contract provisions described in Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards. (2 CFR 200.326)

Capital Expenditures

The Superintendent or designee shall obtain prior written approval from the awarding agency before using federal funds to make capital expenditures, including the acquisition of land, facilities, equipment, and intellectual property and expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life. (2 CFR 200.12, 200.13, 200.20, 200.33, 200.48, 200.58, 200.89, 200.313, 200.439)

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 3230

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

FEDERAL GRANT FUNDS

Conflict of Interest

No member of the Board of Trustees, District employee, or District representative shall participate in the selection, award, or administration of a contract supported by federal funds if he/she has a real or apparent conflict of interest, such as when he/she or a member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of them has a financial interest in or a tangible personal benefit from a firm considered for a contract. Such persons are prohibited from soliciting or accepting gratuities, favors, or anything of monetary value from contractors or subcontractors unless the gift is an unsolicited item of nominal value. (2 CFR 200.318)

Employees engaged in the selection, award, and administration of contracts shall also comply with BB 9270 - Conflict of Interest.

Cash Management

The Superintendent or Designee shall ensure the district's compliance with 2 CFR 200.305 pertaining to payments and cash management, including compliance with applicable methods and procedures that minimize the time elapsing between the transfer of funds to the District and the District's disbursement of funds. (2 CFR 200.305)

When authorized by law, the District may receive advance payments of federal grant funds, limited to the minimum amounts needed and timed in accordance with the actual immediate cash requirements of the District for carrying out the purpose of the program or project. Except under specified conditions, the District shall maintain the advance payments in an interest-bearing account. The District shall remit interest earned on the advanced payment to the awarding agency on an annual basis, but may retain interest amounts specified in 2 CFR 200.305 for administrative expenses. (2 CFR 200.305)

When required by the awarding agency, the District shall instead submit a request for reimbursement of actual expenses incurred. The District may also request reimbursement as an alternative to receiving advance payments. (2 CFR 200.305)

The Superintendent or designee shall maintain source documentation supporting the expenditure of federal funds, such as invoices, time sheets, payroll stubs, or other appropriate documentation.

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 3230

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

FEDERAL GRANT FUNDS

Personnel

All District employees who are paid in full or in part with federal funds, including employees whose salary is paid with state or local funds but is used to meet a required match or in-kind contribution to a federal program, shall document the amount of time they spend on grant activities. (2 CFR 200.430)

Records

Except as otherwise provided in 2 CFR 200.333, or where state law or District policy requires a longer retention period, financial records, supporting documents, statistical records, and all other District records related to a federal award shall be retained for a period of three years from the date of submission of the final expenditure report or, for a federal award that is renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report. (2 CFR 200.333)

Audits

Whenever the District expends \$750,000 or more in federal grant funds during a fiscal year, it shall arrange for either a single audit or a program-specific audit in accordance with 2 CFR 200.507 or 200.514. (2 CFR 200.501)

The Superintendent or designee shall ensure that the audit meets the requirements specified in 2 CFR 200.500-200.521.

Specified records pertaining to the audit of federal funds expended by the District shall be transmitted to the clearinghouse designated by the federal Office of Management and Budget and shall be made available for public inspection. Such records shall be transmitted within 30 days after receipt of the auditor's report or within nine months after the end of the audit period, whichever is sooner, unless a longer period is agreed to in advance by the federal agency or a different period is specified in a program-specific audit guide. (2 CFR 200.512)

In the event that the audit identifies any deficiency, the Superintendent or designee shall promptly act to either correct the identified deficiency, produce recommended improvements, or demonstrate that the audit finding is invalid or does not warrant action. (2 CFR 200.26, 200.508, 200.511)

Regulation Adopted: 11/05/19

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3250

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Transportation Fees

Because the cost of providing student transportation exceeds funding provided by the state, the Board of Trustees finds it necessary to charge fees for home-to-school student transportation.

The Superintendent or designee shall annually submit proposed transportation fee schedules for Board approval. Fees shall be determined on the basis of operating costs in accordance with law.

No charge shall be made for any transportation of students whose individualized education program requires transportation or whose parents/guardians are determined indigent pursuant to administrative regulations.

Legal Reference:

EDUCATION CODE

10913 Fees for uses of school buses for community recreation purposes

35330 Excursions or field trips

39800-39860 Transportation, especially:

39801.5 Transportation fees for adults

39807.5 Payment of transportation cost; amount of payment

39809.5 Excess fees; adjustments

39837 Fees for summer employment transportation

41850 Home-to-school and special education transportation

49557 Applications for free and reduced price meals

49558 Confidentiality of applications and records

56026 Individuals with exceptional needs

CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

CODE OF FEDERAL REGULATIONS, TITLE 7

245.8 (a) Nondiscrimination practices for children eligible to receive free and reduced price meals and free milk

COURT DECISIONS

Arcadia Unified School District et al v. State Department of Education, 2 Cal. 4th 251 (1992) Hartzell v. Connell, 35 Cal.3d 899 (1984)

Management Resources:

CDE MANAGEMENT ADVISORIES

0619.92 Fees for Pupil Transportation (#92-05)

CDE PROGRAM ADVISORIES

0609.95 School transportation fee exemption for handicapped children and pupils whose parents or guardians are indigent (LO: 2-95)

Policy Adopted: 11/04/14

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 3250

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Transportation Fees

Fee Schedule and Collection

Transportation fees charged by the District shall not exceed the statewide average nonsubsidized cost of providing such transportation to a student on a publicly owned or operated transit system, as determined by the Superintendent of Public Instruction. (Education Code 39807.5)

The total amount received by the District from the state and parent/guardian fees shall not exceed the actual operating cost of home-to-school transportation during the fiscal year. If excess fees are collected due to errors in estimated costs, fees shall be reduced in succeeding years. (Education Code 39809.5)

The Board of Trustees shall certify to the County Superintendent of Schools that the District has levied fees in accordance with law and that, in the event that excess fees have been charged, the fees have been reduced and excess fee revenue eliminated. (Education Code 39809.5)

Bus passes and tickets shall be sold at all District schools and at the District office. No money shall be collected on school buses.

Fees for Additional Services

In addition to charging fees for home-to-school transportation provided in accordance with Education Code 39800, the District shall charge fees for students traveling to and from their places of employment during the summer in connection with a summer employment program for youth.

The District may also charge fees for:

1. Students traveling to full-time occupational classes provided by a Regional Occupational Program or Center
2. Matriculated or enrolled adults traveling to and from school, or adults pursuing other educational purposes.
3. Community recreation as provided in Education Code 39835

Exemption from Fees

Eligibility for free transportation based on indigency shall be based on the income eligibility scales used for the free and reduced-price lunch program and/or proof of receipt of Temporary Assistance to Needy Families (TANF).

ADMINISTRATIVE REGULATION

AR 3250

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Transportation Fees

Exemption from Fees (continued)

At the beginning of the school year and whenever a new student is enrolled, parents/guardians shall receive information about free transportation eligibility standards, application procedures and appeal procedures.

All applications and records related to eligibility for free transportation shall be confidential and used only for purposes directly connected with the free transportation program.

Students receiving free transportation shall not be identified by the use of special bus passes, tickets, lines, seats or any other means. They shall in no way be treated differently from other students, nor shall their names be published, posted or announced in any manner or used for any purpose other than the transportation program.

BOARD POLICY

BP 3260

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Fees and Charges

The Board of Trustees recognizes its responsibility to ensure that books, materials, equipment, supplies, and other resources necessary for students' participation in the District's educational program are made available to them at no cost.

No student shall be required to pay a fee, deposit, or other charge for his/her participation in an educational activity which constitutes an integral fundamental part of the District's educational program, including curricular and extracurricular activities.

As necessary, the Board of Trustees may approve fees, deposits, and other charges which are specifically authorized by law. When approving such fees, deposits, or charges, establishing fee schedules, or determining whether waivers or exceptions should be grant, the Board of Trustees shall consider relevant data, including the socio-economic conditions of District students' families and their ability to pay.

The prohibition against student fees shall not restrict the District from soliciting for voluntary donations, participating in fundraising activities, and providing prizes or other recognition for participants in such activities and events. However, the District shall not offer or award to a student any course credit or privileges related to educational activities in exchange for voluntary donations or participation in fundraising activities by or on behalf of the student and shall not remove, or threaten to remove, from a student any course credit or privileges related to educational activities, or otherwise discriminate against the student, due to a lack of voluntary donations or participation in fundraising activities by or on behalf of the student.

Whenever District employees, volunteers, students, parents/guardians, or educational or civic organizations participate in such events or activities, the Superintendent or designee shall emphasize that participation in the event or activity is voluntary.

A complaint alleging District noncompliance with the prohibition against requiring student fees, deposits, or other charges shall be filed in accordance with the District's procedures in BP/AR 1312.3 - Uniform Complaint Procedures. (Education Code 49013)

If, upon investigation, the district finds merit in the complaint, the Superintendent or designee shall recommend and the Board shall adopt an appropriate remedy to be provided to all affected students and parents/guardians in accordance with 5 CCR 4600.

Information related to the prohibition against requiring students to pay fees for participation in an educational activity shall be included in the district's annual notification required to be provided to all students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 49013)

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3260

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Fees and Charges (continued)

The Superintendent or designee may provide additional information or professional development opportunities to administrators, teachers, and other personnel regarding permissible fees.

Legal Reference:

EDUCATION CODE

8239 *Preschool and wraparound child care services*
8250 *Child care and development services for children with disabilities*
8263 *Child care eligibility*
8482.6 *After School Education and Safety programs*
8760-8774 *Outdoor science and conservation programs*
17453.1 *District sale or lease of Internet appliances or personal computers to students or parents*
17551 *Property fabricated by students*
19910-19911 *Offenses against libraries*
32033 *Eye protective devices*
32221 *Insurance for athletic team member*
32390 *Fingerprinting program*
35330-35332 *Excursions and field trips*
35335 *School camp programs*
38080-38086 *Cafeteria establishment and use*
38120 *Use of school band equipment on excursions to foreign countries*
39801.5 *Transportation for adults*
39807.5 *Payment of transportation costs*
39837 *Transportation of students to places of summer employment*
48050 *Residents of adjoining states*
48052 *Tuition for foreign residents*
48904 *Liability of parent or guardian*
49010-49013 *Student fees*
49065 *Charge for copies*
49066 *Grades, effect of physical education class apparel*
49091.14 *Prospectus of school curriculum*
51810-51815 *Community service classes*
52612 *Tuition for adult classes*
52613 *Nonimmigrant aliens*
56504 *School records; students with disabilities*
60410 *Students in classes for adults*

GOVERNMENT CODE

6253 *Request for copy; fee*

CALIFORNIA CONSTITUTION

Article 9, Section 5 *Common school system*

CODE OF REGULATIONS, TITLE 5

350 *Fees not permitted*

4600-4687 *Uniform complaint procedures*

UNITED STATES CODE, TITLE 8

1184 *Foreign students*

COURT DECISIONS

Driving School Assn of CA v. San Mateo Union HSD (1993) 11 Cal. App. 4th 1513

Arcadia Unified School District v. State Department of Education (1992) 2 Cal 4th 251

Steffes v. California Interscholastic Federation (1986) 176 Cal. App. 3d 739

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

CTA v. Glendale School District Board of Education (1980) 109 Cal. App. 3d 738

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3260

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Fees and Charges (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Pupil Fees, Deposits, and Other Charges: Cap and Gown for High School Graduation Ceremony, Addendum to Fiscal Management Advisory 12-02, October 4, 2013

Fees, Deposits and Other Charges, Fiscal Management Advisory 12-02, April 24, 2013

WEB SITES

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

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

Policy Adopted: 11/27/90

Police Revised: 11/04/14

ADMINISTRATIVE REGULATION

AR 3260

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Fees and Charges

When approved by the Board of Trustees, the Superintendent or designee may impose a fee for the following:

1. Insurance for athletic team members, with an exemption providing for the District to pay the cost of the insurance for any team member who is financially unable to pay
2. Insurance for medical or hospital service for students participating in field trips and excursions
3. Expenses of students' participation in a field trip or excursion to another state, the District of Columbia, or a foreign country, as long as no student is prohibited from making the field trip due to lack of funds
4. Student fingerprinting program, as long as the fee does not exceed the actual costs associated with the program
5. School camp programs in outdoor science education, conservation education, or forestry operated pursuant to Education Code 8760-8774, provided that the fee is not mandatory and no student is denied the opportunity to participate for nonpayment of the fee
6. Reimbursement for the direct cost of materials provided by the district to a student for the fabrication of nonperishable personal property the student will take home for his/her own possession and use, such as wood shop, art, or sewing projects kept by the student
7. Home-to-school transportation and transportation between regular, full-time day schools and regional occupational centers, programs, or classes, as long as the fee does not exceed the statewide average nonsubsidized cost per student and exemptions are made for indigent and disabled students
8. Transportation for students to and from their places of employment in connection with any summer employment program for youth
9. Deposit for school band instruments, music, uniforms, and other regalia which school band members take on excursions to foreign countries
10. Sale or lease of Internet appliances or personal computers for the purpose of providing access to the District's educational computer network, at no more than cost, as long as the District provides network access for families who cannot afford it (Education Code 17453.1)
11. Fees for any community service class in civic, vocational, illiteracy, health, homemaking, and technical and general education, not to exceed the cost of maintaining the class

ADMINISTRATIVE REGULATION

AR 3260

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Fees and Charges (continued)

12. Eye safety devices worn in courses or activities involving the use of hazardous substances likely to cause injury to the eyes, when being sold to students and/or teachers or instructors to keep and at a price not to exceed the District's actual costs
13. Actual cost of furnishing copies of any student's records, except that no charge shall be made for furnishing up to two transcripts or two verifications of a former student's records or for reproducing records of a student with a disability when the cost would effectively prevent the parent/guardian from exercising the right to receive the copies
14. Actual costs of duplication for reproduction of the prospectus of school curriculum or for copies of public records
15. Food sold at school, subject to free and reduced-price meal program eligibility and other restrictions specified in law
16. As allowed in law, replacement cost or reimbursement for lost or damaged District books, supplies, or property, or for District property loaned to a student that he/she fails to return
17. Tuition for District school attendance by an out-of-state or out-of-country resident (Education Code 48050, 48052, 52613; 8 USC 1184)
18. Adult education books, materials, transportation, and classes, except that no fee may be charged for classes in elementary subjects or for which high school credit is granted when taken by a person who does not hold a high school diploma or, effective July 1, 2015, classes in English and citizenship
19. Preschool and child care and development services, in accordance with the fee schedule established by the Superintendent of Public Instruction, unless the family qualifies for subsidized services or the program is for severely disabled children and the student is eligible to enroll in it
20. After School Education and Safety Programs, as long as no eligible student is denied the ability to participate because of inability to pay the fee
21. Advanced Placement and International Baccalaureate Diploma examinations for college credits, as long as the examination is not a course requirement and the results have no impact on student grades or credits in the course

Policy Adopted: 11/27/90
Policy Revised: 11/04/14

BOARD POLICY

BP 3270

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Sale and Disposal of Books, Equipment and Supplies

When any District-owned instructional materials, equipment, supplies, or other personal property becomes unusable, obsolete, or no longer needed, the Superintendent or designee shall notify the Board of Trustees, provide an estimated value, and recommend whether the items be sold or disposed of by one of the methods prescribed in law and administrative regulation. Upon approval by the Board, the Superintendent or designee shall arrange for the sale or disposal of these items.

Instructional materials may be considered obsolete or unusable when they:

1. Have been replaced by more recent editions or new materials selected by the Board of Trustees and have no foreseeable value in other instructional areas
2. Are not aligned with the District's academic standards or course of study
3. Contain information rendered inaccurate or incomplete by new research or technologies
4. Contain demeaning, stereotyping, or patronizing references to any group of persons protected against discrimination by law or Board policy.
5. Are damaged beyond use or repair.

The Superintendent or designee shall establish procedures to be used when selling equipment for which the federal government has a right to receive all or part of the proceeds. These procedures shall ensure a reasonable amount of competition so as to result in the highest possible revenue.

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

42291.5 Temporary school bus designation

42303 School bus sale to another district

60500-60530 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 Equipment acquired under a grant or subgrant

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3270

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Sale and Disposal of Books, Equipment and Supplies

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Standards for Evaluating Instructional Materials for Social Content, 2000

WEB SITES

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

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

Policy Adopted: 11/27/90
Policy Revised: 11/04/14

ADMINISTRATIVE REGULATION

AR 3270

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Sale And Disposal Of Books, Equipment And Supplies

Personal Property

The District may sell 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)

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

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. Notice related to the auction shall be posted or published as described in item #1 above. (Education Code 17545)
3. The District may sell the property without advertising for bids under any of the following conditions:
 - a. The Board of Trustees attending a meeting unanimously agree that the property, whether one or more items, does not exceed \$2,500 in value. (Education Code 17546)
 - b. The District sells the property to agencies of federal, state, or local government, to any other school district, or to any agency eligible under the federal surplus property law (40 USC 484 renumbered 40 USC 549) and the sale price equals the cost of the property plus the estimated cost of purchasing, storing, and handling. (Education Code 17540)
 - 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 of Trustees and approved by the County Superintendent of Schools. (Education Code 17542)

ADMINISTRATIVE REGULATION

AR 3270

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Sale And Disposal Of Books, Equipment And Supplies

Personal Property (continued)

If the Board of Trustees attending 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 of Trustees or may be disposed of by dumping. (Education Code 17546)

Money received from the sale of surplus 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)

Instructional Materials

Surplus or undistributed obsolete instructional materials that are usable for educational purposes may be sold by the District, in which case all of the proceeds of the sale shall be available to acquire basic instructional materials, supplemental instructional materials, or technology-based materials. (Education Code 60510, 60510.1, 60521)

Such materials also may be donated to another district, county free library, or other state institution; a United States public agency or institution; a nonprofit charitable organization; or children or adults in California or foreign countries for the purpose of increasing the general literacy of the people. Any organization, agency, or institution receiving obsolete instructional materials donated by the District shall certify to the Board of Trustees that it agrees to make no charge to any persons to whom it gives or lends these materials. (Education Code 60510, 60511)

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 so as not to be salable and sold for scrap 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

ADMINISTRATIVE REGULATION

AR 3270

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Sale And Disposal Of Books, Equipment And Supplies

Replacement of School Buses

Upon receiving a state apportionment for the replacement of a school bus, the Board of Trustees may sell the bus that is being replaced to another California school district if the following conditions are met: (Education Code 42303)

1. The other district is replacing a bus that is in service and has not been designated a temporary school bus pursuant to Education Code 42291.5.
2. The bus being replaced by the other district is older than the bus that is being sold by this District.
3. The bus being replaced by the other district is not sold to a third school district.
4. The other district, by Board resolution, holds the state and this District harmless for any liability that may result from the bus that this District is selling.
5. The proceeds from the sale of the bus shall be used by this District for home-to-school transportation purposes.
6. Before the sale is finalized, the bus being sold is in compliance with all relevant provisions of the Vehicle Code and Title 13 of the California Code of Regulations.

Regulation Adopted: 11/27/90
Regulation Revised: 11/04/14

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3280

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Sale Or Lease Of District-Owned Real Property

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

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

Upon determination that District property is no longer needed, or may not be needed until some future time, the Board of Trustees shall first submit a report to the local planning agency as to what real property the District intends to offer for sale or lease. Not less than 40 days after issuance of the report to the local planning agency, and prior to entering into any agreement for sale or lease of District real property, the Board shall offer to sell or lease District-owned real property in accordance with priorities and procedures specified in applicable law.

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

Resolution of Intention to Sell or Lease

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

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

BOARD POLICY

BP 3280

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Sale Or Lease Of District-Owned Real Property (continued)

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

Acceptance/Rejection of Bids

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

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

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

The final acceptance of the bid may be made either at the same meeting specified in the resolution or at any adjourned/continued meeting held within 10 days. Upon acceptance of the bid, the Board of Trustees may adopt a resolution of acceptance that directs the Board president, or any other Board member, to execute the deed or lease and to deliver the document upon performance and compliance by the successful bidder of all of the terms and conditions of the contract.

Use of Proceeds

The Superintendent or designee shall ensure that the proceeds from the sale, or lease with an option to purchase, of District surplus property are used in accordance with law.

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

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3280

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Sale Or Lease Of District-Owned Real Property (continued)

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

Legal Reference:

EDUCATION CODE

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

17230-17234 Surplus property

17385 Conveyances to and from school districts

17387-17391 Advisory committees for use of excess school facilities

17400-17429 Leasing property

17430-17447 Leasing facilities

17453 Lease of surplus district property

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

17457.5 Offer to charter school

17462.3 State Allocation Board program to reclaim funds

17463.7 Proceeds for general fund purposes

17485-17500 Surplus school playground (Naylor Act)

17515-17526 Joint occupancy

17527-17535 Joint use of district facilities

33050 Request for waiver

38130-38139 Civic Center Act

GOVERNMENT CODE

54220-54232 Surplus land, especially:

54222 Offer to sell or lease property

54950-54963 Brown Act, especially:

54952 Legislative body, definition

PUBLIC RESOURCES CODE

21000-21177 California Environmental Quality Act

CODE OF REGULATIONS, TITLE 2

1700 Definitions related to surplus property

COURT DECISIONS

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

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3280

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Sale Or Lease Of District-Owned Real Property (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Closing a School Best Practices Guide

OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS

Unused Site Program Handbook, May 2008

WEB SITES

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

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

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

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

Policy Adopted: 11/27/90

Policy Revised: 11/04/14

ADMINISTRATIVE REGULATION

AR 3280

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Sale Or Lease Of District-Owned Real Property

District Advisory Committee

The District Advisory Committee on use or disposition of surplus school buildings or space shall consist of 7-11 members representative of each of the following:

1. The District's ethnic, age group, and socioeconomic composition
2. The business community, such as store owners, managers, or supervisors
3. Landowners or renters, with preference to representatives of neighborhood associations
4. Teachers
5. Administrators
6. Parents/guardians of students
7. Persons with expertise in environmental impact, legal contracts, building codes, and land use planning, including, but not limited to, knowledge of the zoning and other land use restrictions of the cities and counties in which the surplus property is located.

This committee shall:

1. Review projected school enrollment and other data to determine the amount of surplus space and real property
2. Establish and circulate throughout the attendance area a priority list for use of surplus space and real property that will be acceptable to the community
3. Hold hearings, with community input, on acceptable uses of space and real property, including the sale or lease of surplus real property for child care development purposes
4. Make a final determination of limits of tolerance of use of space and real property
5. Send the Board of Trustees a report recommending uses of surplus space and real property

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 3280

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Sale Or Lease Of District-Owned Real Property

District Advisory Committee (continued)

The District Advisory Committee shall comply with open meeting requirements of the Brown Act.

Regulation Adopted: 11/04/14

BOARD POLICY

BP 3290

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Gifts, Grants And Bequests

The Board of Trustees may accept any gift, grant, or bequest of money, property, or service to the District from any individual, private agency or organization, or other public agency that desires to support the District's educational program. While greatly appreciating suitable donations, the Board shall reject any gifts which may directly or indirectly impair its authority to make decisions in the best interest of District students or its ability or commitment to providing equal educational opportunities.

Before accepting any gift, grant, or bequest, the Board shall carefully consider any conditions or restrictions imposed by the donor to ensure their consistency with the district's vision, philosophy, and operations. If the Board believes the district will be unable to fully satisfy the donor's conditions, the gift shall not be accepted.

In addition, the Board shall ensure that acceptance of the gift, grant, or bequest does not:

1. Involve creation of a program which the Board would be unable to sustain when the donation is exhausted.
2. Entail undesirable or excessive costs.
3. Promote the use of violence, drugs, tobacco, or alcohol or the violation of any law or District policy.
4. Imply endorsement of any business product or unduly commercialize or politicize the school environment.

Any gift of books and instructional materials shall be accepted only if they meet regular district criteria for selection of instructional materials.

All gifts, grants, and bequests shall become District property. Donors are encouraged to donate all gifts to the District rather than to a particular school. At the Superintendent or designee's discretion, a gift may be used at a particular school.

When any gift of money received by the District is not immediately used, it shall be placed in the county treasury in accordance with law. (Education Code 41030-41031)

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3290

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Gifts, Grants And Bequests (continued)

The Superintendent or designee shall annually provide a report to the Board indicating the gifts, grants, and/or bequests received on behalf of the District in the preceding fiscal year. The report shall include a statement of account and expenditure of all gifts of money and an inventory of all gifts of physical assets.

Appreciation

The Board may show appreciation for any donation to the District in any manner it deems appropriate. Such appreciation may take the form of letters of recognition or Board resolutions; plaques, commendations, or awards; planting of commemorative trees or gardens; or naming or renaming of buildings, grounds, or facilities. Conferment of any such honor shall be in accordance with applicable Board policy.

Corporate Sponsorship

The Board may enter into an agreement or arrangement with an outside entity for the sponsorship of an educational, athletic, or other program or activity. When appropriate, the agreement may allow the outside entity to advertise or promote its business, product, or service in district publications or on district property or web sites.

Every sponsorship agreement shall be in writing and shall be approved by the Board. The Board shall ensure that the District's relationship and arrangement with the sponsor are consistent with the District's mission, values, and goals. Any advertising or promotional message, image, or other depiction to be used by the sponsor shall meet the standards set for commercial advertising on district property and in District-sponsored publications. No message, image, or other depiction that promotes the use of obscene language, pornography, alcohol, tobacco, or prohibited drugs or that advocates unlawful discrimination, use of violence, or the violation of law or district policy shall be allowed.

Each sponsorship agreement shall contain statements including, but not limited to:

1. The purpose of the relationship with the sponsor, details of the benefits to the district, and how the benefits will be distributed.
2. The duration of the agreement and the roles, expectations, rights, and responsibilities of the District and the sponsor, including whether and to what extent the sponsor is allowed to advertise or promote its products and/or services.

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3290

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Gifts, Grants And Bequests (continued)

3. The authority of the Board to retain exclusive right over the use of the District's name, logo, and other proprietary information. The sponsor's use of such information shall require prior approval of the Board.
4. The authority of the Board to terminate the agreement without any penalty or sanction to the District if the sponsor's message, business, or product becomes inconsistent with district vision, mission, or goals or the sponsor engages in any prohibited activity.
5. The prohibition against the collection of students' personal information except as allowed by law.

Legal Reference:

EDUCATION CODE

1834 Acquisition of materials and apparatus

35160 Powers and duties

35162 Power to sue, be sued, hold and convey property

41030 School district may invest surplus monies from bequest or gifts

41031 Special fund or account in county treasury

41032 Authority of school board to accept gift or bequest; investments; gift of land requirements

41035 Advisory committee

41036 Function of advisory committee

41037 Rules and regulations

41038 Applicability of other provisions of chapter

Management Resources:

WEB SITES

California Consortium of Education Foundations: <http://www.cceflink.org>

Policy Adopted: 11/27/90

Policy Revised: 11/04/14

BOARD POLICY

BP 3300

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Expenditures And Purchases

The Board of Trustees recognizes its fiduciary responsibility to oversee the prudent expenditure of district funds. In order to best serve district interests, the Superintendent or designee shall develop and maintain effective purchasing procedures that are consistent with sound financial controls and that ensure the district receives maximum value for items purchased. He/she shall ensure that records of expenditures and purchases are maintained in accordance with law.

Expending Authority

The Superintendent or designee may purchase supplies, materials, apparatus, equipment, and services up to the amounts specified in Public Contract Code 20111, beyond which a competitive bidding process is required. The Board shall not recognize obligations incurred contrary to Board policy and administrative regulations.

The Board shall review all transactions entered into by the Superintendent or designee on behalf of the Board every 60 days. (Education Code 17605)

The Superintendent or designee may authorize an expenditure which exceeds the budget classification allowance against which the expenditure is the proper charge only if an amount sufficient to cover the purchase is available in the budget for transfer by the Board.

District funds shall not be expended for the purchase of alcoholic beverages.

Purchasing Procedures

Insofar as possible, goods and services purchased shall meet the needs of the person or department ordering them at the lowest price consistent with standard purchasing practices. Maintenance costs, replacement costs, and trade-in values shall be considered when determining the most economical purchase price. When price, fitness, and quality are equal, recycled products shall be preferred when procuring materials for use in district schools and buildings.

All purchases shall be made by formal contract or purchase order or shall be accompanied by a receipt. In order to eliminate the processing of numerous small purchase orders, the Superintendent or designee may create a "blanket" or "open" purchase order system for the purchase of minor items as needed from a vendor. He/she shall ensure that the "open" purchase order system details a maximum purchase amount, the types of items that can be purchased under this order, the individuals authorized to approve purchases, and the expiration date of the "open" order.

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3300

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Expenditures And Purchases (continued)

Legal Reference:

EDUCATION CODE

17604 Delegation of powers to agents; approval or ratification of contracts by governing board

17605 Delegation of authority to purchase supplies and equipment

32370-32376 Recycling paper

32435 Prohibited use of public funds, alcoholic beverages

35010 Control of district; prescription and enforcement of rules

35035 Powers and duties of superintendent

35160 Authority of governing boards

35250 Duty to keep certain records and reports

38083 Purchase of perishable foodstuffs and seasonal commodities

41010 Accounting system

41014 Requirement of budgetary accounting

GOVERNMENT CODE

4330-4334 California made materials

PUBLIC CONTRACT CODE

3410 U.S. produce and processed foods

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

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: Fiscal Accountability, 2006

WEB SITES

CSBA, Financial Services: <http://www.csba.org/fs>

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

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

Policy Adopted: 11/27/90

Policy Revised: 11/04/14

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3311

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Bids

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

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

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

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

The Superintendent or designee shall develop the procedures to be used for rating bidders for award of contracts which, by law or Board policy, require prequalification. The procedures shall identify a uniform system for rating bidders and shall address the issues covered by the standardized questionnaire and model guidelines developed by the Department of Industrial Relations pursuant to Public Contract Code 20101.

Except as authorized by law and specified in the administrative regulation, contracts shall be let to the lowest responsible bidder who shall give such security as the Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

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

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3311

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Bids (continued)

Legal Reference:

EDUCATION CODE

17070.10-17079.30 *Leroy F. Greene School Facilities Act*
17406 *Lease-leaseback contract*
17595 *Purchase of supplies through Department of General Services*
17602 *Purchase of surplus property from federal agencies*
38083 *Purchase of perishable foodstuffs and seasonable commodities*
38110-38120 *Apparatus and supplies*
39802 *Transportation services*

Legal Reference: (continued)

GOVERNMENT CODE

4217.10-4217.18 *Energy conservation contracts*
4330-4334 *Preference for California-made materials*
6252 *Definition of public record*
53060 *Special services and advice*
54201-54205 *Purchase of supplies and equipment by local agencies*

PUBLIC CONTRACT CODE

1102 *Emergencies*
2000-2002 *Responsive bidders*
3000-3010 *Roofing projects*
3400 *Bids, specifications by brand or trade name not permitted*
3410 *United States produce and processed foods*
6610 *Bid visits*
12200 *Definitions, recycled goods, materials and supplies*
20101-20103.7 *Public construction projects, requirements for bidding*
20103.8 *Award of contracts*
20107 *Bidder's security*
20111-20118.4 *Contracting by school districts*
20189 *Bidder's security, earthquake relief*
22002 *Definition of public project*
22030-22045 *Alternative procedures for public projects (UPCCAA)*
22050 *Alternative emergency procedures*
22152 *Recycled product procurement*
COURT DECISIONS
Los Angeles Unified School District v. Great American Insurance Co., (2010) 49 Cal.4th 739
Great West Contractors Inc. v. Irvine Unified School District, (2010) 187 Cal.App.4th 1425
Marshall v. Pasadena Unified School District, (2004) 119 Cal.App.4th 1241
Konica Business Machines v. Regents of the University of California, (1988) 206 Cal.App.3d 449
City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court, (1972) 7 Cal.3d 861
ATTORNEY GENERAL OPINIONS
89 Ops.Cal.Atty.Gen. 1 (2006)

Management Resources:

WEB SITES

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

Policy Adopted: 11/27/90

Policy Revised: 02/20/96

Policy Revised: 11/04/14

ADMINISTRATIVE REGULATION

AR 3311

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Bids

Advertised/Competitive Bids

The District shall advertise for competitive bids to let any public project contract involving 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.

The District shall also seek competitive bids through advertisement for contracts exceeding the amount specified in law, as annually adjusted by the Superintendent of Public Instruction, for any of the following:

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, but 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.

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 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.

OCEAN VIEW SCHOOL DISTRICT
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ADMINISTRATIVE REGULATION

AR 3311

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Bids (continued)

The notice shall contain the time, date, and location of any mandatory prebid conference, site visit, or meeting. The notice shall also detail 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.

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.
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:
 - a. Cash
 - b. A cashier's check
 - c. A certified check
 - d. A bidder's bond executed by an admitted surety insurer

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.

3. When a standardized proposal form is provided by the District, bids not presented on the standard form shall be disregarded.
4. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time.
5. When two or more identical lowest or highest bids are received, the Board of Trustees may determine by lot which bid shall be accepted.
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 #a below shall be used.

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

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AR 3311

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Bids (continued)

- 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.

7. Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4.
8. After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for public review pursuant to law, Board policy, and administrative regulation.
9. When a bid is disqualified as nonresponsive based on District investigation or other information not obtained from the submitted bid, the Superintendent or designee shall notify the bidder and give him/her an opportunity to respond to the information.

Prequalification Procedure

When required by law or the Board, each prospective bidder shall complete and submit a standardized questionnaire and financial statement. For this purpose, the Superintendent or designee shall provide a standardized proposal form which requires a complete statement of the bidder's 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.

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

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AR 3311

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Bids (continued)

Prospective bidders shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids.

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. Bidders must be prequalified by the District at least one day before the fixed bid-opening date.

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.

Award of Contract

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.
2. For any transportation service contract involving an expenditure of more than \$10,000, which the Board contemplates may be made with a person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of students who are to be transported, in which case the Board may contract with other than the lowest bidder.
3. When the contract is one for which the Board has established goals and requirements relating to participation of minority, women, 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 complies or makes a good faith effort to comply with the goals and requirements.

ADMINISTRATIVE REGULATION

AR 3311

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Bids (continued)

Protests by Bidders

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.

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide reasonable notice to the bidder of the date and time for Board consideration of the protest. 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.

The competitive negotiation process shall include, but not be limited to, the following requirements:

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.

ADMINISTRATIVE REGULATION

AR 3311

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Bids (continued)

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.
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

In any contract for the construction, alteration, or repair of school facilities, the Superintendent or designee shall not draft the bid specification in a manner that:

1. Directly or indirectly limits bidding to any one specific concern
2. Calls 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

ADMINISTRATIVE REGULATION

AR 3311

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Bids (continued)

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.

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.

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:

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

Bids Not Required

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.

ADMINISTRATIVE REGULATION

AR 3311

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Bids (continued)

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 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").

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.

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.

Perishable foodstuffs and seasonal commodities needed in the operations of cafeterias may be purchased through bid or on the open market.

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.

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.

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.

Regulation Adopted: 11/27/90
Regulation Revised: 02/20/96
Regulation Revised: 11/04/14

ADMINISTRATIVE REGULATION

AR 3311.3

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

DESIGN-BUILD CONTRACTS

The Board of Trustees may approve a contract with a single entity for both design and construction of any school facility in excess of \$1,000,000, awarding the contract to either the low bid or the best value as determined by evaluation of objective criteria. (Education Code 17250.20)

Design-build documents shall not include provisions for long-term project operations, but may include operations during a training or transition period. (Education Code 17250.25)

The procurement process for design-build projects shall be as follows: (Education Code 17250.25, 17250.35)

1. The District shall prepare a set of documents setting forth the scope and estimated price of the project. The documents may include, but are not limited to:
 - a. The size, type, and desired design character of the project.
 - b. Performance specifications that cover the quality of materials, equipment, and workmanship.
 - c. Preliminary plans or building layouts.
 - d. Any other information deemed necessary to describe adequately the District's needs.

The performance specifications and any plans shall be prepared by a design professional who is duly licensed and registered in California.
2. The District shall prepare and issue a request for qualifications in order to prequalify, or develop a short list of, the design-build entities whose proposals shall be evaluated for final selection. The request for qualifications shall include, but is not limited to, all of the following elements:
 - a. Identification of the basic scope and needs of the project or contract, the expected cost range, the methodology that will be used by the District to evaluate proposals, the procedure for final selection of the design-build entity, and any other information deemed necessary by the District to inform interested parties of the contracting opportunity.
 - b. Significant factors that the District reasonably expects to consider in evaluating qualifications, including technical design and construction expertise, acceptable safety record, and all other non-price-related factors.

ADMINISTRATIVE REGULATION

AR 3311.3

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

DESIGN-BUILD CONTRACTS (continued)

- c. A standard template request for statements of qualifications prepared by the District, which shall contain all of the information required pursuant to Education Code 17250.25

The District also may identify specific types of subcontractors that must be included in the statement of qualifications and proposal.

A design-build entity shall not be prequalified or short-listed unless the entity provides an enforceable commitment to the District that the entity and its subcontractors at every tier will use a skilled and trained workforce, as defined in Education Code 17250.25, to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades. The entity may demonstrate such commitment through a project labor agreement, by becoming a party to the District's project labor agreement, or through an agreement with the District to provide evidence of compliance on a monthly basis during the performance of the project or contract.

- 3. The District shall prepare a request for proposals (RFP) that invites prequalified or short-listed entities to submit competitive sealed proposals in a manner prescribed by the District. The RFP shall include the information identified in items #2a and 2b above and the relative importance or weight assigned to each of the factors. If the District uses a best value selection method for a project, the District may reserve the right to request proposal revisions and hold discussions and negotiations with responsive proposers, in which case the District shall so specify in the request for proposals and shall publish separately or incorporate into the request for proposals applicable procedures to be observed by the District to ensure that any discussions or negotiations are conducted in good faith.
- 4. For those projects utilizing low bid as the final selection method, the bidding process shall result in lump-sum bids by the prequalified or short-listed design-build entities, and the contract shall be awarded to the lowest responsible bidder.
- 5. For those projects utilizing best value as a selection method, the following procedures shall be used:
 - a. Competitive proposals shall be evaluated using only the criteria and selection procedures specifically identified in the request for proposals. Criteria shall be weighted as deemed appropriate by the District and shall, at a minimum, include price, unless a stipulated sum is specified; technical design and construction experience; and life-cycle costs over 15 or more years.

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 3311.3

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

DESIGN-BUILD CONTRACTS (continued)

- b. Following any discussions or negotiations with responsive proposers and completion of the evaluation process, the responsive proposers shall be ranked on a determination of value provided, provided that no more than three proposers are required to be ranked.
- c. The contract shall be awarded to the responsible entity whose proposal is determined by the District to have offered the best value to the public.
- d. The District shall publicly announce the contract award, identifying the entity to which the award is made and the basis of the award. This statement and the contract file shall provide sufficient information to satisfy an external audit.

Legal Reference:

EDUCATION CODE

17250.10-17250.55 *Design-build contracts*

Management Resources:

WEB SITES

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

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

California Department of Education, Facilities: <http://www.cde.ca.gov/lr/fa>

Regulation Adopted: 05/25/21

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3312

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Contracts

Whenever state law invests the Governing Board with the power to enter into contracts on behalf of the District, the Board may, by a majority vote, delegate this power to the Superintendent or designee. To be valid or to constitute an enforceable obligation against the District, all contracts must be approved and/or ratified by the Board.

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

When required by law, contracts and subcontracts made by the District for public works or for goods or services shall contain a nondiscrimination clause prohibiting discrimination by contractors or subcontractors. The nondiscrimination clause shall contain a provision requiring contractors and subcontractors to give written notice of their obligations to labor organizations with which they have a collective bargaining or other agreement.

The District shall not enter into a contract that prohibits a school employee from disparaging the goods or services of the contracting party.

Contracts for Non-Nutritious Foods or Beverages

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

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

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

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

BOARD POLICY

BP 3312

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Contracts (continued)

1. Control procedures that produce accurate and reliable financial statements and, at the same time, safeguard the assets, financial resources, and integrity of every employee responsible for handling money or property. Control systems shall be systematically evaluated and revised to keep pace with the changing responsibilities of management.
2. Procedures to ensure that District personnel do not handle cash or product at the school site. The contract shall specify that the vendor stock the machines and shall provide cash accounting, along with a check, for district proceeds directly to the control office.

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

To ensure that funds raised by the contract benefit District schools and students:

1. The Superintendent or designee may form a committee consisting of parents/guardians, students, staff, and interested community members to make recommendations regarding the contract, including recommendations as to how the funds will be spent in a manner that benefits public education.
2. Prior to ratifying the contract, the Board shall designate the specific programs and activities that will be funded by the proceeds of the contract and consider how the contract reflects the district's vision and goals.
3. The contract shall specify that the contractor report, on a quarterly basis, to the Superintendent or designee the number of food items or beverages sold within the District and the amount of money raised by the sales. The Superintendent or designee shall report these amounts to the Board on a regular basis.
4. The Superintendent or designee shall ensure that the contract does not limit the ability of student and parent organizations to plan and operate fund-raising activities.

The contract shall be entered into on a competitive bid basis pursuant to Public Contract Code 20111 or through the issuance of a Request for Proposal.

BOARD POLICY

BP 3312

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Contracts (continued)

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

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

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

Contracts for Electronic Products or Services

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

1. Enters into the contract at a noticed, public hearing of the Board.
2. Makes a finding that the electronic product or service is or would be an integral component of the education of students.
3. Makes a finding that the District cannot afford to provide the electronic product or service unless it contracts to permit dissemination of advertising to students.
4. As part of the District's normal, ongoing communication to parents/guardians, provides written notice that the advertising will be used in the classroom or other learning center.
5. Offers parents/guardians the opportunity to request in writing that their child not be exposed to the program that contains the advertising. Any request shall be honored for the school year in which it is submitted, or longer if specified, but may be withdrawn by the parents/guardians at any time.

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3312

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Contracts (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

14505 Provisions required in contracts for audits

17595-17606 Contracts

35182.5 Contract prohibitions

45103.5 Contracts for management consulting service related to food service

49431-49431.5 Nutritional standards

CODE OF CIVIL PROCEDURE

685.010 Rate of interest

GOVERNMENT CODE

12990 Nondiscrimination and compliance employment programs

53260 Contract provision re maximum cash settlement

53262 Ratification of contracts with administrative officers

LABOR CODE

1775 Penalties for violations

1810-1813 Working hours

PUBLIC CONTRACT CODE

4100-4114 Subletting and subcontracting fair practices

7104 Contracts for excavations; discovery of hazardous waste

7106 Noncollusion affidavit

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

20104.50 Construction Progress Payments

22300 Performance retentions

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

Management Resources:

CSBA PUBLICATIONS

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

WEB SITES

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

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

Policy adopted: 11/27/90

Policy revised: 03/21/00

Policy revised: 09/07/04

Policy revised: 11/04/14

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3312.2

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Educational Travel Program Contracts

The Board of Trustees believes that field trips and other travel opportunities for students are a valuable tool in supporting classroom instruction and promoting students' awareness of places and events. In contracting with organizations to provide educational travel services, the Board desires to ensure a quality educational experience and the health, safety, and welfare of each student traveler.

The Superintendent or designee shall contract only with educational travel organizations which adhere to state law and exhibit safe and reputable business practices.

The Superintendent or designee shall establish procedures for selecting the highest quality vendor, taking into account student safety, quality of the program and fiscal integrity.

Legal Reference:

EDUCATION CODE

35160 Authority of boards

35160.1 Broad authority of school districts

BUSINESS AND PROFESSIONS CODE

17540 Travel promoters

17550-17550.9 Sellers of travel

17552-17556.5 Educational travel organizations

Policy Adopted: 11/04/14

ADMINISTRATIVE REGULATION

AR 3312.2

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Educational Travel Program Contracts

Definitions

Educational travel organization or organization means a person, partnership, corporation, or other entity which offers educational travel programs for students residing in California.

Student traveler or student means a person who is enrolled in elementary or secondary school, grades kindergarten through grade 12, at the time an educational travel program is arranged with an educational travel organization. (Business and Professions Code 17552)

Educational travel program means travel services that are arranged through or offered to an elementary or secondary school in the state, and where the services are represented to include an educational program as a component. (Business and Professions Code 17552)

Owner means a person or organization which owns or controls 10 percent or more of the equity of, or otherwise has claim to 10 percent or more of the net income of, the educational travel organization. (Business and Professions Code 17554)

Principal means an owner, an officer of a corporation, a general partner of a partnership, or a sole proprietor of a sole proprietorship. (Business and Professions Code 17554)

Contract Requirements

The Superintendent or designee shall ensure that each written contract with an educational travel organization includes all of the following: (Business and Professions Code 17554)

1. The travel organization's name, trade or business name, business address, business telephone number and a 24-hour emergency contact number
2. An itemized statement which shall include but not be limited to:
 - a. Services to be provided as part of the program
 - b. Agreed cost for the services
 - c. A statement as to whether or not the educational travel organization maintains insurance that supplies coverage in the event of injury to any student traveler, including the type and amount of coverage, the policy number and issuer, and the name and telephone number of the person or organization which is able to verify coverage

ADMINISTRATIVE REGULATION

AR 3312.2

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Educational Travel Program Contracts

Contract Requirements (continued)

- d. Any additional costs to students
 - e. The qualifications, if any, for experience and training that are required to be met by the educational travel organization's staff who shall accompany students on the educational travel program
3. A written description of the educational program being contracted for, including a copy of all materials to be provided to students
4. The number of times the educational travel program or a substantially similar educational travel program proposed by the contract has been conducted by the organization and the number of students who completed the program
5. The length of time the organization has either been arranging or conducting educational travel programs and, at the option of the organization, other travel services with substantially similar components
6. The name of each owner and principal of the organization
7. A statement as to whether any owner or principal of the organization has had entered against him or her any judgment, including a stipulated judgment, order, made a plea of nolo contendere or been convicted of any criminal violation in connection with the sale of any travel services for a period of 10 years predating the contract

District staff shall inform all vendors representing educational travel organizations that they may not arrange a travel program before the District has first entered into a written contract with the organization.

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3314

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Payment For Goods And Services

The Board of Trustees recognizes the importance of developing a system of internal control procedures in order to help fulfill its obligation to monitor and safeguard District resources. To facilitate warrant processing, the Superintendent or designee shall ensure that purchasing, receiving, and payment functions are kept separate. He/she shall also ensure that invoices are paid expeditiously so that the District may, to the extent possible, take advantage of available discounts and avoid finance charges.

The Superintendent or designee shall sign all warrants and shall ensure that warrants have appropriate documentary support verifying that all goods and services to be paid for have been delivered or rendered in accordance with the purchase agreement.

The Board of Trustees shall approve all warrants at a regularly scheduled Board of Trustees' meeting.

The District shall not be responsible for unauthorized purchases.

Legal Reference:

EDUCATION CODE

17605 Delegation of authority for purchases

42630-42651 Orders, requisitions and warrants

42800-42806 Revolving cash fund

42810 Alternative revolving fund

42820 Prepayment funds

CODE OF CIVIL PROCEDURE

685.010 Rate of interest

GOVERNMENT CODE

16.5 Digital signatures

5500-5506 Uniform Facsimile Signatures of Public Officials Act

8111.2 Definition of public entity

PUBLIC CONTRACT CODE

7107 Retention proceeds; withholding; disbursement

9203 Payment for projects costing over \$5000

20104.50 Timely progress payments

CODE OF REGULATIONS, TITLE 2

22000-22005 Digital signatures

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: Understanding California's Public School Finance System, 2006

Maximizing School Board Governance: Budget Planning and Adoption, 2006

Maximizing School Board Governance: Understanding District Budgets, 2006

Maximizing School Board Governance: Fiscal Accountability, 2006

School Finance CD-ROM, 2005

WEB SITES

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

California Secretary of State, digital signatures: <http://www.sos.ca.gov/digsig/digsig.htm>

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

Policy Adopted: 11/27/90

Policy Revised: 11/04/14

ADMINISTRATIVE REGULATION

AR 3314

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Payment for Goods and Services

Payment for Construction Contracts

Payment on any contract for the creation, construction, alteration, repair, or improvement of any District property or facility or other public works project shall be made in accordance with the estimates, process, and/or schedule approved by the Board of Trustees.

As necessary, the Superintendent or designee may make progress payments as actual work is completed or materials are delivered. When a payment request is properly submitted by a contractor, any undisputed portion of the payment request shall be paid within 30 days. If the Superintendent or designee determines any payment request to be improper, he/she shall return the payment request to the contractor with a written statement of reasons why the request is not proper.

The District may withhold up to five percent of the proceeds due to the contractor until completion and acceptance of the project.

The proceeds to be withheld by the district may exceed five percent when the Board has made a finding, prior to the bid and during a properly noticed and regularly scheduled meeting, that the project is substantially complex and requires a higher retention amount than five percent. In such cases, the Board's finding and the actual amount to be withheld shall be included in the bid documents.

At any time after 50 percent of the work has been completed, the Board may release the withheld proceeds if it finds that satisfactory progress is being made.

Proceeds withheld by the District from payments to contractors for public works contracts shall be released within 60 days after the construction or improvement is completed. In the event of a dispute between the district and the contractor, the District may withhold from the final payment an amount not to exceed 150 percent of the disputed amount.

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3314.2

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Revolving Funds

The Board of Trustees has a fiduciary responsibility to effectively manage and safeguard the district's assets and resources. All revolving cash funds shall be subject to the internal control procedures established by the district to prevent and detect fraud, financial impropriety, or irregularity and shall be maintained in accordance with law and the California School Accounting Manual.

The Superintendent or designee shall provide regular reports to the Board regarding the use of revolving funds and the results of any audits conducted on the funds.

Standard Revolving Cash Fund

Pursuant to Education Code 42800, the Board of Trustees has adopted a resolution establishing a revolving cash fund for use by the chief accounting officer. The fund shall be used only for the purposes specified in the Board's resolution which may include, but are not limited to, payment for services or supplies for which there is an urgent deadline or to reduce the need for issuing numerous small warrants.

The chief accounting officer shall be covered by an individual bond or insurance in the amounts specified in law. He/she shall ensure that payments from the fund are for services or materials that are a legal charge against the District and that a receipt is obtained setting forth the date, payee, purpose of the expenditure, and amount expended.

The Board may at any time reduce or discontinue the revolving cash fund.

Pre-Payment Revolving Cash Fund

Pursuant to Education Code 42820, the Board has also adopted a resolution, establishing a pre-payment revolving cash fund for use by the individual so designated in the Board's resolution.

The fund shall be established in a bank or other institution, whose deposits are federally insured and shall be within the maximum limit specified in law. The designated individual shall be authorized to make payments from the fund for purchases in the amount of \$1,000 or less, including freight or tax. He/she shall submit a monthly list of the payments to the Board for approval.

Any person who issues a check drawn on the fund shall be personally liable for the amount of the check if the expenditure is in violation of the District's rules and regulations with respect to the fund.

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3314.2

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Revolving Funds (continued)

Alternative Revolving Cash Funds

Pursuant to Education Code 42810, the Board of Trustees has adopted a resolution, establishing a revolving cash fund for use by school principals and other administrative staff. The fund shall be used for services or materials related to classroom instruction or to correct an error in a classified employee's salary pursuant to Education Code 45167, as specified in the Board's resolution.

The revolving cash fund for supplies shall be subject to the bonding provisions of Education Code 42801.

The principal or administrative staff member in whose name the revolving cash fund is created shall be responsible for all fund expenditures, subject to Board regulation.

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards
35250 Duty to keep certain records
38091 Cafeteria revolving accounts
41020 Audits of all district funds
41021 Requirement for employee's indemnity bond
41365-41367 Charter school revolving loan fund
42238 Revenue limits
42238.01-42238.07 Local control funding formula
42630-42652 Orders, requisitions, and warrants
42800-42806 Revolving cash fund
42810 Revolving cash funds; use; administrators
42820-42821 Prepayment revolving cash fund
45167 Error in salary

Management Resources:

WEB SITES

California Department of Education, Finance and Grants: <http://www.cde.ca.gov/fg>
Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>

Policy Adopted: 11/27/90
Policy Revised: 11/04/14

BOARD POLICY

BP 3320

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Claims And Actions Against The District

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

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

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

In accordance with Government Code 935.4, the Board of Trustees delegates to the Superintendent the authority to allow, compromise, or settle claims of \$50,000 or less pursuant to any conditions of coverage in the District's JPA agreement or insurance.

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

Roster of Public Agencies

The Superintendent or designee shall file the information required for the Roster of Public Agencies with the Secretary of State and the County Clerk. This information shall include the name of the school district, the mailing address of the Board, and the names and addresses of the Board presiding officer, the Board clerk or secretary, and other members of the Board.

Any changes to such information shall be filed within 10 days after the change has occurred.

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3320

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Claims And Actions Against The District (continued)

Legal Reference:

EDUCATION CODE

35200 Liability for debts and contracts

35202 Claims against districts; applicability of Government Code

CODE OF CIVIL PROCEDURE

340.1 Damages suffered as result of childhood sexual abuse

GOVERNMENT CODE

800 Cost in civil actions

810-996.6 Claims and actions against public entities

6500-6536 Joint exercise of powers

53051 Information filed with secretary of state and county clerk

PENAL CODE

72 Fraudulent claims

COURT DECISIONS

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

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

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

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

Management Resources:

WEB SITES

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

Policy Adopted: 11/27/90

Policy Revised: 11/18/03

Policy Revised: 11/04/14

ADMINISTRATIVE REGULATION

AR 3320

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Claims and Actions Against the District

Time Limitations

The following time limitations apply to claims against the District:

1. Claims for money or damages relating to a cause of action for death or for injury to person, personal property, or growing crops shall be presented to the Board of Trustees not later than six months after the accrual of the cause of actions.
2. Claims for money or damages as authorized in Government Code 905 and not included in item #1 above, including claims for damages to real property, shall be presented not later than one year after the accrual of the cause of action.

Receipt of Claims

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

Upon receipt of a claim against the District pursuant to the Government Claims Act, the Superintendent or designee shall promptly provide written notice to the District's JPA or insurance carrier in accordance with the applicable conditions of coverage.

Review of Contents of the Claim

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

1. The name and post office address of the claimant
2. The post office address to which the person presenting the claim desires notices to be sent
3. The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted
4. A general description of the indebtedness, obligation, injury, damage, or loss incurred insofar as it may be known at the time of presentation of the claim

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 3320

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Claims and Actions Against the District (continued)

5. The name(s) of the public employee(s) causing the injury, damage, or loss if known
6. The amount claimed if it totals less than \$10,000 as of the date of the presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds \$10,000, the dollar amount shall not be included in the claim and the claimant shall indicate whether the claim is a "limited civil case."
7. The signature of the claimant or the person acting on his/her behalf

Notice of Claim Insufficiency

If a claim is found insufficient or not to satisfy the form requirements under Government Code 910 and 910.2, the Board or its designee shall, within 20 days of receipt of the claim, personally deliver or mail to the claimant, at the address stated in the claim or application, a notice that states the particular defects or omission in the claim.

The Board shall not act upon the claim until at least 15 days after such notice is given.

Amendment to Claims

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

Late Claims

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

ADMINISTRATIVE REGULATION

AR 3320

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Claims and Actions Against the District (continued)

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

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

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

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

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

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

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 3320

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Claims and Actions Against the District (continued)

Action on Claims

Within 45 days after the presentation or amendment of a claim, the Board shall take action on the claim. This time limit may be extended by written agreement between the district and the claimant before the expiration of the 45-day period. If the 45-day period has expired, the time limit may be extended if legal action has not been commenced or barred by legal limitations.

The Board may act on the claim in one of the following ways:

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

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

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

Regulation adopted: 11/27/90
Regulation revised: 11/18/03
Regulation revised: 11/04/14

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

EXHIBIT

E 3320

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Claims and Actions Against the District – Claim Form

OCEAN VIEW SCHOOL DISTRICT
Claim Form

This form is provided pursuant to Government Code Section 910.4 and shall be used by any person presenting a claim to the District under Government Code Section 900 et seq. If additional space is needed for any of the required information, please attach additional sheets.

Section I: Claimant Information

Name of Claimant _____ Telephone # (with area code) _____

Address _____ City _____ State _____ Zip Code _____

Section 2: Notices

The person presenting this claim desires that notices be sent to the following address:

Address _____ City _____ State _____ Zip Code _____

Section 3: Claim Information

Date of the occurrence or transaction which gave rise to this claim: _____
Month Day Year

Provide the location of the occurrence or transaction which gave rise to this claim. If applicable, include street address, city or county, highway number and direction of travel.

Describe the circumstances of the occurrence or transaction which gave rise to this claim. (Give complete information.)

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

EXHIBIT

E 3320

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Claims and Actions Against the District – Claim Form (continued)

Provide a general description of the indebtedness, obligation, injury, damage or loss incurred as far as known at the time of presentation of this claim.

Provide the name(s) of the Ocean View School District employee(s) causing the injury, damage or loss, if known.

If this claim is for an amount less than or equal to ten thousand dollars (\$10,000) (including the estimated amount of any prospective injury, damage or loss, insofar as known at the time of presentation of this claim), specify the amount claimed and the basis of computation of the amount claimed:

Amount Claimed: \$ _____

Basis for computation: _____

If the amount claimed exceeds ten thousand dollars (\$10,000), do not provide the dollar amount of the claim; instead, please indicate below whether the claim would be a limited civil case. A limited civil case is one where the amount claimed does not exceed twenty-five thousand dollars (\$25,000).

_____ Limited Civil Case (to \$25,000)

_____ Non-Limited Civil Case (over \$25,000)

Section 4: Representative Information (to be completed if claim is filed by attorney or representative)

Name of Attorney/Representative

Telephone Number (include area code)

Address

City

State

Zip Code

Is the claim filed on behalf of a minor? _____ Yes _____ No

If yes, please indicate:

Relationship to the minor _____ Minor's date of birth (month, day, year) _____

Section 5: ADVISORY

Section 72 of the Penal Code provides that "every person who, with intent to defraud, presents for allowance or for payment to any State Board or Officer, or to any county, town, city, district, ward or village, board or officer, authorized to allow or pay the same if genuine, any false or fraudulent claim, bill, account, voucher or writing, is guilty of a felony."

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

EXHIBIT

E 3320

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Claims and Actions Against the District – Claim Form (continued)

Section 6: Signature

Signature of Claimant or Claimant's Attorney/Representative

Date

Section 7: Submission of Claim Form

Completed Claim Forms must be submitted by personal delivery or by United States mail, postage paid, to the following address:

Ocean View School District
Attn: Risk Manager
17200 Pinehurst Lane
Huntington Beach, CA 92647

For additional information, the Ocean View School District may be contacted by telephone at (714) 847-2551 ext. 1412, by facsimile at (714) 842-1541, or by e-mail cpulfer@ovsd.org.

Exhibit Reviewed: 11/14/04

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3350

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Travel Expenses

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

The Board shall authorize payment for actual and necessary travel expenses incurred by any employee performing authorized services for the District, whether within or outside District boundaries.

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

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

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

Reimbursable travel expenses may include, but are not limited to, costs of transportation, parking fees, bridge or road tolls, lodging when District business reasonably requires an overnight stay, registration fees for seminars and conferences, telephone and other communication expenses incurred on District business, and other necessary incidental expenses.

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

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

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3350

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Travel Expenses (continued)

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

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

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

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

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

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

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

When approved by the Superintendent or designee, an employee may be issued a District credit card for use while on authorized District business. Receipts documenting the expenses incurred on a District credit card shall be submitted promptly following return from travel. Under no circumstances shall personal expenses be charged on a District credit card, even if the employee intends to subsequently reimburse the District for the personal charges.

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3350

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Travel Expenses (continued)

When necessary, the Superintendent or designee may approve a cash advance, not to exceed the estimated out-of-pocket reimbursable expenses, to an employee authorized to travel on District business. Within 10 working days following return from travel, the employee shall submit a final accounting with all necessary supporting documentation. He/she shall refund to the District any amount of cash advance exceeding the actual approved reimbursable expenses.

Legal Reference:

EDUCATION CODE

42634 Itemization of expenses

44016 Travel expense to employment interview

44032 Travel expenses

44033 Automobile allowance

44802 Student teacher's travel expense

Management Resources:

INTERNAL REVENUE SERVICE PUBLICATIONS

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

WEB SITES

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

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

Policy Adopted: 09/17/02

Policy Revised: 11/04/14

ADMINISTRATIVE REGULATION

AR 3350

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

TRAVEL EXPENSES

In accord with Board policy, employees shall be reimbursed for travel to meetings and workshops within limits approved by the Board of Trustees.

1. Transportation expenses for other than personal automobile will be reimbursed at actual cost (receipts required).
2. Transportation costs for use of personal automobile will be paid at the current IRS approved rate per mile.
3. Lodging expenses, excluding personal phone charges and entertainment add-ons such as movies, will be reimbursed at actual cost (itemized receipts required).
4. Registration fee(s) will be reimbursed at actual cost (receipt required).
5. Meal Allowance/Reimbursement may be claimed only in the following circumstances.
 - a. If attendance involves an overnight stay:

For meals NOT covered within the cost of registration, the maximum per diem reimbursement will be up to the IRS approved rate *per meal* as established in IRS Publication 1542 with itemized receipts.
 - b. If attendance is at an event located outside Orange County, but does not involve an overnight stay:

One meal will be reimbursed at the IRS approved *per meal* rate with an itemized receipt.
6. There will be no reimbursement for the purchase of alcoholic beverages.
7. Incidentals such as tips to bellhops or public transportation on a subway or bus where it is not customary to get a receipt will be reimbursed at the maximum IRS approved rate *per diem* for incidentals.
8. Any other expense incurred must have a receipt to be reimbursed.

BUSINESS

Management of District Assets/AccountsAccounting Systems

General and budgetary accounting is prescribed by the Education Code and must be in accordance with the California State Department of Education Accounting Manual. (Education Code 41010)

The Superintendent or designee shall provide ongoing internal accounting controls and a means for the accounting of income and expenditures as outlined in the adopted budget.

Audits

All accounts shall be audited annually as prescribed by the Education Code. The audit examination shall be conducted in accordance with the requirements of the State Controller. (Education Code 41020)

By April 1 of each year, the Board shall provide for an audit of all district funds, any other funds which are administered pursuant to a joint powers agreement, and attendance procedures. To conduct the audit, the Board shall select a certified public accountant licensed by the State Board of Accountancy.

The audit shall identify all expenditures by source of funds and shall contain the following:

1. A statement that the audit was conducted pursuant to standards and procedures established in the audit guides developed by the State Controller.
2. A summary of audit exceptions and management recommendations.

The Superintendent or designee shall establish a timetable for the completion and review of the audit within the deadlines established by law.

The Superintendent or designee shall file the report of the audit with the County Superintendent of Schools, the Department of Education and the State Controller no later than December 15. (Education Code 41020).

Policy
adopted: 11-27-90

Management District Assets/Accounts (continued)

Legal Reference:

Education Code

- 14505 Withholding percentage of audit fee until certification of conformance to audit guide; appeal
- 35035 Powers and duties of superintendent
- 35250 Duty to keep certain records and reports (accurate account of expenditures and receipts)
- 41010 Accounting system; requirements for Accounting Manual
- 41011 Accounting system requirements
- 41012 Uniform cost accounting procedure to determine allowances for handicapped minors
- 41013 Transfers from district general funds; accounting rules and regulations
- 41014 Requirement of budgetary accounting
- 41020 Requirement for annual audit
- 41020.3 Review of annual audit
- 41020.5 Audit not in conformance
- 42600 District budget limitation on expenditures
- 42601 Transfers between funds to permit payment of obligations at close of year
- 42603 Transfer of special or restricted funds moneys
- 42647 Drawing of warrants by district on county treasurer; form; reports, statements and other data

Government Code

- 53995-53997 Obligation of contract

Policy

adopted: 11-27-90

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

AR 3430(a)

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

INVESTING

Purpose

To establish a policy for investment of funds held by the Ocean View School District (the "District"). The policy also governs the issuance of debt by the District. This policy is based upon federal, state, and local laws, and prudent money management practices. To the extent that this policy conflicts with applicable law, the applicable law shall prevail. The primary goals of this policy are:

- To assure compliance with all federal, state, and local laws governing the investment of monies and the issuance of debt;
- To protect the principal deposits of the District; and
- To generate investment income within the parameters of this policy.

Policy

The District's primary investment objective shall be to maintain the safety and liquidity of its funds. Safety of principal is the foremost objective of the District. The investment factors the District shall consider, in order of descending importance, are the following:

- Safety of invested funds;
- Sufficient liquidity to meet future cash flow requirements; and
- Attain maximum yield consistent with the aforementioned requirements.

In addition, the District shall adopt measures as set forth herein to ensure that the issuance of debt by the District complies with all applicable state and federal laws, including federal and state securities laws.

The District Superintendent, or designee, under the direction of the Board of Trustees, shall have the responsibility for all decisions and activities performed under the District's investment policy. The Superintendent shall have the ability to allocate resources or delegate responsibility as necessary to optimize the safety and liquidity of the investment portfolio and to implement this investment policy.

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

INVESTMENT

Legal Constraints

Pursuant to California Education Code Section 41001, the District shall deposit all funds received or collected from any source into the Orange County Treasury, to be placed to the credit of the proper Fund of the District, except as otherwise provided herein.

Pursuant to California Education Code Section 41015, the District may invest all or part of funds deposited in a Special Reserve Fund or any surplus monies not required for the immediate necessities of the District in any of the investments specified in California Government Code Sections 16430 or 53601. Special Reserve Funds are defined as those funds which the Board of Trustees has designated for capital outlay or other purposes where an accumulation over a period of fiscal years is desired.

Authorized Investments

The District shall make investments in the context of the "Prudent Investor Rule" (Civil Code Section 2261 et seq.), which in substance states that:

"Investment shall be made with the judgement and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence, exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

The District shall deposit all funds received or collected from any source into the Orange County Treasury, except as provided for through the California Education Code. Those funds maintained in a Special Reserve Fund or any surplus funds not required for the immediate necessities of the District shall be available for investment ("funds available for investment") under the conditions set forth in this policy.

1. The Orange County Investment Pool(s) established by the Orange County Treasurer for the benefit of local agencies and/or schools. The District may invest up to one-hundred percent (100%) of its funds available for investment in the Orange County Investment Pool(s).
2. The Local Agency Investment Fund established by the California State Treasurer for the benefit of local agencies. The District may invest up to one-hundred percent (100%) of its funds available for investment in the Local Agency Investment Fund.

BUSINESS AND NONINSTRUCTIONAL OPERATIONSINVESTMENTAuthorized Investments (Continued)

3. To the extent that the District directs the investment of its funds to specific securities, those securities shall be limited to the securities identified in California Government Code Section 53601. However, the District will not, under any circumstances, direct the investment of its funds to reverse repurchase agreements unless such transactions are matched to maturity.

Monies received from the sources, or for the purposes, listed below may be deposited in a bank or other financial institution. Monies so deposited shall be in fully-insured or collateralized accounts or instruments. Bank accounts maintained outside of the County Treasury shall be limited to the following purposes:

- (a) Cash Clearing Account
Purpose: To accumulate accounts receivable checks (Example: lost book payments) and then write a check on the account which is sent to the Orange County Treasury to be credited to the proper District Fund.
- (b) Revolving Cash
Purpose: Transactions for purchases under \$100, and for emergencies such as a payroll need.
- (c) ASB (Student Body) Account
Purpose: To deposit funds from school fund raisers and write checks as authorized for student extracurricular activities.
- (d) Cafeteria Account
Purpose: To deposit daily food sales receipts and then write a check on the account which is sent to the Orange County Treasury to be credited to the Cafeteria Fund of the Ocean View School District.
- (e) TRANS Proceeds
Purpose: To meet short term cash flow needs.

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

INVESTMENT

Compliance With State and Federal Securities Laws

The District will take reasonable steps to ensure that any debt offerings issued by the District comply fully with all applicable state and federal securities laws. In connection with all debt offerings issued by the District, the District will retain bond counsel and disclosure counsel to review the offering materials prepared in connection with the debt offering to ensure that disclosures contained in offering materials comply with federal and state securities laws. The Chief Financial Officer, Financial Services shall be responsible for reviewing the offering materials regarding the accuracy of information disclosed in such materials.

Deposit of Proceeds From the Issuance of Debt

The District shall not issue debt for the sole purpose of generating funds for investment. The District shall limit the issuance of debt for the purposes of meeting short term cash flow needs and to fund capital projects.

When depositing proceeds for the issuance of debt, the Department shall limit such investments to those authorized investments identified in this policy. Should a trust agreement of a particular debt issued by the District be more restrictive than the District's policy on authorized investments, then the trust agreement will take precedence.

Investment Reviews

The Chief Financial Officer, Financial Services will review quarterly reports on investment performance.

Changes to Investment Policy

This Policy, dated August 13, 2002, has been approved by the Board of Trustees. This Policy will be reviewed at least annually to ensure its consistency with the objectives of income, growth and safety, and changes in applicable laws and financial trends. Any proposed amendments to the Investment Policy will require approval by the Board of Trustees.

Financial Professional's Compliance With Investment Policy

All outside investment advisors/managers, attorneys and other financial professionals employed or retained by the District and/or its representatives, including without limitation financial

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

INVESTMENT

Financial Professional's Compliance With Investment Policy (Continued)

advisors, underwriters, bond counsel, and disclosure counsel, must review this policy and sign a statement of compliance (Exhibit E3430) confirming that they have reviewed this investment policy and will fully comply with these policies.

Regulation Adopted: August 14, 2001

Regulation Revised: August 13, 2002

STATEMENT OF COMPLIANCE WITH INVESTMENT POLICIES
ADOPTED BY THE OCEAN VIEW SCHOOL DISTRICT

The undersigned has been retained to perform services for the Ocean View School District. The undersigned has been provided with a copy of the Ocean View School District Investment Policy and has reviewed the Investment Policy thoroughly. In provided services to the District, the undersigned agrees to comply fully with all of the policies and procedures set forth in the Investment Policy.

Dated: _____

By _____

(Printed Name, Title, Co. Name)

BUSINESS

InventoriesEquipment

An inventory of equipment shall be maintained in a manner authorized by the State Board of Education. All items whose current value exceeds five hundred dollars (\$500) shall be included in the inventory. A reasonable estimate of the original cost of an item shall be made when the original cost is unknown.

The equipment inventory shall serve both the functions of control and conservation. The inventory shall include at least the description, name, date of acquisition, identification numbers, original cost, and location of use of all items. A record of the date and mode of disposal of all equipment removed from the inventory shall also be kept.

The inventory shall include all instructional equipment as well as supplies for food services, maintenance and other operating departments of the school district. Information shall be maintained on the appropriate data management system used by the school district and updated according to the inventory schedule established in procedures and regulations.

Legal Reference:

Education Code

35168 Inventory of equipment

Administrative Code, Title 5

16035 Historical inventory of equipment

Policy

adopted: 11-27-90

BUSINESS

Accounts

Inventories

The assistant superintendent-business will:

1. establish procedures for recording, checking, and disposing of property and require cooperation of custodians of equipment relative to these procedures in the interest of perpetuating an acceptable property record system.
2. designate principals and department heads at given locations to be accountable for property at these locations.
3. require accountability of property by the designated custodians.
4. conduct periodic inventories of property assigned to custodians and compare these inventories with the property record. All discrepancies will be traced and reconciled.

BUSINESS

Money in School Buildings

Money collected by school district employees and by student organizations shall be handled with good and prudent business procedures both to demonstrate the ability of school system employees to operate in that fashion, and to teach such procedures to the students.

All money collected shall be receipted and accounted for and directed without delay to the proper location of deposit.

In no case shall money be left overnight in schools except in safes provided for safekeeping of valuables, and even then every attempt should be made to limit monies kept overnight to no more than \$500.00.

Legal Referenced:

Education Code

- 48933 Deposit or investment of student funds
- 48936 Additional uses of student funds
- 48937 Supervision and audit of student funds
- 48938 Trustee for funds of unorganized student body

Policy

adopted: 11-27-90

BUSINESS

Student Activity Funds

Student organizations may raise and spend money in order to promote the general welfare, morale and educational experiences of the students. Student funds shall finance worthwhile activities which go beyond those provided by the district. Minutes shall be kept of student organization meetings and shall properly authorize all financial transactions.

Student funds shall be managed in accordance with sound business procedures and the State Department of Education's manual, "Accounting Procedures for Student Organizations", to encourage the largest possible educational return to students without sacrificing the safety of funds or exposing students to undue responsibility or unnecessary routine.

With Board approval, student funds shall be held or invested in one of the following ways:

1. Deposited or invested in a federally insured bank or savings and loan; or in a state or federally insured credit union. (Education Code 48933)
2. Invested in U.S. savings bonds or obligations. (Education Code 48933)
3. Loaned to other district student organizations or invested in district property improvements pursuant to Education Code 48936.

Student funds shall be disbursed according to procedures established by the student organization. All disbursements must be approved by a Board-designated official, the certificated employee who is the student organization advisor, and a student organization representative. (Education Code 48933)

The Board shall provide an annual audit of student accounts by a certified public accountant or licensed public accountant. Auditing cost shall be paid from district funds. (Education Code 41020)

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

Legal Reference:

Education Code

41020 Requirement for annual audit

48930-48938 Student body organization

Policy

adopted: 11-27-90

BUSINESS

Business and Noninstructional OperationsFinancial Reports and Accountability

The Governing Board is committed to meeting its fiscal accountability to the public. The Board shall adopt sound fiscal policies and oversee the district's financial condition. The Superintendent or designee shall keep the Board informed about the district's finances and shall submit timely reports so that the Board can take appropriate action to ensure the district's financial stability. The Superintendent or designee may recommend amendments to the district's budgeted revenues and expenditures as may be necessary to maintain a balanced budget.

(cf. 3020 - Fiscal Policy Team)

(cf. 3100 - Budget)

(cf. 3300 - Expenditures/Expending Authority)

Legal Reference:

EDUCATION CODE

17850 Public disclosure of non-voter-approved debt

33127 Standards and criteria for local budgets and expenditures

33128 Standards and criteria; inclusions

33129 Standards and criteria; use by local agencies

35035 Powers and duties of superintendent

41010 Accounting system

41020 Requirement for annual audit by county superintendent of schools

41450 Assistance and guidance to local offices of education

41455 Examination of financial problems of local districts

42100 Requirement to prepare and file annual statement

42127.6 School district operations monitoring; financial obligation nonpayment

42130-42134 Financial reports and certifications

42140-42141 Public disclosure of fiscal obligations

42647 Drawing of warrants by district on county treasurer; form of warrant; application and approval

GOVERNMENT CODE

3540.2 School district; qualified or negative certification; proposed agreement review and comment

CODE OF REGULATIONS, TITLE 5

15453-15466 Criteria and Standards for School District Interim Reports

15480-15493 Criteria and Standards for County Office of Education Reports

Policy adopted: 11-27-90

Revised: 05-16-95

BUSINESS AND NON INSTRUCTIONAL OPERATIONS

FINANCIAL REPORTS AND ACCOUNTABILITY

Interim Reports

The Superintendent or designee shall submit two interim fiscal reports to the Governing Board, the first report covering the District's financial and budgetary status for the period ending October 31 and the second report covering the period ending January 31. The reports and supporting data shall also be made available by the District for public review. (Education Code ~~35035~~, 42130)

(cf. 1340 - Access to District Records)

Within 45 days after the close of the period reported, the Board shall assess the interim report on the basis of criteria adopted by the State Board of Education pursuant to Education Code 33127 and on current information regarding the adopted state budget, District property tax revenues if any, and ending balances for the preceding year. The Board shall approve the fiscal report and send it to the County Superintendent of Schools in a format or on forms prescribed by the Superintendent of Public Instruction. In addition, the Board shall submit its certification of the District's financial status based on current projections, in accordance with the following: (Education Code 42130, 42131; 5 CCR 15453-15463)

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

If the second interim report of the fiscal year is accompanied by a qualified or negative certifications as determined by the Board of Trustees or subsequently by the County Superintendent, the Superintendent or designee shall, no later than June 01, provide to the County Superintendent, the Controller, and the Superintendent of Public Instruction a financial statement that reports data for the period ending April 30 and projects the District's fund and cash balances as of June 30. (Education Code 42131)

Whenever the District has a qualified or negative certification, it shall allow the county office of education at least 10 working days to review and comment on any proposed agreement with exclusive representatives of employees. The District shall provide the County Superintendent with all information relevant to provide an understanding of the financial impact of any final collective bargaining agreement. (Government Code 3540.2)

(cf. 4141/4241 - Collective Bargaining Agreement)

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

BUSINESS AND NON INSTRUCTIONAL OPERATIONS

FINANCIAL REPORTS AND ACCOUNTABILITYAnnual Statement of Receipts and Expenditures

On a form prescribed by the Superintendent of Public Instruction, the Superintendent or designee shall prepare a statement of all receipts and expenditures of the District for the preceding fiscal year. On or before September 15, the Board shall approve this statement and file it with the County Superintendent of Schools. (Education Code 42100)

Appropriations Limit Resolution

The Board of Trustees shall adopt a resolution by September 15 of each year to identify the estimated appropriations limit for the District for the current fiscal year and the actual appropriations limit of the District during the preceding year. Documentation used to identify these limits shall be made available to the public on the day of the Board meeting. (Education Code 42132)

Audit Report

By April 01 of each year, the Board of Trustees shall either provide for an audit of the District's books and accounts or make arrangements with the County Superintendent to provide for that audit. (Education Code 41020)

The Superintendent or designee shall establish a timetable for the completion and review of the audit within the deadlines established by law.

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

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

While a firm is performing the audit of the District, it shall not provide any nonauditing, management or other consulting services except as provided in Government Accounting Standards, Amendment #3, published by the U.S. Government Accounting Office. (Education Code 41020)

The audit shall include an audit of income and expenditures by source of funds for all funds of the District, including the student body and cafeteria funds and accounts and any other funds under control or jurisdiction of the District, as well as an audit of student attendance procedures. (Education Code 41020)

BUSINESS AND NON INSTRUCTIONAL OPERATIONS

FINANCIAL REPORTS AND ACCOUNTABILITYAudit Report (continued)

(cf. 3430 - Investing)
(cf. 3451 - Petty Cash Funds)
(cf. 3452 - Student Activity Funds)
(cf. 3551 - Food Service Operations/Cafeteria Fund)

The District's annual financial statements shall include:

1. Management's discussion and analysis, which shall introduce the basic financial statements and provide an analytical overview of the District's financial activities, including:
 - a. An objective and easily readable analysis of the District's financial activities based on currently known facts, decisions, and conditions
 - b. Comparisons of the current year to the prior year
 - c. An analysis of the District's overall financial position, enabling a determination as to whether that position has improved or deteriorated as a result of the year's activities
 - d. An analysis of significant changes that occur in funds and significant budget variances
 - e. A description of capital asset and long-term debt activity during the year
 - f. A description of currently known facts, decisions and conditions that are expected to have a significant effect on the District's financial position
2. Basic financial statements, including:
 - a. District-wide financial statements, consisting of a statement of net assets and a statement of activities which report all of the assets, liabilities, revenues, expenses and gains and losses of the District
 - b. Fund financial statements, consisting of a series of statements that focus on information about the District's major governmental and enterprise funds, including its blended component units
 - c. Notes to the financial statements that are essential to a user's understanding of the basic financial statements

BUSINESS AND NON INSTRUCTIONAL OPERATIONS

FINANCIAL REPORTS AND ACCOUNTABILITYAudit Report (continued)

3. Supplementary information required by the Governmental Standards Accounting Board, including but not limited to budgetary comparison schedules

No later than December 15, the Superintendent or designee shall file the report of audit for the preceding fiscal year with the County Superintendent, the California Department of Education, and the State Controller. (Education Code 41020)

By January 31 of each year, the Board of Trustees shall review, at an open meeting, the annual District audit for the prior year, any audit exceptions identified in that audit, the recommendations or findings of any management letter issued by the auditor, and any description of correction or plans to correct any exceptions or any issue raised in a management letter. (Education Code 41020.3)

Non-Voter-Approved Debt Report

Whenever the Board approves the issuance of certificates of participation bonds, ~~or~~ revenue bonds, or any agreement for financing school construction, the Superintendent or designee shall notify the County Superintendent of Schools and the county auditor. The Superintendent or designee shall provide the Board, the county auditor, the County Superintendent ~~of Schools~~ and the public with related repayment schedules and evidence of the District's ability to repay the obligation. Within 15 days, the County Superintendent and county auditor may comment publicly to the Board regarding the District's capability to repay the debt. (Education Code ~~17850~~ 17150)

Accrued Benefits and Claims Report

The Superintendent or designee shall annually provide the Board of Trustees, at a public meeting, information and related actuarial reports showing the estimated accrued but unfunded cost of Workers' Compensation claims. The Board shall disclose, as a separate agenda item, whether or not it will reserve in the budget sufficient amounts to fund the present value of these claims or if it is otherwise decreasing the amount in its Workers' Compensation reserve fund. The Board of Trustees shall annually certify to the County Superintendent the amount, if any, that it has decided to reserve in the budget for these costs. The Board of Trustees shall submit to the County Superintendent any budget revisions that may be necessary to account for this budget reserve. (Education Code 42141)

Regulation Adopted: 05-16-95

Regulation Revised: 05-16-06

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

EXHIBIT

E 3460

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Financial Accounts and Accountability

BUSINESS

Periodic Financial Reports

- | | |
|--------------------------|--|
| On or before December 31 | The Superintendent shall submit the first fiscal report to the Governing Board. (Education Code 35015 and 35035) |
| On or before February 14 | The Board shall approve and properly certify the first fiscal report and send certifications as required to the County Superintendent of Schools, the Superintendent of Public Instruction and the State Controller. (Education Code 35015 and 35035) |
| On or before March 31 | The Superintendent shall submit the second fiscal report to the Board. (Education Code 35015 and 35035) |
| On or before May 15 | The Board shall approve and properly certify the second fiscal report and send certifications as required to the County Superintendent of Schools, the Superintendent of Public Instruction and the State Controller. (Education Code 35015 and 35035) |

BUSINESS

Non-instructional OperationsFacilities

An effective educational program requires clean, healthful, safe, businesslike and attractive building and grounds. The Superintendent is directed to set up an operations and maintenance program which will ensure proper care, protection and improvement of the district facilities within available resources. The governing board requests the cooperation of pupils, teachers and administrators in support of the custodians and maintenance personnel in carrying out such a program.

Legal Reference:

Education Code

39210 et seq. Fitness for occupancy

Policy

adopted: 1-22-91

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

ENERGY AND WATER CONSERVATION

The Governing Board shall establish goals for reducing energy and water use in the District in order to help conserve our society's natural resources and save money to support other District needs.

The Superintendent or designee shall establish a plan to meet energy and water use reduction goals, monitor energy consumption and encourage employees and students to conserve resources. The Superintendent or designee shall regularly inspect District facilities and operations and make recommendations for maintenance and capital expenditures which may help the District reach its energy and water consumption goals.

The Superintendent or designee will seek available grants to initiate or sustain conservation efforts.

The Superintendent or designee shall periodically report to the Board on the District's progress in meeting energy and water use reduction goals.

Legal Reference:

Public Resources Code

25410.5 Need for energy conservation assistance

15410.6 Energy conservation assistance grants and loans

25411 Definitions

25416 State energy conservation assistance account

25421 Duration of chapter

Management Resources:

CDE Management Advisories

0706.09 Water conservation Advisory, 90-09

Policy Adopted: 6/19/01

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

ENERGY MANAGEMENT CONSERVATION

The District will maintain accurate records of energy consumption and cost of energy and will provide information to the local media on the goals and progress of the energy conservation program.

The principal will be accountable for energy management on his/her campus with energy audits being conducted and conservation program outlines being updated. Judicious use of the various energy systems of each campus will be the joint responsibility of the principal and the custodians to ensure that an efficient energy posture is maintained on a daily basis.

Curriculum will be developed to ensure that every student will participate in the energy management program in the District as an "energy saver."

Specific areas of emphasis include:

1. Every student and employee will be expected to contribute to energy efficiency in the District. Every person will be expected to be an "energy saver", as well as an "energy consumer."
2. Effective immediately, all unnecessary lighting in unoccupied areas will be turned off. All interior lights will be turned off when students and teachers leave school. Custodians will turn on lights only in the areas in which they are working.
3. Energy management on his/her campus will be made a part of the principal's annual evaluation.
4. The custodians at each school will be responsible for a complete and total shutdown of the facility when closed each evening. All exterior lights on timers are to be extinguished not later than 10:00 p.m.
5. Administrative energy conservation guidelines (below) are hereby made a part of these regulations and will be followed when implementing our energy program.

Energy Conservation Guidelines

These guidelines supersede all previous instructions. It is essential that energy guidelines be observed in the operation of the cooling and heating equipment. The teacher will be responsible for the guidelines during the time that he/she is present in the classroom. The principal will be held responsible for the total energy usage of his/her school site. The principal will be provided information reflecting the energy consumption for his/her school site on a monthly basis.

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

ENERGY MANAGEMENT CONSERVATIONEnergy Conservation Guidelines (Continued)

The District, in its desire to promote energy conservation, will develop and offer appropriate incentives to those schools that reduce their energy consumption by 15 percent or more. Incentives will be site specific, drawn from suggestions made by staff members.

To maintain an environment that is conducive to the educational process, the classroom temperature should be between 72 and 76 degrees.

Specific areas of emphasis include:

1. Every student and employee will be expected to contribute to energy efficiency in the District. Every person will be expected to be an "energy saver," as well as an "energy consumer."
2. Effective immediately, all unnecessary lighting in unoccupied areas will be turned off. All lights will be turned off when students and teachers leave school. Custodians will turn on lights only in the areas in which they are working.
3. During the summertime, air conditioning will be used only in schools having summer school or child care programs and in office areas.
4. The night custodian at each school will be responsible for a complete and total shutdown of the facility when closed each evening. Exterior lighting will be extinguished not later than 10:00 p.m.

Procedures for Operating Air Conditioning Equipment

The following energy conservation procedures are to be observed in those buildings possessing air conditioning equipment:

1. Occupants of buildings with windows and individual classroom controls should:
 - a. Refrain from turning the air conditioning equipment on until the outside temperature exceeds 74 degrees. Temperature control should be achieved by the use of window adjustments.

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

ENERGY MANAGEMENT CONSERVATIONProcedures for Operating Air Conditioning Equipment (Continued)

- b. There will be times when the outdoor temperature is such that the energy management system will not allow the cooling or the heating equipment to operate. It will be the teacher's responsibility to close all windows and doors when the heating or air conditioning system is operating.
- c. When the temperature is such that cooling is needed at the beginning of the school day, the start time for air conditioning equipment at each campus should be set as late as possible while still allowing time to cool the building to guideline temperature by the beginning of classes.
- d. Set the thermostat controls at 72 to 76 degrees when air conditioning is in operation.
- e. Close individual classroom and office doors when the air conditioning equipment is in operation.
- f. Refrain from turning lights on unless definitely needed. Remember that lights not only consume electricity, but also give off heat which, in turn, places an additional load on the air conditioning equipment and, thereby, increases the use of electricity necessary to cool the room.
- g. The air conditioning equipment is to be turned off at the approximate time the students leave school. It is anticipated that the temperature of the classroom will be maintained long enough to afford comfort for the period the teacher remains in the classroom after the students have left.
- h. Under no circumstances will air conditioning be utilized in classrooms during the summer months unless the classrooms are being used for summer school or child care. Custodians will be expected to open doors and windows to provide necessary ventilation.
- i. The District's Energy Conservation Coordinator will be expected to devise a plan for turning the air conditioning units on in phases to prevent overloading the system which occurs when all units are turned on at the same time.
- j. The doors leading to halls which have air conditioned classrooms or dining areas should be kept closed as much as possible.

BUSINESS AND NONINSTRUCTIONAL OPERATIONSENERGY MANAGEMENT CONSERVATIONProcedures for Operating Air Conditioning Equipment (Continued)

2. In those air conditioned areas, within a building, that have windows and no ceiling fans, the same procedure as listed in item 1 should be observed, with the following exceptions:
 - a. Air conditioning equipment is not to be turned on until the outside temperature exceeds 74 degrees.
 - b. The thermostat controls are to be set no lower than 72 degrees when the air conditioning equipment is in operation.
3. Occupants of buildings without windows and ceiling fans should maintain a thermostat setting of no less than 72 degrees.

Procedures for Operating Heating Equipment

The following energy conservation guidelines are to be observed when operating heating equipment in school buildings:

1. The thermostat controls shall be set no higher than 68 degrees.
2. Individual classroom and office doors will be closed when the heating equipment is in operation.
3. In those buildings with central controls, the start time for the heating equipment should be set as late as possible while still allowing time to heat the building to guideline temperature by the beginning of classes.
4. In those portable classrooms with individual thermostat controls, the teacher will be responsible for setting the thermostat at 50 degrees as he/she leaves the room at the end of each day. The principal or his/her designee will be responsible for setting thermostat controls to 50 degrees in the restrooms, offices, and other heated areas at the end of the day.
5. In those buildings with central controls, the principal or his/her designee will be responsible for the setting of the thermostat at 50 degrees at the end of the day.
6. The principal will be responsible to ensure that the custodial staff performs an end-of-day shutdown checklist on Monday through Thursday, and a weekend shutdown checklist on Friday to make certain that the building is closed or shut down in an energy conservative manner.

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

ENERGY MANAGEMENT CONSERVATIONProcedures for Operating Heating Equipment (Continued)

7. If, on extremely cold nights, a 50 degree setback will not allow your building to heat to a comfortable level by the time the students arrive, take the following action:
 - a. Set the nighttime temperature setting at 60 degrees.
 - b. Notify the maintenance and operations department immediately.

Procedures for Operating Lighting Equipment

1. Lights in classrooms should not be turned on unless definitely needed. Teachers should make certain that lights are turned off when leaving the classroom.
2. Lights in all multipurpose rooms, gymnasiums/auditoriums should not be left on unless the facility is being utilized.
3. All outside lights should be turned off during daylight hours.
4. When in the building during non-school hours, custodians should turn lights on only in the specific area in which they are working.
5. The exhaust fan in the rest rooms shall be turned off at the end of the day.
6. Copy machines, laminating equipment, computers (except for any network server that must be left on) and other office machines should be turned off by the office staff each night.
7. All classroom computers (except for any network servers that must be left on) should be turned off each day at the end of the last class.

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Energy Management Conservation

RESOLUTION NO. 67:0001

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Energy Management Conservation

WHEREAS, we, as the Board of Trustees of Ocean View School District believe it to be our responsibility to insure that every effort is made to conserve energy and natural resources while exercising sound financial management; and

WHEREAS, the implementation of this resolution is the joint responsibility of the Board members, administrators, teachers, students, and support personnel, and its success is based on cooperation at all levels; and

WHEREAS, the District will maintain accurate records of energy consumption and cost of energy and will provide information to the local media on the goals and progress of the energy conservation program; and

WHEREAS, the principal will be accountable for energy management on his/her campus, with energy audits being conducted and conservation program outlines being updated; and

WHEREAS, judicious use of the various energy systems of each campus will be the joint responsibility of the principal and the custodians to ensure that an efficient energy posture is maintained on a daily basis; and

WHEREAS, the District, in its desire to promote energy conservation, will develop and offer appropriate incentives to those school that reduce their energy consumption by 15 percent or more; and

WHEREAS, curriculum will be developed to ensure that every student will participate in the energy management program in the District as an "energy saver;" and

WHEREAS, specific areas of emphasis will include:

1. Every student and employee will be expected to contribute to energy efficiency in the Ocean View School District and every person will be expected to be an "energy saver," as well as an "energy consumer."
2. Effective immediately, all unnecessary lighting in unoccupied areas will be turned off, all lights will be turned off when students and teachers leave school, and custodians will turn on lights only in the areas in which they are working.

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

EXHIBIT

E 3511

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Energy Management Conservation

RESOLUTION NO. 67:0001

Energy Management Conservation (Continued)

3. Energy management on his/her campus will be made a part of the principal's annual evaluation.
4. The custodians at each school will be responsible for a complete and total shutdown of the facility when closed each evening.
5. Administrative guidelines will be adopted and followed when implementing our energy program.

WHEREAS, the Board of Trustees bears responsibility for the best use of tax dollars; and

WHEREAS, public education can provide leadership in developing a realistic energy ethic and awareness of energy needs, and costs; and

NOW, THEREFORE, the Board of Trustees of the Ocean View School District directs the Superintendent and his agents to develop short and long range strategies in the areas of facilities management and curriculum development dealing with energy awareness and conservation.

PASSED AND ADOPTED by the Ocean View School District Board of Trustees at a meeting held on this June 19, 2001 by the following vote:

AYES: 5
NOES: 0
ABSTENTIONS:
ABSENT:

Carol Kanode
Carol Kanode, President, Board of Trustees
OCEAN VIEW SCHOOL DISTRICT

I hereby certify that the foregoing resolution was duly introduced, passed and adopted at the time and place and by the vote as noted above.

Pam Ogdon
Pam Ogdon, Clerk of the Board of Trustees
OCEAN VIEW SCHOOL DISTRICT

Exhibit Adopted: 06/19/01

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

INTEGRATED WASTE MANAGEMENT

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

(cf. 3511 - Energy and Water Conservation)
 (cf. 3514 - Environmental Safety)
 (cf. 3514.2 - Integrated Pest Management)

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

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

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
 (cf. 7131 - Relations With Local Agencies)

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

The Superintendent or designee shall provide appropriate training opportunities to students and staff regarding the benefits and methods of conserving natural resources and protecting the environment.

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

Legal Reference:

EDUCATION CODE

32370-32376 Recycling paper
 33541 Environmental education
 51226.4 Environmental ambassador pilot program

PUBLIC RESOURCES CODE

25410-25421 Energy conservation assistance
 40050-40063 Integrated waste management act
 41780 Waste diversion
 42620-42622 Source reduction and recycling programs
 42630-42647 Schoolsite source reduction and recycling

Management Resources:

CIWMB PUBLICATIONS

A District-wide Approach to Recycling - A Guide for School Districts, Pub. # 500-94-009
 Seeing Green through Waste Prevention - A Guide for School Districts, Pub. # 500-94-010
 Going Beyond Recycling, Buying Recycled - A Guide for School Districts, Pub. # 322-95-001
 Reusable School News

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

INTEGRATED WASTE MANAGEMENT

Legal Reference: (Continued)

WEB SITES

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

California Integrated Waste Management Board: <http://www.ciwmb.ca.gov>

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

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

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

U.S. EPA: <http://www.epa.gov>

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

INTEGRATED WASTE MANAGEMENT

To ensure efficient utilization of natural and material resources, the Superintendent or designee shall work towards instituting the following measures and/or practices:

1. Reduce waste generation by reducing the consumption of disposable materials, composting of organic materials and fully utilizing all materials prior to disposal.
2. Recycle materials such as paper, glass, plastic and aluminum, and minimize the use of non-biodegradable products.
3. Prefer recycled and other environmentally preferable products when procuring materials for use in district schools and buildings or contracting for the construction or modernization of any district building.

(cf. 3310 - Purchasing Procedures)

(cf. 3311 - Bids)

(cf. 3312 - Contracts)

(cf. 7110 - Facilities Master Plan)

4. Work with vendors and contractors to use packaging and delivery materials that generate less waste.
5. Work with city, county or other government agencies to locate markets for the district's reusable and recyclable materials.

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

(cf. 7131 - Relations With Local Agencies)

BUSINESS

Business and Non-instructional OperationsEquipment

School equipment may be used by staff members and/or students only for school-related tasks. District equipment may not be used for personal reasons.

The Superintendent or designee shall ensure that all employees understand that personal use of district property is prohibited and that violation may be cause for disciplinary action.

When school equipment is not being used by students or staff, school-connected organizations may be granted reasonable use of the equipment for school-related matters. Actual costs of services such as copying shall be paid by the group rather than by the district.

The written consent of the principal or department head is required if district-owned equipment is removed from the school site.

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.

Legal Reference:

Education Code

35160 Authority of governing boards

Policy

adopted: 1-22-91

EQUIPMENT LOAN FORM

I assume the responsibility for the following district equipment:

Purpose (not for personal use):

NOTE: THE FOLLOWING PARAGRAPH IS OPTIONAL.

I have contacted my homeowner's insurance carrier and have been assured that this equipment will be covered for loss or damage while it is under my control. If it is damaged, I will pay the cost of repairs.

I will return the above equipment to _____
Administrator/designee
no later than _____.

Signed _____

Date _____

Approved _____

Date _____

Exhibit
adopted: 1-22-91

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3513.3

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

TOBACCO-FREE SCHOOLS

Ample research has demonstrated the health hazards associated with the use of tobacco products, including smoking and the breathing of secondhand smoke. As required by law, the District provides instructional programs designed to discourage students from using tobacco products. District employees are expected to serve as models for good health practices that are consistent with these instructional programs.

In the best interests of students, employees and the general public, the Board of Trustees, therefore, prohibits the use of tobacco products at all times on District property and in District vehicles. Prohibited products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. This prohibition also applies to electronic nicotine delivery systems, such as electronic cigarettes, electronic hookahs, and other vapor emitting devices, with or without nicotine content, that mimic the use of tobacco products at any time. However, this section does not prohibit the use or possession of prescription products, or other FDA approved cessation aids such as nicotine patches or nicotine gum. This prohibition applies to all employees, students, visitors, and other persons at any school or school-sponsored activity or athletic event. It applies to any meeting on any property owned, leased, or rented by or from the District. The Superintendent or designee shall inform students, parents/guardians, employees, and the public about this policy. All individuals on District premises share in the responsibility of adhering to this policy and informing appropriate school officials of any violations.

The Superintendent or designee shall maintain a list of clinics and community resources which may assist employees and students who wish to stop using tobacco products.

Legal Reference:

EDUCATION CODE

48901 Smoking or use of tobacco; steps to discourage

HEALTH AND SAFETY CODE

24167 Implementation of tobacco use prevention program

39002 Control of air pollution from non-vehicular sources

LABOR CODE

6404.5 Occupational safety and health; use of tobacco products

UNITED STATES CODE, TITLE 20

6083 Nonsmoking policy for children's services

PERB RULINGS

CSEA #506 AND Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)

Eureka Teachers Assn. v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)

Policy Adopted: 02/21/95

Policy Revised: 02/04/14

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

TOBACCO-FREE SCHOOLSEmployee Notifications

Signs prohibiting the use of tobacco shall be prominently displayed at all entrances to school property. The Districts tobacco-free schools policy will also be announced at athletic events.

1. Their need to abide by District policy as a condition of employment
2. The dangers of tobacco use in the workplace, including its threat to the health and safety of employees, student, and the public.
3. Available resources which may help employees stop using tobacco.
4. Possible disciplinary actions in accordance with Board policy, state law, and applicable collective bargaining agreements.

Enforcement Procedures for Community Members

Community members who smoke on District property shall be informed of the District's tobacco-free schools policy and asked to refrain from smoking. If the person fails to comply with this request, the following actions may ensue:

1. The matter may be referred to the Superintendent or designee responsible for the area or the event.
2. If the person fails to refrain when so requested by the Superintendent or designee, the Superintendent or designee may direct him/her to leave school property.
3. If necessary, the Superintendent or designee may request local law enforcement assistance in removing the person from school premises.
4. When individuals repeatedly violate the tobacco-free policy, the Superintendent or designee may prohibit them from entering District property for a specific period of time.

(cf. 3515.2 - Disruptions)

BUSINESS

Business and Non-instructional OperationsEnvironmental Safety

The Governing Board believes that students and employees have the right to learn and work in a safe environment.

The Superintendent or designee shall establish and vigorously enforce precautionary measures against accidents, fire, explosion, and other physical hazards.

All members of the school community should be alert to any physical conditions, including explosive, toxic or incendiary hazards, which may jeopardize the safety of students, employees, or the public.

Legal Reference:

Education Code

32020 Access gates

39211 Legislative intent (fitness of buildings for occupancy)

Government Code

3542.2 Scope of representation; right to negotiate safety conditions

California State Constitution

"Right to Safe Schools" Article 1, Section 28(c)

Code of Regulations, Title 8

340-340.3 Employer's obligation to provide safety information

Policy

adopted: 1-22-91

BUSINESS

Hazardous Substances

The disposal of chemicals may be accomplished in accordance with removal and disposal systems established by the County Office of Education or by permission of the County Superintendent of Schools. (Education Code 49411)

In order to control the handling of hazardous substances and provide information to employees in accordance with California's Hazard Communication Regulation (Title 8, 5194), the Superintendent or designee shall ensure that the hazard communication program outlined below is carried out. The written hazard communication program shall be available upon request to all employees and their designated representatives. (Code of Regulations, Title 8, 5194)

The following materials are exempted from the Hazard Communication Program and this district regulation: hazardous wastes; tobacco products; wood and wood products; manufactured articles; food, drugs and cosmetics used by employees.

1. Container Labeling

Except for consumer products, pesticides, alcoholic beverages or food, drug and additive products which are already labeled in compliance with federal law, no container of hazardous substance shall be accepted by schools or the district unless labeled by the supplier with the following information:

- a. Identity of the hazardous substance(s).
- b. Hazard warning statements.
- c. Name and address of the chemical manufacturer or importer.

Whenever hazardous substances are transferred from their original containers to other containers, the secondary containers shall likewise be labeled with the identity and hazard warning statement.

2. Material Safety Data Sheets

Upon receiving a hazardous substance or mixture, the Superintendent or designee shall ensure that the manufacturer has also furnished a Material Safety Data Sheet (MSDS) as required by law. If the MSDS is missing

Hazardous Substances (continued)

or obviously incomplete, the Superintendent or designee shall request a new MSDS from the manufacturer and shall notify the California Occupational Safety and Health Division (Cal/OSHA) if a complete MSDS is not received.

The Superintendent or designee shall maintain copies of MSDS for all hazardous substances and ensure that they are available to all affected employees during working hours. He/she shall review incoming MSDS for new and significant health or safety information and shall disseminate this information to affected employees.

3. Employee Information and Training

Employees shall receive inservice training on hazardous substances in their work area at the time of their initial assignment and whenever a new hazard is introduced in to their work area. This training shall provide:

- a. An overview of the requirements of California's Hazard Communication Regulation (Title 8, 5194), including employee rights described therein.
- b. The location, availability and content of the district's written hazard communication program.
- c. Information as to any operations in the employees' work area where hazardous substances are present.
- d. The physical and health effects of the hazardous substances in the work area.
- e. Techniques and methods of observation that may determine the presence or release of hazardous substances in the work area.
- f. Methods by which employees can lessen or prevent exposure to these hazardous substances, such as appropriate work practices, use of personal protective equipment and engineering controls.

Hazardous Substances (continued)

- g. Steps the district has taken to lessen or prevent exposure to these substances.
- h. Emergency and first aid procedures to follow if exposed to the hazardous substance(s).
- i. Instruction on how to read labels and review MSDS for appropriate information.

4. List of Hazardous Substances

For specific information about the hazardous substances known to be present in the district and schools, employees may consult the MSDS sheets maintained at the district office.

5. Hazardous Non-routine Tasks

Should employees be required to perform hazardous non-routine tasks, they shall first receive information about the specific hazards to which they may be exposed during this activity and the protective/safety measures which must be used. They shall also receive information about emergency procedures and the measures the district has taken to lessen the hazards, including ventilation, respirators, and the presence of another employee.

6. Hazardous Substances in Unlabeled Pipes

Before starting to work on unlabeled pipes, employees shall contact their supervisors for information as to the hazardous substance(s) contained in the pipes, the potential hazards, and safety precautions which must be taken.

7. Informing Contractors

To ensure that outside contractors and their employees work safely in district buildings and schools, the Superintendent or designee shall inform these contractors of hazardous substances which are present on the site and precautions that employees may take to lessen the possibility of exposure. It shall be the contractor's responsibility to disseminate this information to his/her employees and subcontractors.

BOARD POLICY

BP 3515

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

CAMPUS SECURITY

The Board of Trustees is committed to providing a school environment that promotes the safety of students, employees, and visitors to school grounds. The Board of Trustees also recognizes the importance of protecting District property, facilities, and equipment from vandalism and theft.

The Superintendent or designee shall develop campus security procedures, which are consistent with the goals and objectives of the District's comprehensive school safety plan and site-level safety plans. Such procedures shall be regularly reviewed to reflect changed circumstances and to assess their effectiveness in achieving safe school objectives.

The Superintendent or designee shall establish procedures for securing records, securing school property, and for protecting buildings against vandalism and burglary during non-business hours.

The Superintendent or designee shall arrange for campus staff to regularly monitor security around the perimeter of all District operated sites to prevent unauthorized persons from entering site grounds.

The Administrator of each school site shall ensure that his/her site has a comprehensive school safety plan, which includes strategies and drills for fire, earthquake, active shooter, etc. Principals and/or designated leaders shall require the participation of staff, parents/guardians, and students in the development of these plans, as well as encourage the participation of law enforcement.

Surveillance Systems

The Board of Trustees believes that reasonable use of surveillance cameras when necessary will help the District achieve its goals for campus security. In consultation with relevant staff and professionals, the Superintendent or designee shall identify appropriate locations for the placement of surveillance cameras. Cameras shall not be placed in areas where students, staff, or community members have a reasonable expectation of privacy. Any audio capability on the District's surveillance equipment shall be disabled so that sounds are not recorded.

Prior to the operation of the surveillance system, the Superintendent or designee shall ensure that signs are posted at conspicuous locations at affected school buildings and grounds. These signs shall inform students, staff, and visitors that surveillance may occur and shall state whether the District's system is actively monitored. The Superintendent or designee shall also provide prior written notice to students and parents/guardians about the District's surveillance system, including the locations where surveillance may occur, explaining that the recordings may be used in disciplinary proceedings, and that matters captured by the camera may be referred to local law enforcement, as appropriate.

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3515

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

CAMPUS SECURITY (continued)

To the extent that any images from the District's surveillance system create a student or personnel record, the Superintendent or designee shall ensure that the images are accessed, retained, and disclosed in accordance with law, Board Policy, Administrative Regulation, and any applicable collective bargaining agreements.

For purposes of school safety and security, the Superintendent or designee will expect identification of staff members and visible identification for all non-staff persons while on school premises during school hours.

Legal Reference:

EDUCATION CODE

32020 Access gates

32211 Threatened disruption or interference with classes

32280-32288 School safety plans

35160 Authority of governing boards

35160.1 Broad authority of school districts

38000-38005 Security patrols

49050-49051 Searches by school employees

49060-49079 Student records

PENAL CODE

469 Unauthorized making, duplicating or possession of key to public building

626-626.10 Disruption of schools

CALIFORNIA CONSTITUTION

Article 1, Section 28(c) Right to Safe Schools

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

COURT DECISIONS

New Jersey v. T.L.O. (1985) 469 U.S. 325

ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 257 (2000)

75 Ops.Cal.Atty.Gen. 155 (1992)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Safe Schools: A Planning Guide for Action, 2002

NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS

The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, 1999

WEB SITES

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

Policy Adopted: 01/22/91

Policy Revised: 06/25/19

ADMINISTRATIVE REGULATION

AR 3515

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

CAMPUS SECURITY

Incidents of illegal entry, theft of school property, vandalism, and damage to school property from other causes, or loss of District-issued key(s), shall be reported by phone as soon as possible after discovery to the Superintendent or designee. A written report of the incident shall be made within twenty-four (24) hours.

The Superintendent or designee shall ensure that the District's comprehensive school safety plan includes strategies to:

1. Secure the campus perimeter and school facilities in order to prevent criminal activity.
2. Secure buildings from unauthorized persons and discourage trespassing.
3. Discourage vandalism and graffiti.
4. Control access to keys and other school inventory.
5. Detect and intervene with school crime.

All staff shall receive training in building and grounds security procedures.

Keys

All keys used in a school shall be the responsibility of the principal or designee. Keys shall be issued only to those employees who regularly need a key in order to carry out normal activities of their position.

The District shall create a key control system with a record of each key assigned and room(s) or building(s) which the key opens. Keys shall be used only by authorized employees/personnel and shall never be loaned to anyone, including students. The master key shall not be loaned.

Employees who have keys shall be responsible for the security of the room, gate, or building involved. They shall lock all doors and windows and turn off all lights, air conditioning, heat, appliances, etc. when leaving the room or building.

Keys should never be attached to school identified objects, i.e., lanyards, emblems, etc.

The duplication of school keys is prohibited. The person issued a key shall be responsible for its safekeeping. If a key is lost, the person responsible shall report the loss to the principal immediately and shall pay for a duplicate key. Replacement keys may be obtained through the school office or Facilities Department.

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 3515

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

CAMPUS SECURITY

Crime Data Reporting

Child Welfare (severance of attendance) reports to Orange County Department of Education (OCDE), hate crime data is reported to Orange County Human Relations Commission Office, suspension/expulsion data is reported for Civil Rights Data Collection (federal government), suspensions/expulsions are gathered by the State of California for Dashboard reporting utilizing AERIES data, campus crime is reported locally to law enforcement, and minor incidents are reported to the District Office.

Policy Adopted: 01/22/91

Policy Revised: 06/25/19

BUSINESS

BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

Crime Data Reporting

The principal or designee at each school shall complete a California Safe Schools Assessment (CSSA) incident form for each incident of school crime, including hate-motivated incidents and hate crimes. The information on the form includes, but is not limited to, identification of the crime or hate-motivated incident, victim characteristics, suspect characteristics if known at the time of the incident, and the actual or estimated dollar loss to the district resulting from a criminal act directed against district property. (Penal Code 628.2; 5 CCR 701)

(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 5145.9 - Hate-Motivated Behavior)

The principal or designee shall use the crime and hate-motivated incident classifications specified in 5 CCR 700 and the reporting guidelines specified in 5 CCR 702 to determine if an incident is reportable. (5 CCR 701)

Each month, the principal shall report the data to the Superintendent or designee. (5 CCR 701)

On or before February 1 and August 1 of each year, the Superintendent or designee shall aggregate the data reported by the schools and report this aggregated data to the California Department of Education or its designee. (5 CCR 701)

(cf. 3515.3 - District Police/Security Department)

The Superintendent or designee shall certify to the best of his/her knowledge and belief that the information in each CSSA form is true, accurate and complete prior to submission to the California Department of Education or its designee. (5 CCR 704)

Copies of CSSA incident forms and any districtwide aggregated data shall be made available to the public upon request. (Penal Code 628.2)

(cf. 1112 - Media Relations)

Supporting Data

The district shall make available, for at least three years from the date the report was submitted, supporting data which verifies information contained on the CSSA forms. Such data shall include, but not be limited to: (5 CCR 702)

BUSINESS

BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

Supporting Data (continued)

1. Reports to local law enforcement officers for the crime classifications specified in Education Code 48915(a)-(d)
2. Suspension and expulsion reports which have been reported to the Governing Board for the crime classifications specified in Education Code 48915(a)-(d)

(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

3. Insurance claims, maintenance records and other documents to verify economic loss, if applicable

(cf. 0510 - School Accountability Report Card)
(cf. 1340 - Access to District Records)
(cf. 3515 - Campus Security)
(cf. 3530 - Risk Management/Insurance)

Legal Reference:

EDUCATION CODE
14044 Crimes committed on school grounds
48915 Expulsion
PENAL CODE
628-628.6 Reporting of school crime
CODE OF REGULATIONS, TITLE 5
700-705 Safe schools assessment programs

Management Resources:

CSBA PUBLICATIONS
Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1995, revised 1999
CDE PUBLICATIONS
Understanding and Reporting School Crime, California Safe Schools Assessment, California Department of Education and Butte County Office of Education, 1995
WEB SITES
CDE Safe Schools and Violence Prevention Office: <http://www.cde.ca.gov/spbranch/safety/safetyhome.html>
Butte County Office of Education (CDE's designee): <http://www.cssa.butte.k12.ca.us>
CSBA: <http://www.csba.org>

Regulation Adopted: 5/7/02

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BP 3515.2

BUSINESS

BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

Disruptions

The Governing Board is committed to keeping the schools free from disruptions and to keeping unauthorized persons from entering school grounds. The Superintendent or designee shall provide for the prompt removal from school premises of any individual who disrupts or threatens to disrupt normal school operations, threatens the health and safety of students or staff, or causes property damage.

(cf. 1250 - Visitors/Outsiders)

Administrative regulations may be developed in collaboration with local law enforcement personnel.

District and school site safety plans shall specify action to be taken, including specific staff responsibilities, when an individual is causing a disruption. School staff shall be trained to recognize when an individual has committed acts that constitute a disruption in violation of Board policy.

(cf. 0450 - Comprehensive Safety Plan)

Legal Reference:

EDUCATION CODE

32210 Willful disturbance of public school or meeting; misdemeanor
32211 Threatened disruption or interference with classes; misdemeanor
35160 Authority of Governing Boards
44810 Willful interference with classroom conduct
44811 Disruption of classwork or extracurricular activities
51512 Prohibited use of electronic listening or recording device

PENAL CODE

243.5 Assault or battery on school property
415.5 Disturbance of peace of school
626 Definitions
626.4 Notice of withdrawal or consent; report; action on report; reinstatement of consent; hearing; unlawful entry upon campus or facility; punishment
626.7 Failure to leave campus or facility; wrongful return; penalties; notice; exceptions
626.8 Disruptive presence at schools
626.85 Drug offenses; presence on school grounds
626.9-626.10 Gun Free School Zone Act
627-627.10 Access to school premises
653g Loitering about schools or public places

COURT DECISIONS

In Re Jimmy A., (1989) 209 Cal. 3d 42
In Re Oscar R., (1984) 161 Cal. App. 3d 770

Policy Adopted: 1/22/91

Policy Revised: 9/16/03

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

AR 3515.2(a)

BUSINESS

BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

Disruptions

The principal or designee may direct a person to leave school grounds when there is a reasonable basis for concluding that the person is committing an act that is likely to interfere with the peaceful conduct of school activities or that the person has entered the campus with the purpose of committing such an act. This shall not apply if that person is a student, Governing Board member, parent/guardian of a child attending the school, school employee, or other person required by his/her employment to be on school grounds. (Penal Code 626.7, 626.8)

The principal or designee may also direct a specified sex offender or drug offender to leave school grounds, unless that person is a student at the school, a parent/guardian of a child attending the school, or he/she has prior written permission for entry from the principal or designee. (Penal Code 626.85)

When directing such a person to leave, the principal or designee shall inform the person that he/she will be guilty of a crime if he/she:

1. Remains after being directed to leave (Penal Code 626.8)
2. Returns to the campus without following the school's posted registration requirements (Penal Code 626.7)
3. Returns within seven days after being directed to leave (Penal Code 626.8, 626.85)

(cf. 0450 - Comprehensive Safety Plan)
(cf. 1250 - Visitors/Outsiders)
(cf. 3515.3 - District Police/Security Department)
(cf. 3515.5 - Sex Offender Notification)
(cf. 4158/4258/4358 - Employee Security)
(cf. 5131.4 - Campus Disturbances)

The Principal or designee shall also notify law enforcement as appropriate.

Appeal Procedure

Any person who is asked to leave a school building or grounds may appeal to the Superintendent or designee. This appeal shall be made no later than the second school day after the person has departed from the school building or grounds. After reviewing the matter with the principal or designee, the Superintendent or designee shall render his/her decision within 24 hours after the appeal is made, and this decision shall be binding. (Education Code 32211)

BUSINESS

BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

Appeal Procedure (continued)

The decision of the Superintendent or designee may be appealed to the Board. Such an appeal shall be made no later than the second school day after the Superintendent or designee has rendered his/her decision. The Board shall consider and decide the appeal at its next scheduled regular or adjourned regular public meeting. The Board's decision shall be final. (Education Code 32211)

Gun Free School Zone

Possession of unauthorized firearms, weapons, or other dangerous instruments is prohibited within 1000 feet of school grounds. (Penal Code 626.9, 626.10)

(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Regulation Adopted: 1/22/91
Regulation Revised: 9/16/03

BUSINESS

Business and Noninstructional OperationsRecovery for Property Loss or Damage

The Governing Board shall seek reimbursement of damages and rewards from any individual or from the custodial parent/guardian of any minor who commits any act of theft or vandalism.

(cf. 4156.3 - Reimbursement, Uniforms and Allowances)
 (cf. 4158/4258 - Employee Security)
 (cf. 5125.2 - Withholding Grades, Diploma or Transcripts)
 (cf. 5131.5 - Vandalism, Theft and Graffiti)
 (cf. 5136 - Gangs)

Rewards

If the Superintendent or designee or law enforcement officials are unable to fix responsibility for the theft or vandalism, the Superintendent or designee is authorized to offer a reward in any amount he/she deems appropriate, not exceeding \$1,000, for information leading to the identification and apprehension of the guilty party. A reward in excess of \$1,000 must be authorized in advance by the Board.

A reward shall be paid only when the guilt of the person responsible for the crime has been established by a confession, criminal conviction, or other appropriate judicial procedures.

Legal Reference:Education Code

19910 Malicious cutting, tearing, defacing, breaking or injuring
 19911 Willful detention of property
 44810 Willful interference with classroom conduct
 48904 Liability of parent or guardian for willful misconduct; withholding of grades, diplomas and transcripts

Civil Code

1714.1 Liability of parent or guardian for act of willful misconduct by a minor

Government Code

53069.5 Reward for information concerning person causing death, injury, or property damage; liability for reward
 53060.6 Actions to recover damages
 61601.1 Graffiti abatement district

Penal Code

484 Theft defined
 594 Vandalism
 640.5 Graffiti; facilities or vehicles of governmental entity
 640.6 Graffiti

PERSONNEL

ALL PERSONNEL

SEX OFFENDER NOTIFICATION

In order to protect students while they are traveling to and from school, or attending school or a school-related activity, the Governing Board believes it is important that the District respond appropriately when a law enforcement agency notifies the district about registered sex offenders who may reside or work within district boundaries.

The Superintendent or designee shall establish an ongoing relationship with law enforcement officials to coordinate the receipt and dissemination of such information. To the extent authorized by law, the Superintendent or designee also shall establish procedures for notifying appropriate staff as necessary.

To protect the District and its employees from liability, employees shall disseminate sex offender information in good faith, and only in the manner and to the extent authorized by the law enforcement agency.

The Superintendent or designee may annually notify parents/guardians of the availability of information about registered sex offenders on the Department of Justice's Internet website.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 1240 - Volunteer Assistance)
(cf. 1250 - Visitors/Outsiders)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 3515 - Campus Security)
(cf. 5142 - Safety)

Legal Reference:

EDUCATION CODE

32211 Threatened disruption or interference with classes; offense
35160 Authority of boards
35160.1 Board authority of school districts

PENAL CODE

290 Registration of sex offenders
290.4 Sex offender registration; compilation of information
290.45 Release of sex offender information
290.46 Making information about certain sex offenders available via the Internet
290.9 Addresses of persons who violate duty to register
290.95 Disclosure by person required to register as sex offender
626.8 Disruptive entry or entry of sex offender upon school grounds
830.32 School district and community college police
3003 Parole, geographic placement

UNITED STATES CODE, TITLE 42

14071 Jacob Wetterling Crimes Against Children and Sexually Violent Offender
Registration Program Act

ATTORNEY GENERAL OPINIONS

82 Ops. Cal. Atty. Gen. 20 (1999)

Management Resources:

WEB SITES

California Department of Justice, Megan's Law mapping: <http://www.meganslaw.ca.gov>

Policy Adopted: 8/9/05

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

FIRE DRILLS AND FIRESFire Drills

The principal shall cause the fire alarm signal to be sounded at least once every month. (Education Code 32001)

The principal shall also hold fire drills at least once a month at the elementary level, four times every school year at the intermediate level, and not less than twice every school year at the secondary level. (Education Code 32001)

1. The principal shall notify staff as to the schedule for fire drills.
2. Whenever a fire drill is held, all students, teachers and other employees shall be directed to leave the building. (5 CCR 550)
3. Teachers shall ascertain that no student remains in the building.
4. Teachers shall be prepared to select alternate exits and shall direct their classes to these exits whenever the designated escape route is blocked.
5. The principal or designee shall keep a record of each fire drill conducted and file a copy of this record with the office of the Superintendent or designee.

Fires

When a fire is discovered in any part of the school, the following actions shall be taken:

1. The principal or designee shall sound fire signals, unless the school and/or building is equipped with an automatic fire detection and alarm system. (Education Code 32001)
2. The principal or designee shall call 911.
3. All persons shall be directed to leave the building and shall proceed outside to designated assembly areas.
4. Staff shall give students clear direction and supervision and help maintain a calm and orderly response.
5. In outside assembly areas, teachers shall take roll, report missing students, and provide assistance to any injured students.

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

FIRE DRILLS AND FIRES

Fires (Continued)

6. In outside assembly areas, the principal, designee and/or each department head shall account for their staff, report missing staff, and provide assistance to any injured staff.
7. If the fire is extensive, students shall be taken to an alternate location for protective custody until parents/guardians can pick them up or until they can be safely transported to their homes.

(cf. 0450 - School Safety Plan)

(cf. 3516 - Emergency and Disaster Preparedness Plan)

Legal Reference:

EDUCATION CODE

17074.50-17074.56 Automatic fire detection, alarm and sprinkler systems

32001 Uniform fire signals

32040 Duty to equip school with first aid kit

CODE OF REGULATIONS, TITLE 5

550 Fire drills

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

EMERGENCY SCHEDULES

In order to provide for the safety of students and staff, the Governing Board authorizes the Superintendent or designee to close a school site, to change the regular school day schedule, or to take any necessary action when adverse weather conditions or other emergencies warrant.

(cf. 0450 - Comprehensive Safety Plan)

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

(cf. 5142 - Safety)

(cf. 6112 - School Day)

The Superintendent or designee shall establish a system for informing students and parents/guardians when school buses are not operating or when the school day schedule is changed or the school is closed.

(cf. 3542 - Schoolbus Drivers)

(cf. 3543 - Transportation Safety and Emergencies)

In the event that students arrive at school when the school day schedule changes or the schedule changes after school has begun, the Superintendent or designee shall ensure that supervision is provided in accordance with the procedures specified in the District's emergency and disaster preparedness plan.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 3516.1 - Fire Drills and Fires)

(cf. 3516.2 - Bomb Threats)

(cf. 3516.3 - Earthquake Emergency Procedure System)

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

(cf. 6111 - School Calendar)

Legal Reference:

EDUCATION CODE

41422 Schools not maintained for 175 days

46010 Total days of attendance

46100-46192 Attendance; maximum credit; minimum day

46390 Calculation of ADA in emergency

46392 Decreased attendance in emergency situation

VEHICLE CODE

34501.6 School buses; reduced visibility

Policy Adopted: 1/22/91

Policy Revised: 3/21/00

BUSINESS

Business and Non-instructional OperationsInsurance ManagementGeneral Insurance

The Governing Board shall maintain an adequate insurance program to protect the district against loss which may occur due to the many normal and usual hazards which a public school system faces and to carry additional insurance, when needed, to protect the district against specific and unusual hazards which may be incurred, from time to time, in the various operations of the district.

The insurance program shall include, but not be limited to:

1. Fire and Damage Insurance (buildings and equipment).
2. Fire and Property Damage Insurance (buses and automotive vehicles).
3. Workers' Compensation Insurance.
4. Fidelity Bond Insurance.
5. Liability Insurance.

Where possible, insurance shall be placed through:

1. Full time insurance agents who are qualified for the specific insurance program.
2. Full time agents who qualify for other requirements which may be established by the district to meet specific situations or needs.
3. A joint powers agency.

The Governing Board reserves the right to remove an agent-of-record or a participating agent whenever, in the judgement of the Board, such action becomes desirable for the best interests of the district.

Policy
adopted: 1-22-91

Insurance Management (continued)Bonding

The Board recognizes that prudent trusteeship of the resources of the district dictate that employees responsible for the safekeeping of district moneys and property be bonded.

The district shall be indemnified against loss of money and property by bonding of employees holding positions which have extensive access to property and money.

Such bonds shall be subsumed under a blanket bond. The Board shall bear the cost of bonding each employee required to be bonded by this policy.

Legal Reference:Education Code

- 32350 Liability on equipment loaned to district
- 35162 Power to sue, be sued, hold and convey property
- 35208 Liability insurance
- 35211 Driver training civil liability insurance
- 35213 Reimbursement for loss, destruction or damage of personal property
- 39601 Furnishing, repairing, insuring and renting of school property
- 39837 Transportation of pupils to places of summer employment
- 41021 Requirement for employees' indemnity bonds
- 44873 Qualifications for physician (liability coverage)
- 49472 Medical and hospital services for pupils

Government Code

- 820.9 Board members not vicariously liable for injuries caused by district

Policy

adopted: 1-22-91

BUSINESS

Business and Non-instructional OperationsTransportation

The Governing Board provides transportation for eligible students in accordance Board policy, administrative regulations, and state and federal law. Transportation services shall depend upon student needs and continuing assessment of financial resources, including district funds and state reimbursements.

The goals of our transportation service are:

1. To provide maximum safety for students between home and school and on school-sponsored trips.
2. To promote desirable student behavior and respect for traffic safety.
3. To provide assistance and transportation for handicapped students.
4. To provide transportation for study trips.

All school buses shall comply with inspection requirements specified in the Vehicle Code and administered by the California Highway Patrol.

The district may contract with a private carrier for transportation services whenever such an arrangement is in the best interest of the district.

Legal Reference:

Education Code

35330 Excursions and field trips

35350-35351 Authority to transport pupils

39800-39860 Transportation

41850-41854 Allowances for transportation

Code of Regulations, Title 5

14100-14103 Use of school buses and school pupil activity buses

Vehicle Code

2807 School bus inspection

Policy

adopted: 1-22-91

BUSINESS

Business and Non-instructional OperationsTransportation Routes and Services

The school district will provide transportation for pupils under provisions of state law and regulations. The superintendent of schools is asked to administer the operation so as to

1. provide for maximum safety of pupils.
2. supplement and reinforce desirable pupil behavior patterns.
3. assist handicapped pupils appropriately.
4. enrich the instructional program through carefully planned study trips as recommended by the staff.

The Superintendent or designee shall design school routes and stops so as to limit the need for red light crossovers.

Legal Reference:

Education Code

| | |
|-------------|-------------------------------|
| 35350-35351 | Authority to transport pupils |
| 39800-39860 | Transportation |
| 41850-41854 | Allowances for transportation |

Policy

adopted: 1-22-91

BUSINESS

Business and Non-instructional OperationsSchool-Related TripsTrips by School Vehicles

Besides taking students to and from school, school vehicles shall provide transportation for study trips and for special activities approved by the Governing Board.

The Superintendent shall maintain procedures to regulate the use of the vehicles for approved school-related activities. Activity trips occurring outside of school hours shall be subject to the rules and policies regulating educational study trips. Student councils, parent-teacher associations, and any other organizations requesting transportation shall be fully responsible for the costs of the trip. To the extent that funding has been approved by the Board, such costs may be charged to the district.

Transportation by Private Automobile

Private automobiles shall not be used to transport students on any school-related trips except as approved by the immediate supervisor.

Legal Reference:

Education Code

- 35330 Excursions and field trips
- 39830 School bus
- 39835 Use for community recreation
- 39837 Transportation of pupils to places of summer employment
- 39860 Transportation to special activities by district

Policy
adopted: 1-22-91

BUSINESS

Business and Non-instructional OperationsTransportation for Outside Groups

With the Governing Board's authorization, the Superintendent or designee may approve the use of school buses for non-school purposes within the limits specified by law.

The district may require the payment of a fee.

Legal Reference:

Education Code

10900-10914.5 Community recreation programs, esp.

10900.5, 10901, 10913

35160 Authority of governing boards

35160.1 Broad authority of school district

39835 Use of buses for community recreation

39836 Harvest transportation of pupils during national emergency

39837 Transportation of pupils to places of summer employment

39840 Lease of school buses to government agencies

39841 School bus requirements for use as public transportation

Policy

adopted: 1-22-91

BUSINESS

Business and Non-instructional OperationsAlternative Transportation Arrangements

Transportation by private carrier may be provided whenever such practice is more economical than using school district-owned vehicles.

Legal Reference:

Education Code

39800 Powers of governing board to provide transportation for pupils to and from school; definition of "municipally owned transit system"

39806 Payments to parents in lieu of transportation

39807 Food and lodging payments in lieu of transportation

39807.5 Payment of transportation cost

41850 et seq. Allowances for transportation

Policy

adopted: 1-22-91

BUSINESS

Business and Non-instructional OperationsRoles and Duties of EmployeesAuthority of School Bus Drivers

Students transported in a school bus shall be under the authority of, and responsible directly to, the driver of the bus. The driver shall be held responsible for the orderly conduct of the students while they are on the bus or being escorted across a street, highway, or road. A bus driver shall not require any student to leave the bus en route between home and school or other destinations.

School Bus Drivers

The Superintendent or designee shall ensure that all school bus drivers employed by the district comply, at a minimum, with the following requirements for the transportation of students:

1. Possession of a proper license issued by the State Department of Motor Vehicles.
2. Possession of a current Red Cross First Aid Certificate or certified completion of the first aid test given by the California Highway Patrol.
3. Possession of a current medical certificate as required by law.

All bus drivers shall also be required to attend driver training programs mandated by law and shall be familiar with and adhere to district policies and regulations relating to the transportation of students.

All school bus accidents shall be reported immediately to the California Highway Patrol, the district, and the driver's employer (if other than district).

Roles and Duties of Employees (continued)

Legal Reference:

Education Code

39833 Operating bus in violation of order or regulation
or without operator's qualification

Code of Regulations, Title 5

14103 Authority of the driver

Code of Regulations, Title 13

1202 General provisions

1219(a) School bus regulations

1227 School bus stops

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

AR 3542(a)

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

SCHOOL BUS DRIVERS

Authority

Students transported in a school bus or in a student activity bus shall be under the authority of, and responsible directly to, the driver of the bus. The driver shall be held responsible for the orderly conduct of the students while they are on the bus or being escorted across a street, highway or road. (5 CCR 14103)

(cf. 3540 - Transportation)
(cf. 5131.1 - Bus Conduct)

A bus driver shall have the authority to discontinue the operation of a school bus whenever he/she determines that it is unsafe to continue.

Administrative regulations related to bus driver authority shall be made available to parents/guardians, students, teachers and other interested parties. (5 CCR 14103)

(cf. 5145.6 - Parental Notifications)

Qualifications, Training and Monitoring

All drivers employed to operate school buses or student activity buses shall possess, at a minimum, both of the following documents issued by the state Department of Motor Vehicles: (Education Code 39830.1; Vehicle Code 12517)

1. A valid driver's license for the appropriate class of vehicle to be driven
2. A certificate which permits the driver to operate either school buses or student activity buses, as applicable

(cf. 4200 - Classified Personnel)
(cf. 4211 - Recruitment and Selection)

The Superintendent or designee may use an electronic fingerprinting system, managed by the California Department of Justice, to fingerprint an applicant for an original certificate to drive a school bus or student activity bus. (Vehicle Code 12517.3)

The Superintendent or designee shall ensure that school bus drivers receive training which includes:

1. First aid practices (Vehicle Code 12522)

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

SCHOOL BUS DRIVERS

Qualifications, Training and Monitoring (continued)

2. The proper actions to be taken in the event that a school bus is hijacked (Education Code 39831)
3. The proper installation of mobile seating devices in the bus securement systems (Education Code 56195.8)

(cf. 3541.2 - Transportation for Students with Disabilities)
(cf. 4231 - Staff Development)

School bus drivers shall be subject to drug and alcohol testing in accordance with Governing Board policy and the requirements of federal law.

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

The Superintendent or designee shall notify the Department of Motor Vehicles within five days whenever any school bus driver has tested positive for drugs or alcohol, is dismissed for a cause related to student transportation safety, or whenever a driver so dismissed has been reinstated. (Vehicle Code 1808.8, 13376)

(cf. 4215 - Evaluation/Supervision)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Responsibilities

The school bus driver's primary responsibility is to safely transport students to and from school and school activities. He/she shall follow procedures contained in the district's transportation safety plan.

(cf. 3543 - Transportation Safety and Emergencies)

Drivers shall not require any student to leave the bus en route between home and school or other destinations. (5 CCR 14103)

Drivers shall stop to load or unload students only at a school bus stop designated by the Superintendent or designee, or authorized by the Superintendent or designee for school activity trips. (Vehicle Code 22112)

(cf. 3541 - Transportation Routes and Services)

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

SCHOOL BUS DRIVERSResponsibilities (continued)

Drivers shall activate the flashing amber light warning system, if the bus is so equipped, beginning 200 feet before any bus stop where students are loading or unloading. The school bus driver shall deactivate the amber warning light system after reaching the school bus stop. They shall operate the flashing red signal lights and stop signal arm at all times when the bus is stopped to load or unload students. The flashing amber warning lights, flashing red signal lights and stop signal arm shall not be operated at any other time, or at any place where traffic is controlled by a traffic officer. (Vehicle Code 22112)

When the bus is stopped on a highway or private road to load or unload students and traffic is not controlled by a traffic officer, the driver shall: (Vehicle Code 22112)

1. Check for approaching traffic in all directions and activate the flashing red light signal system and, if the bus is so equipped, the stop signal arm.
2. Before opening the door, ensure that the flashing red signal lights and stop signal arm are activated and that it is safe to exit the bus.

When the bus is stopped on a highway or private road to load or unload students and traffic is not controlled by a traffic officer or official traffic control system, the driver shall: (Vehicle Code 22112)

1. Escort all students in grades prekindergarten through 8 who need to cross the highway or private road, using an approved hand-held "STOP" sign while so doing.
2. Require all students to walk in front of the bus as they cross the road or highway.
3. Ensure that all students who need to cross the road or highway have crossed safely and that all other unloaded students and pedestrians are a safe distance from the bus before setting the bus in motion.

Except when loading or unloading students at a location where students must cross a highway or private road upon which the bus is stopped, the flashing red signal lights and stop signal arm requirements do not apply at any of the following locations: (Vehicle Code 22112)

1. School bus loading zones on or adjacent to school grounds or during an activity trip, if the school bus is lawfully parked

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

SCHOOL BUS DRIVERSResponsibilities (continued)

2. Where the school bus is disabled due to mechanical breakdown
3. Where students require assistance to board or leave the school bus
4. Where the roadway surface on which the bus is stopped is partially or completely covered by snow or ice and requiring traffic to stop would pose a safety hazard
5. On a state highway with a posted speed limit of 55 miles per hour or higher where the school bus is completely off the main traveled portion of the highway
6. Any location determined by the Superintendent or designee, with the approval of the California Highway Patrol, to present a traffic or safety hazard

Drivers shall immediately report all school bus accidents to the California Highway Patrol, the Superintendent or designee, and the driver's employer. (13 CCR 1219)

School bus drivers also shall report the following to the Superintendent or designee:

1. Recurring and serious student misbehavior
2. Parental and student complaints
3. Traffic violations
4. Consistently late school dismissals which cause transportation delays
5. Overload runs
6. Mechanical or other problems with buses and equipment

Legal Reference:EDUCATION CODE

39830.1 Drivers of school pupil activity buses

39831 Training in proper actions in event of hijacking

39831.5 Student instruction in bus safety

39833 Operating bus in violation of order or regulation or without operator's qualification

39842 School bus; unauthorized entry

40080-40090.5 Training required to obtain or renew bus driver certificate

45125.1 Criminal background checks for contractors

56195.8 Adoption of policies

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

SCHOOL BUS DRIVERS

Legal Reference: (continued)

PENAL CODE

241.3 Assault against school bus driver

243.3 Battery against school bus driver

VEHICLE CODE

1808.8 Dismissal for safety-related cause

2570-2575 Transportation of students

12517-12517.4 Certification requirements

12522 First aid training for school bus drivers

13376 Driver certificates; revocation or suspension; sex offense prosecution

22112 School bus signals; roadway crossings

25257 School bus; flashing light signal system

25257.2 School bus used for transportation of developmentally disabled person

34501.6 School buses; reduced visibility

34508.5 Investigation of accidents

CODE OF REGULATIONS, TITLE 5

14103 Authority of the driver

14104 School bus driver instructor

CODE OF REGULATIONS, TITLE 13

1200-1228 General provisions, school bus regulations

CODE OF FEDERAL REGULATIONS, TITLE 49

571.222 Federal motor vehicle safety standard #222

Regulation Adopted: 1/22/91

Regulation Revised: 3/21/00

Regulation Revised: 5/20/03

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

TRANSPORTATION SAFETY AND EMERGENCIES

Transportation Safety Plan

The Superintendent or designee shall develop a transportation safety plan to address student safety which includes all of the following: (Education Code 39831.3)

1. Procedures for determining if students in grades prekindergarten through 8 require escort to cross a private road or highway at a bus stop pursuant to Vehicle Code 22112

(cf. 3542 - School Bus Drivers)

2. Procedures for all students in grades prekindergarten through 8 to follow as they board and exit the bus at their bus stops

3. Procedures for boarding and exiting a school bus at a school or other trip destination

A copy of the plan shall be kept at each school site and made available upon request to the California Highway Patrol. (Education Code 39831.3)

Safe Bus Operations

School bus operations shall be limited when atmospheric conditions reduce visibility on the roadway to 200 feet or less during regular home-to-school transportation service. Bus drivers for school activity trips shall have the authority to discontinue bus operation whenever they determine that it is unsafe to continue operation because of reduced visibility. (Vehicle Code 34501.6)

(cf. 3540 - Transportation)

(cf. 3541.1 - Transportation for School-Related Trips)

(cf. 6118 - Weather-Related Schedules)

School buses and school student activity buses also shall not be operated whenever the number of passengers exceeds bus seating capacity, except when necessary in emergency situations which require that students be moved immediately to ensure their safety.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

The Superintendent or designee may place a notice at bus entrances that warns against unauthorized entry. The driver or another school official may order any person to disembark if that person enters a bus without prior authorization and has intent to commit a crime. (13 CCR 1256.5)

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

TRANSPORTATION SAFETY AND EMERGENCIES (continued)Safe Bus Operations (continued)

Each school bus shall be equipped with at least one fire extinguisher located in the driver's compartment which meets the standards specified in law. (Education Code 38056)

The Superintendent or designee shall review all investigations of bus incidents and accidents to develop preventative measures.

Student Instruction

All students who are transported in a school bus or student activity bus shall receive instruction in school bus emergency procedures and passenger safety. (Education Code 38048)

1. Each school year, the Superintendent or designee shall provide appropriate instruction in safe riding practices and emergency evacuation drills. Each student who receives home-to-school transportation in a school bus shall be required to receive this instruction. (5 CCR 14102)
 2. At least once each school year, all students in grades prekindergarten through 8 who receive home-to-school transportation shall receive safety instruction which includes, but is not limited to: (Education Code 38048)
 - a. Proper loading and unloading procedures, including escorting by the driver
 - b. How to safely cross the street, highway or private road
 - c. The use of passenger restraint systems, including but not limited to the proper fastening and release of the passenger restraint system, acceptable placement of passenger restraint systems on students, times at which the passenger restraint systems should be fastened and released, and acceptable placement of the passenger restraint systems when not in use.
 - d. Proper passenger conduct
- (cf. 5131.1 - Bus Conduct)
- e. Bus evacuation
 - f. Location of emergency equipment

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

TRANSPORTATION SAFETY AND EMERGENCIES (continued)Student Instruction (continued)

As part of this instruction, students shall evacuate the school bus through emergency exit doors. Instruction also may include responsibilities of passengers seated next to an emergency exit.

Each time the above instruction is given, the following information shall be documented:

- a. District name
- b. School name and location
- c. Date of instruction
- d. Names of supervising adults
- e. Number of students participating
- f. Grade levels of students
- g. Subjects covered in instruction
- h. Amount of time taken for instruction
- I. Bus driver's name
- j. Bus number
- k. Additional remarks

This documentation shall be kept on file at the district office or the school for one year and shall be available for inspection by the California Highway Patrol.

3. Before departing on a school activity trip, all students riding on a school bus or student activity bus shall receive safety instruction which includes, but is not limited to: (Education Code 38048)
 - a. Location of emergency exits
 - b. Location and use of emergency equipment

This instruction also may include responsibilities of passengers seated next to an emergency exit. (Education Code 39831.5)

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

TRANSPORTATION SAFETY AND EMERGENCIES (continued)Student Instructions (Continued)

- b. Location and use of emergency equipment

This instruction also may include responsibilities of passengers seated next to an emergency exit.

Notifications

The Superintendent or designee shall provide written safety information to the parents/guardians of all students in grades prekindergarten through 6 who have not previously been transported in a school bus or school activity bus. This information shall be provided upon registration and shall include: (Education Code 38048)

1. A list of school bus stops near each student's home
2. General rules of conduct at school bus loading zones
3. Red light crossing instructions
4. School bus danger zone
5. Safety while walking to and from school bus stops

(cf. 5145.6 - Parental Notifications)

Legal Reference:EDUCATION CODE

38045-38059 Transportation, school buses, especially:

38048 Student instruction in bus safety; notifications

38051 Excess of seating capacity

38056 Fire extinguisher on school buses

39831.3 Transportation safety plan

51202 Instruction in personal and public health and safety

VEHICLE CODE

34500 California Highway Patrol responsibility to regulate safe operation of school buses

34501.6 School buses; reduced visibility

34508.5 Investigation of accidents

CODE OF REGULATIONS, TITLE 5

14102 Instruction in bus safety and evacuation

14103 Authority of the driver

CODE OF REGULATIONS, TITLE 13

1256.5 Notice warning against unauthorized entry on school buses

Regulation Adopted: 1/22/91

Regulation Revised: 3/21/00

Regulation Revised: 3/14/02

BUSINESS

Business and Non-instructional Operation

Procedures for Emergencies; Safety

The safety of school bus passengers is the most important part of school bus operation.

Efficient and effective use of school buses is the most important factor in achieving the above purpose.

In order to provide safety to passengers, and effective use of buses, the following rules are established to regulate conduct of school bus passengers:

1. Passengers should stand back in an orderly line at pickup points until the bus comes to a complete halt.
2. Passengers shall enter the bus in an orderly fashion and go directly to a seat.
3. All passengers must be seated while the bus is in motion.
4. Before leaving the bus, passengers shall remain seated until the bus stops; then enter the aisle and go directly to the exit door.
5. Loud talking, scuffling, throwing things, smoking, standing or changing seats are examples of activities that draw attention of the bus driver from his/her main task of safe operation of the bus. Such actions, or any other action by a rider that creates a safety hazard by demanding unnecessary attention of the driver, is considered bus rider misconduct.
6. When a rider is guilty of misconduct he/she will be reported to the principal of his/her school, and
 - a. the rider and his/her parent or guardian will be given notice and warning.
 - b. upon a second offense of misconduct, the rider will be denied transportation services for a limited number of days if deemed necessary by the Superintendent or his designee.

Regulation

adopted: 1-22-91

Procedures for Emergencies; Safety (continued)

- c. upon a third offense of misconduct, the rider will be denied transportation services if deemed necessary by the Superintendent or his designee.

Legal Reference:

Education Code

51202 Instruction in personal and public health and safety

Regulation

adopted: 1-22-91

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3550

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

FOOD SERVICE/CHILD NUTRITION PROGRAM

The Board of Trustees recognizes that students need adequate, nourishing food in order to grow, learn and maintain good health. Foods and beverages available through the District's food service program shall:

1. Be carefully selected so as to contribute to students' nutritional well-being and the prevention of disease.
2. Meet or exceed nutritional standards specified in law and administrative regulation.
3. Be prepared in ways that will appeal to students, retain nutritive quality, and foster lifelong healthful eating habits.
4. Be served in age-appropriate portions.
5. Be available to students who meet federal eligibility criteria at no cost or at reduced prices, and to other students at reasonable prices.

The District's food service program shall give priority to serving unprocessed foods and fresh fruits and vegetables.

District schools are encouraged to establish school gardens and/or farm-to-school projects to increase the availability of safe, fresh, seasonal fruits and vegetables for school meals and to support the District's nutrition education program.

The Superintendent or designee shall encourage the participation of students and parents/guardians in the selection of foods of good nutritional quality for school menus.-

The Board of Trustees desires to provide students with adequate time and space to eat meals. To the extent possible, school, recess, and transportation schedules shall be designed to encourage participation in school meal programs.

The Superintendent or designee shall periodically review the adequacy of school facilities for cafeteria eating and food preparation.

In accordance with law, the Superintendent or designee shall develop and maintain a food safety program in order to reduce the risk of foodborne hazards at each step of the food preparation process, from receiving to service.

The Superintendent or designee shall provide all necessary and available documentation required for the Administrative Review conducted by the California Department of Education (CDE) to ensure the food service program's compliance with federal requirements related to nutrition standards, meal patterns, provision of drinking water, school meal environment, food safety, and other areas as required by the CDE.

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3550

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

FOOD SERVICE/CHILD NUTRITION PROGRAM

Legal Reference:

EDUCATION CODE

35182.5 Contracts, non-nutritious beverages
38080-38103 Cafeteria, establishment and use
45103.5 Contracts for management consulting services; restrictions
49430-494364 Pupil Nutrition, Health, and Achievement Act of 2001
49490-49494 School breakfast and lunch programs
49500-49505 School meals
49510-49520 Nutrition
49530-49536 Child Nutrition Act
49540-49546 Child care food program
49547-49548.3 Comprehensive nutrition services
49550-495642 Meals for needy students
49570 National School Lunch Act
51795-51797 School gardens

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code
CODE OF REGULATIONS, TITLE 5
15510 Mandatory meals for needy students
15530-15535 Nutrition education
15550-15565 School lunch and breakfast programs
15575-15578 Requirements for foods and beverages outside federal meals program

UNITED STATES CODE, TITLE 42

1751-1769j School lunch programs, including:
1758b Note Local wellness policy
1761 Summer Food Service Program and Seamless Summer Feeding Option
1769a Fresh Fruit and Vegetable Program
1771-1793 Child nutrition, especially:
1772 Special Milk Program
1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program
220.1-220.21 National School Breakfast Program
210.1-210.31 National School Lunch Program
215.1-215.18 Special Milk Program
220.2-220.22 National School Breakfast Program
245.1-245.13 Eligibility for free and reduced-price meals and free milk

Management Resources:

CSBA PUBLICATIONS

Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009
Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007
Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007
Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Healthy Children Ready to Learn, January 2005
School Meals Initiative Summary
Professional Standards in the School Nutrition Programs, Management Bulletin SNP-17-2016, October 2016

CALIFORNIA PROJECT LEAN PUBLICATIONS

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

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

School Breakfast Toolkit
Fresh Fruit and Vegetable Program: Handbook for Schools, December 2010
Food Buying Guide for Child Nutrition Programs, December 2007
Civil Rights Compliance and Enforcement – Nutrition Programs and Activities, FNS Instruction 113-1, November 2005
Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles, June 2005
Dietary Guidelines for Americans, 2005

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3550

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

FOOD SERVICE/CHILD NUTRITION PROGRAM

WEB SITES

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

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

California Department of Public Health: <http://www.cdph.ca.gov>

California Farm Bureau Federation: <http://www.cfbf.com>

California Food Policy Advocates: <http://www.cfpa.net>

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

California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.californiaprojectlean.org>

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

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

National Alliance for Nutrition and Activity: <http://www.cspinet.org/nutritionpolicy/nana.html>

National Association of State Boards of Education: <http://www.nasbe.org>

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

U.S. Department of Agriculture, Food and Nutrition Information Center: <http://www.nal.usda.gov/fnic>

Policy Adopted: 01/22/91

Policy Revised: 11/18/03

Policy Revised: 06/11/19

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 3550

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

FOOD SERVICE/CHILD NUTRITION PROGRAM

Nutritional Standards for School Meals

Meals, food items, and beverages provided through the District's food services program shall: (Educational Code 49531, 49553; 42 USC 1758, 1773)

1. Comply with National School Lunch and/or Breakfast Program standards for meal patterns, nutrient levels, and calorie requirements for the ages/grade levels served, as specified in 7 CFR 210.10 or 220.8 as applicable.
2. Not be deep fried, par fried, or flash fried, as defined in Education Code 49430 and 49430.7

Drinking Water

The District shall provide access to free, fresh drinking water during meal times in food service areas at all District schools, including, but not limited to, areas where reimbursable meals under the National School Lunch or Breakfast Program are served or consumed. (Educational Code 38086; 42 USC 1758)

Food Safety

The Superintendent or designee shall ensure that the District's food service program meets the sanitation and safety requirements of the California Retail Food Code as set forth in Health and Safety Code 113700-114437.

For all District schools participating in the National School Lunch and/or School Breakfast Program, the Superintendent or designee shall implement a written food safety program for the storage, preparation, and service of school meals which complies with the national Hazard Analysis and Critical Control Point (HACCP) system. The District's HACCP plan shall include, but is not limited to, a determination of critical control points and critical limits at each stage of food production, monitoring procedures, corrective actions, and recordkeeping procedures. (42 USC 1758; 7 CFR 210.13, 220.7)

Inspection of Food Facilities

All food preparation and service areas shall be inspected in accordance with Health and Safety Code 113725-113725.1 and county regulations.

Each school participating in the National School Lunch and/or Breakfast Program shall, during each school year, obtain a minimum of two food safety inspections conducted by the county environmental health agency. (42 USC 1758; 7 CFR 210.13, 220.7)

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 3550

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

FOOD SERVICE/CHILD NUTRITION PROGRAM

Inspection of Food Facilities (continued)

All schools shall post a notice indicating that the most recent inspection report is available to any interested person upon request. (42 USC 1758; 7 CFR 210.13, 220.7; Health and Safety Code 113725.1)

Regulation Adopted: 11/18/03
Regulation Revised: 06/11/19

BUSINESS

Business and Non-instructional OperationsFood Service Operations/Cafeteria Fund

The Governing Board intends that, insofar as possible, the school food services program shall be self-supporting. The Board shall review and approve of menu prices. Program financial reports shall be presented regularly for inspection by the Board.

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law.

The cafeteria fund shall be used only for Board-authorized expenditures necessary for the operation of school cafeterias. These expenditures may include but are not limited to expenditures for lease, purchase or installation of additional cafeteria equipment of central food processing plant; vending machines and their installation and housing; computer equipment and related software; construction, alteration, or improvement of a central food processing plant; and the lease or purchase of vehicles used primarily in connection with the central food processing plant. (Education Code 39881)

The wages, salaries and benefits of food service employees shall be paid from the district general fund and may be reimbursed from the cafeteria fund to the general fund whenever so ordered by the Board.

Legal Reference:

Education Code

39891 Expenditures from cafeteria fund restricted
39900 Cost chargeable against school district funds
39902 Employment of persons, cost of wages;
reimbursement to general funds
49490-49493 School breakfast and lunch programs
39500-49504 School meals for pupils

Policy

adopted: 1-22-91

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BP 3553(A)

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

FREE AND REDUCED PRICE MEALS

The Governing Board recognizes that adequate nutrition is essential to child development and learning and that some families may be unable to provide breakfast and lunch for their children. In accordance with law, the District shall provide nutritionally adequate free and reduced price meals for students whose families meet federal eligibility criteria.

The Superintendent or designee shall recommend for Board approval a plan that ensures that students eligible to receive free or reduced price meals and milk are not treated differently from other students or easily identified by their peers.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)

Upon approval of the Board, this plan shall be submitted to the California Department of Education for approval. (Education Code 45557)

All applications and records related to eligibility for the free or reduced price meal program shall be confidential except as provided by law. (Education Code 49558)

In accordance with law, the Board authorizes designated employees to use individual records pertaining to student eligibility for any free and reduced price meal program for the purpose of: (Education Code 49558)

1. Disaggregation of academic achievement data
2. Identification of students eligible for school choice and supplemental educational services in any school identified for program improvement

(cf. 0520.2 Title I Program Improvement Schools)
(cf. 5125 - Student Records)
(cf. 6162.51 - Standardized Testing and Reporting Program)
(cf. 6171 - Title I Programs)
(cf. 6190 - Evaluation of the Instructional Program)

The Board further authorizes the release of information on the school lunch program application to the local agency that determines Medi-Cal program eligibility, provided that the student is approved for free meals and the parent/guardian consents to the sharing of information as provided by Education Code 49557.2.

(cf. 5141.6 - Student Health and Social Services)

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

FREE AND REDUCED PRICE MEALS

Legal Reference:

EDUCATION CODE

48980 Notice at beginning of term
49490-49493 School breakfast and lunch programs
49500-49505 School meals
49510-49520 Nutrition
49530-49536 Child Nutrition Act of 1974
49547-49548.3 Comprehensive nutrition service
49550-49560 Meals for needy students, especially:
CODE OF REGULATIONS, TITLE 5
15510 Mandatory meals for needy students
15530-15535 Nutrition education
15550-15565 School lunch and breakfast programs
UNITED STATES CODE, TITLE 20
1232g Federal Educational Rights and Privacy Act
6301-6514 Title I programs
UNITED STATES CODE, TITLE 42
1751-1769 National lunch programs
1771-1791 Child nutrition, especially:
1773 School breakfast program

Management Resources:

CDE LEGAL ADVISORIES

0325.98 Education code Section 49558 LO: 1-98

CSBA PUBLICATIONS

Healthy Food Policy Resource Guide, 2003

USDA PUBLICATIONS

Team Nutrition, Food and Nutrition Services, Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000

WEB SITES

CSBA: <http://www.csba.org>
CDE, Nutrition Services Division/SHAPE California: <http://www.cde.ca.gov/nsd>
California Project LEAN (Leaders Encouraging Activity and Nutrition: <http://www.californiaprojectlean.org>
U.S. Department of Agriculture: <http://www.nal.usda.gov>

Policy Adopted: 1-22-91

Policy Revised: 11-18-03

Policy Revised: 05-17-05

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

AR 3553(a)

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

FREE AND REDUCED PRICE MEALS

The District's plan for students receiving free or reduced price meals shall ensure the following: (Education Code 49557)

1. The names of students shall not be published, posted or announced in any manner, or used for any purpose other than the National School Lunch and School Breakfast Programs, unless otherwise provided by law.
2. There shall be no overt identification of any of the students by the use of special tokens or tickets or by any other means.
3. The students shall not be required to work for their meals or milk.
4. The students shall not be required to use a separate dining area, go through a separate entrance, or consume their meals or milk at a different time.

When more than one lunch, breakfast or type of milk is offered, the students shall have the same choice of meals or milk as is available to those students who pay the full price. (Education Code 49557)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)

Applications

An application form for free or reduced price meals shall be distributed to all parents/guardians at the beginning of each year, together with information about eligibility standards, application procedures and appeal procedures. This form and information shall also be provided whenever a new student is enrolled. (Education Code 49520, 48980); 7CFR245.5

(cf. 5145.6 - Parental Notification)

Applications for free or reduced price meal programs shall be available to students at all times during the regular school day and shall contain the following statements: (Education Code 49557); 7CFR245.5

1. Applications for free or reduced price meals may be submitted at any time during a school day.
2. Students participating in the National School Lunch and School Breakfast Programs will not be overtly identified by use of special tokens, special tickets, special serving lines, separate entrances, separate dining areas, or by any other means.

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

FREE AND REDUCED PRICE MEALS

Confidentiality/Release of Records

The Governing Board designates the following District employee to use individual records pertaining to student participation in the free or reduced price meal program for the purpose of disaggregation of academic achievement data or for the identification of students in any program improvement school eligible for school choice and supplemental educational services pursuant to 20 USC 6316:

Coordinator of Categorical Programs

In using the records for such purposes, the following conditions shall be satisfied: (Education Code 49558)

1. No individual indicators of participation in the free or reduced price meal program shall be maintained in the permanent records of any student if not otherwise allowed by law.

(cf. 5125 - Student Records)

2. Information regarding individual student participation in the free or reduced price meal program shall not be publicly released.

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

3. All other confidentiality provisions required by law shall be met.
4. Information collected regarding individual students certified to participate in the free or reduced price meal program shall be destroyed when no longer needed for its intended purpose.

Regulation Adopted: 11-18-03

Regulation Revised: 05-17-05

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3554

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

OTHER FOOD SALES

The Board of Trustees believes that sales of foods and beverages at school during the school day should be aligned with the District's goals to promote student wellness. Any food sales conducted outside the District's food service program shall meet nutritional standards specified in law, Board policy, and administrative regulation and shall not reduce student participation in the District's food service program.

The Board of Trustees authorizes the Superintendent or designee to approve the sale of foods and beverages outside the District's food service program, including sales by student or school-connected organizations, sales through vending machines, and/or sales at secondary school student stores for fundraising purposes.

When vending machines are sponsored by the District or a student or adult organization, the Superintendent or designee shall determine how and where vending machines may be placed at school sites, District offices, or other school facilities.

Legal Reference:

EDUCATION CODE

35182.5 Contracts, non-nutritious beverages

48931 Authorization and sale of food

49430-494364 Pupil Nutrition, Health, and Achievement Act of 2001

51520 School premises; prohibited solicitations

CODE OF REGULATIONS, TITLE 5

15500 Food sales in elementary schools

15501 Sales in high schools and junior high schools

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

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

UNITED STATES CODE, TITLE 42

1751-1769hj National School Lunch Act, including:

1758b Local wellness policy

1751 Note Local wellness policy

1771-1791 Child nutrition, School Breakfast Program

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

Management Resources:

CSBA PUBLICATIONS

Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007

Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

06-110 Restrictions on Food and Beverage Sales Outside of the School Meal Program, August 2006

FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

Associated Student Body Accounting Manual and Desk Reference, 2002

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

WEB SITES

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

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

California Department of Public Health: <http://www.cdph.ca.gov>

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 3554

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

OTHER FOOD SALES

Management Resources: (continued)

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

California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.californiaprojectlean.org>

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

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

National Association of State Boards of Education (NASBE): <http://www.nasbe.org>

U.S. Dept. of Agriculture, Food and Nutrition Information Center: <http://www.nal.usda.gov/fnic>

Policy Adopted: 01/22/91

Policy Revised: 11/18/03

Policy Revised: 09/07/04

Policy Revised: 06/11/19

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 3554

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

OTHER FOOD SALES

Requirements for Schools Participating in Federal Meal Program

Food and beverage sales conducted outside the District's food service program on school campuses during the school day shall comply with applicable nutritional standards specified in 7 CFR 210.11 and 220.12 or with state standard in Education Code 49431, 49431.7 and 5 CCR 15500-15501 and 15575-15578.

These standards shall apply to all competitive foods and beverages sold from midnight before the school day to one-half hour after the end of the school day. (7 CFR 210.11)

In a school with any of grades K-8 that is participating in the National School Lunch and/or Breakfast Program, the Superintendent or designee shall not permit the sale of foods by a student organization except when all of the following conditions are met: (5 CCR 15500)

1. The student organization sells only one food item per sale.
2. The specific nutritious food item is approved by the Superintendent or designee in accordance with Board Policy.
3. The sale does not begin until after the close of the regularly scheduled midday food service period.
4. The sale during the regular school day is not of food items prepared on the premises.
5. The food sold is not one sold in the District's food service program at that school during that school day.
6. Any foods and beverages marketed or promoted to students on the school campus during the school day must meet or exceed all state and Federal guidelines/codes. (Ed Code 49431)

In any middle school, a student organization may be approved to sell food items during or after the school day if all of the following conditions are met: (5 CCR 15501)

1. Only one student organization conducts a food sale on a given school day and the organization shall sell no more than three types of food and beverage items, except that up to four days during the school year may be designated on which any number of organizations may conduct the sale of any food items.

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 3554

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

OTHER FOOD SALES

Requirements for Schools Participating in Federal Meal Program (continued)

2. The specific nutritious food items are approved by the Superintendent or designee in accordance with Board Policy.
3. Food items sold during the regular school day are not prepared on the premises.
4. The food items sold are not those sold in the District's food service program at that school during the school day.
5. Any foods and beverages marketed or promoted to students on the school campus during the school day must meet or exceed all state and Federal guidelines/codes. (Ed Code 49431)

The Superintendent or designee shall maintain records, and shall require organizations selling food and beverages to maintain records, to document compliance with federal nutrition standards for all competitive foods and beverages sold through and outside the District's food services program. At a minimum, these records shall include receipts, nutrition labels, and/or product specifications.

Regulation Adopted: 01/22/91
Regulation Revised: 11/18/03
Regulation Revised: 06/11/19

BUSINESS

Business and Non-instructional OperationsFood Served on Campus by Other Than Non-district Employees

Because of safety and sanitation concerns, food prepared or stored in a private home shall not be used, stores, served, offered for sale, sold, or given away to students on a school campus.

Any bake sale, candy sale, or other food sale, must be of commercially prepared and packaged items.

All foods served to students, whether for parties, meals or other activities, must be commercially prepared and packaged with the following exception:

If food is to be prepared as part of a classroom activity, preparation must take place on the school campus. All ingredients must be commercially purchased, and must be stored at proper temperatures on the school campus until ready to use. Teacher must take proper precautions to insure the health and sanitation of the product.

Legal Reference:

California Uniform Retail Food Facilities Law (CURFFL)
Sections 27604 (a) and 27802 (a).

Policy
adopted: 1-22-91

Business and Non-Instructional OperationsExpense Reimbursement for District Functions

The Board of Trustees authorizes the serving of refreshments at school and District-sponsored meetings, events, and activities when the service of refreshments and the amount of the expenditure therefore have been approved in advance by the Superintendent or designee. Such meetings, events, or activities may include, but are not limited to the following:

- Functions for volunteers and retiring employees
- Activities honoring individuals in education
- Public Schools Week activities
- Educational events sponsored by a school or the District
- Seminars and workshops sponsored by a school or the District
- Campus or District appointed committee meetings
- Group planning and operational meetings
- Other activities as designated by the Superintendent or Designee
- Board meals when meetings are needed during the normal meal hour

The cost of refreshments which are served at authorized activities shall be paid from District funds and shall meet all legal and District requirements for expenditure of District funds.

Legal Reference:EDUCATION CODE

35160 Power of Governing Board to Authorize Expenditures for refreshments for legitimate public meetings.

Policy
adopted: September 15, 1992

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

DISTRICT RECORDS

District records shall be developed, maintained and disposed of in California Department of Education regulations.

(cf. 1340 - Access to District Records)
(cf. 3440 - Inventories)
(cf. 4040 - Employee Use of Technology)
(cf. 4223.6/4212.6/4312.6 - Personnel Files)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)

The Superintendent or designee shall establish regulations that define records which are permanent, optional, and disposable; and specify how each type of record is to be maintained or destroyed. Any microfilm or electronic copies of original records shall be permanently retained.

The Superintendent or designee shall ensure the confidentiality of records as required by law and shall establish regulations to safeguard data against damage or loss.

District public records shall not include the actual addresses of students, parents/guardians or employees when a substitute address is designated by the Secretary of State for victims of domestic violence. (Government Code 6207)

(cf. 5111.1 - District Residency)

Legal Reference:

Education Code

35145 Public meetings
35163 Official actions, minutes and journal
35250-35255 Records and reports
44031 Personnel file contents and inspection
49065 Reasonable charge for transcripts

GOVERNMENT CODE

6205-6211 Confidentiality of addresses for victims of domestic violence
6252-6265 Inspection of public records
12946 Retention of employment applications and records for two years

Code of Regulations, Title 5

432 Varieties of pupil records
16020-16022 Records-general provisions
16023-16027 Retention of records

Management Resources:

SECRETARY OF STATE

Letter re: California Confidential Address Program Implementation (SB 489), August 27, 1999

WEB SITES

California Secretary of State: <http://www.ss.ca.gov>

Policy Adopted: 1-22-91

Policy Revised: 3-21-00

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

DISTRICT RECORDS

The Superintendent or designee shall ensure that appropriate computer software is used to safeguard any data stored on computers, including computers connected to networks. To further prevent the damage or theft of data, computers and related equipment, he/she shall maintain complete and accurate inventories, specify user responsibilities for damages, and provide appropriate supervision in areas where computers are used.

Classification of Records

Before January 1, the Superintendent or designee shall review documents and papers originating during the prior school year and classify them as Class 1 (Permanent), Class 2 (Optional), or Class 3 (Disposable). Records of continuing nature (active and useful for administrative, legal, fiscal, or other purposes over a period of a year) shall not be classified until such usefulness has ceased. A student's cumulative record is a continuing record until the student ceases to be enrolled in the district. (5 CCR 16022)

Class 1 - Permanent Record (5 CCR 16023)

The original of each of the following records, or one exact copy of it when the original is required by law to be filed with another agency, is a Class 1 (Permanent) Record and shall be retained indefinitely unless microfilmed in accordance with the 5 CCR 16022:

1. Annual Reports
 - a. Official budget
 - b. Financial reports of all funds, including cafeteria and student body funds
 - c. Audit of all funds
 - d. Average daily attendance, including Period 1 and Period 1 reports
 - e. Other major annual reports, including:
 - (1) Those containing information relating to property, activities, financial condition or transactions
 - (2) Those declared by Governing Board minutes to be permanent
2. Official Actions

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Classification of Records (continued)

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

3. Personnel Records

(a) Employees

All detailed records relating to employment, assignment, amounts and dates of service rendered, termination or dismissal of an employee in any position, sick leave record, rate of compensation, salaries or wages paid, deductions or withholdings made and the person or agency to whom such amounts were paid. In lieu of the detailed records, a complete proven summary payroll record for each employee containing the same data may be classified as Class 1 (Permanent), and the detailed records may then be classified as Class 3 (Disposable).

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

(b) Students

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

4. Property Records

All detailed records relating to land, buildings, and equipment. In lieu of detailed records, a complete property ledger may be classified as Class 1 (Permanent). The detailed records may then be classified as Class 3 (Disposable) if the property ledger includes all fixed assets, an equipment inventory and, for each piece of property, the date of acquisition,

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Classification of Records (continued)

name of previous owner, a legal description, the amount paid, and comparable data if the unit is disposed of.

Class 2 - Optional Records (5 CCR 16024)

Any record considered worth keeping but which is not a Class 1 Record, may be classified as Class 2 (Optional) and shall be retained until it is reclassified as Class 3 (Disposable). If by agreement of the Board and Superintendent or designee, classification of the prior year records has not been made before January 1, all records of the prior year may be classified Class 2 (Optional) until they are classified as required by 5 CCR 16022. Such classification must occur within one year.

Class 3 - Disposable Records (5 CCR 16025, 16026, 16027)

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

Class 3 (Disposable) records shall be destroyed during the third school year after the later of the following:

1. The completion of any legally required audit.
2. The retention period required by any agency other than the State of California.
3. The school year in which the records originated.

Regulation Adopted: 1-22-91

Regulation Revised: 3-21-00

BUSINESS

Business and Non-instructional Operations

Care of District Records: Disposition of Records

Destruction of Records

No record of the school district shall be destroyed unless it has been properly classified as Class 3 (Disposable) and unless it has been retained for at least the minimum time specified below under Retention Period.

Records may be destroyed by incineration, shredding, or by any other method which will ensure their physical destruction.

Retention Period

1. A "continuing record" shall not be destroyed until after the fourth year of its classification as Class 3 (Disposable).
2. Disposable records shall not be destroyed until after the third July 1 following the annual audit to which they pertain, or to any other legally required audit to which they are relevant, or after the ending date of any retention period required by any agency other than the State of California, whichever is later.
3. Except as otherwise required by law or state regulation, all other Class 3 (Disposable) records shall be destroyed during the third year after the school year in which they were originated.

Transfer of Records

1. Cumulative Records of transferred students may be sent according to Administrative Code, Title 5, Section 438. The district must retain a copy or otherwise of all items of information contained in the cumulative record which must be kept permanently by the district according to Administrative Code, Title 5, Section 432.
2. Records of Enrollment and Scholarship specified in Administrative Code, Title 5, Section 432 may be transferred to the office of the principal of any new school on closing of a school, or to the central office of the district.

Regulation
adopted: 1-22-91

Care of District Records: Disposition of Records (continued)

Transfer of Records (continued)

3. Disposable Records Requested by the State Historian shall be transferred to the State Historian.

Legal Reference:

Administrative Code, Title 5
432 Varieties of pupil records
438 Transfer of records
16026 Retention period
16027 Destruction of records

Regulation
adopted: 1-22-91

BOARD POLICY

BP 3470

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Debt Issuance and Management

This Debt Management Policy (the “Policy”) provides written guidelines for the issuance of indebtedness by the Ocean View School District (the “District”) in satisfaction of the requirements of S.B. 1029, codified as part of Government Code Section 8855.

Purpose and Goals

This Policy provides a framework for debt management and capital planning by the District. This Policy has been developed to meet the following goals:

- (1) Identifying the purposes for which the debt proceeds may be used.
- (2) Identifying the types of debt that may be issued.
- (3) Describing the relationship of the debt to, and integration with, the District’s capital improvement program or budget.
- (4) Establishing policy goals related to the District’s planning goals and objectives.
- (5) Implementing internal control procedures to ensure that the proceeds of the proposed debt issuance will be directed to the intended use upon completion of the issuance.

Purposes for Which Debt Proceeds May be Used - Authority and Purposes of the Issuance of Debt

The laws of the State of California (the “State”) authorize the District to incur debt to make lease payments, contract debt, borrow money, and issue bonds for school improvement projects. The District is authorized to contract debt to acquire, construct, reconstruct, rehabilitate, replace, improve, extend, enlarge, and equip such projects; to refund existing debt; or to provide for cash flow needs.

State Law

Section 18 of Article XVI of the State Constitution contains the “debt limitation” formula applicable to the District.

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State Law (continued)

There are a number of State laws that govern the issuance of general obligation bonds (“GO Bonds”) by school districts. Sections 1(b)(2) (Proposition 46) and 1(b)(3) of Article XIII A (Proposition 39) of the State Constitution allow the District to issue GO Bonds. The statutory authority for issuing GO Bonds is contained in Education Code Section 15000 *et seq.* Additional provisions applicable only to Proposition 39 GO Bonds are contained in Education Code Section 15264 *et seq.* An alternative procedure for issuing GO Bonds is also available in Government Code Section 53506 *et seq.*

The statutory authority for issuing Tax and Revenue Anticipation Notes (“TRANs”) is contained in Government Code Section 53850 *et seq.* Authority for lease financings is found in Education Code Section 17455 *et seq.* and additional authority is contained in Education Code Sections 17400 *et seq.*, 17430 *et seq.* and 17450 *et seq.* The District may also issue Mello-Roos bonds pursuant to Government Code Section 53311 *et seq.*

Debt Issued to Finance Operating Costs

The District may deem it necessary to finance cash flow requirements under certain conditions. Such cash flow borrowing must be payable from taxes, income, revenue, cash receipts and other moneys attributable to the fiscal year in which the debt is issued.

General operating costs include, but are not limited to, those items normally funded in the District’s annual operating budget.

The District’s Superintendent, or Deputy Superintendent, Administrative Services (the “Deputy Superintendent”), will review potential financing methods to determine which method is most prudent for the District. Potential financing sources include tax and revenue anticipation notes, temporary borrowing from the Orange County Treasurer and Tax Collector, and internal temporary interfund borrowing.

Types of Debt That May be Issued

Short-Term: The District may issue fixed-rate and/or variable rate short-term debt, which may include TRANs, when such instruments allow the District to meet its cash flow requirements. The District may also issue bond anticipation notes (“BANs”) to provide interim financing for bond projects that will ultimately be paid from GO Bonds.

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Types of Debt That May be Issued (continued)

Long-Term: Debt issues may be used to finance essential capital facilities, projects and certain equipment where it is appropriate to spread the cost of the projects over more than one budget year. Long-term debt should not be used to fund District operations.

Long term debt in the form of GO Bonds may be issued under Article XIII A of the State Constitution, either under Proposition 46, which requires approval by at least a two-thirds (66.67%) majority of voters, or Proposition 39, which requires approval by at least 55% of voters, subject to certain accountability requirements and additional restrictions.

The District may also enter into long-term leases and/or Certificates of Participation (“COPs”) for public facilities, property, and equipment. Because these types of obligations are repaid from the General Fund, the District must carefully consider their impact on its finances before issuing them.

Lease Financing: Lease-purchase obligations are a routine and appropriate means of financing capital equipment and certain capital facilities. However, lease obligations may impact on budget flexibility.

Use of General Obligation Bonds: A significant portion of the District’s capital projects are projected to be funded by GO Bond proceeds. Projects financed by the GO Bonds will be determined by the constraints of applicable law and the project list approved by voters.

Relationship of Debt to and Integration with District’s Capital Improvement Program or Budget - Impact on Operating Budget and District Debt Burden

In evaluating financing options for capital projects, both short and long-term debt amortization will be evaluated when considering a debt issuance, along with the potential impact of debt service, and additional costs associated with new projects on the operating budget of the District. The cost of debt issued for major capital repairs or replacements may be judged against the potential cost of delaying such repairs.

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Capital Improvement Program

The Deputy Superintendent and the facilities' staff have responsibility for the planning and management of the District's capital improvement program subject to review and approval by the Board of Trustees. Staff will, as appropriate, supplement and revise any applicable Facilities Master Plan in keeping with the District's current needs for the acquisition, development and/or improvement of District's real estate and facilities. Such plans may include a summary of the estimated cost of each project, schedules for the projects, the expected quarterly cash requirements, and annual appropriations, in order for the projects to be completed.

Refunding and Restructuring Policy

Considerations for Refunding

District's Best Interest. Whenever deemed to be in the best interest of the District, the District shall consider refunding or restructuring outstanding debt if it will be financially advantageous or beneficial for debt repayment and/or structuring flexibility.

Net Present Value Analysis. The Deputy Superintendent shall review a net present value analysis of any proposed refunding in order to make a determination regarding the cost-effectiveness of the proposed refunding.

Maximization of Expected Net Savings. Another consideration in deciding which debt to refinance and the timing of the refinancing shall be maximization of the District's expected net savings over the life of the bonds.

Comply with Existing Legal Requirements. The refunding of any existing debt shall comply with all applicable State and Federal laws governing such issuance.

Policy Goals Related to District's Planning Goals and Objectives

In following this Policy, the District shall pursue the following goals:

The District shall strive to fund capital improvements from voter-approved GO Bond issues to preserve the availability of its General Fund for District operating purposes and other purposes that cannot be funded by such bond issues.

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Policy Goals Related to District's Planning Goals and Objectives (continued)

The District shall endeavor to attain the best possible credit rating for each debt issue in order to reduce interest costs, within the context of preserving financial flexibility and meeting capital funding requirements.

The District shall take all practical precautions and proactive measures to avoid any financial decision that will negatively impact current credit ratings on existing or future debt issues.

The District shall, with respect to GO Bonds, remain mindful of its statutory debt limit in relation to assessed value growth within the school district and the tax burden needed to meet long-term capital requirements.

The District shall consider market conditions and District cash flows when timing the issuance of debt.

The District shall determine the amortization (maturity) schedule which will fit best within the overall debt structure of the District at the time the new debt is issued.

The District shall match the term of the issue to the useful lives of assets funded by that issue whenever practicable and economic, while considering repair and replacement costs of those assets to be incurred in future.

The District shall, when planning for the issuance of new debt, consider the impact of such new debt on overlapping debt of local, state and other governments that overlap with the District.

The District shall, when issuing debt, assess financial alternatives to include new and innovative financing approaches, including whenever feasible, categorical grants, revolving loans or other State/federal aid, so as to minimize the encroachment on the District's General Fund.

The District shall, when planning for the sizing and timing of debt issuance, consider its ability to expend the funds obtained in a timely, efficient and economical manner.

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Internal Control Procedures for Issuance of Debt to Ensure Intended Use of Proceeds - Structure of Debt Issues

Maturity of Debt: The duration of a debt issue shall be consistent, to the extent possible, with the economic or useful life of the improvement or asset that the issue is financing. Accordingly, the final maturity of the debt shall be equal to or less than the useful life of the assets being financed, and the average life of the financing shall not exceed 120% of the average life of the assets being financed. In addition, the District shall consider the overall impact of the current and future debt burden of the financing when determining the duration of the debt issue.

Debt Structure – GO Bonds:

New Money Bond Issuances: For new money bond issuances, the District shall size the bond issuance consistent with the “spend-down” requirements of the Internal Revenue Code and within any limits approved by the District’s voters. To the extent possible, the District will also consider credit issues, market factors (e.g. bank qualification) and tax law when sizing the District’s bond issuance.

Refunding Bond Issuances: The sizing of refunding bonds will be determined by the amount of money that will be required to cover the principal of, accrued interest (if any) on, and redemption premium for the bonds to be defeased on the call date and to cover appropriate financing costs.

Maximum Maturity: All bonds issued by the District shall mature within the limits set forth in applicable provisions of the Education Code or the Government Code. The final maturity of bonds will also be limited to the average useful life of the assets financed or as otherwise required by tax law.

Lease-Purchase Obligations: The final maturity of equipment or real property lease obligations will be limited to the useful life of the assets to be financed.

Debt Service Structure: The District shall design the financing schedule and repayment of debt so as to take best advantage of market conditions, provide flexibility, and, as practical, to recapture or maximize its debt capacity for future use.

Use of Proceeds

The District shall be vigilant in using bond proceeds in accordance with the stated purposes at the time such debt was incurred. In furtherance of the policy, and in connection with the issuance of all GO Bonds:

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Debt Issuance and Management

Use of Proceeds (continued)

As required by Government Code Section 53410, the District shall only use GO Bond proceeds for the purposes approved by the District's voters; and

The Deputy Superintendent shall have the responsibility, no less often than annually, to provide to the District's Board of Trustees a written report which shall contain at least the following information:

The amount of the debt proceeds received and expended during the applicable reporting period; and

The status of the acquisition, construction or financing of the school facility projects, as identified in any applicable bond measure, with the proceeds of the debt.

These reports may be combined with other periodic reports which include the same information, including but not limited to, periodic reports made to the California Debt and Investment Advisory Commission, or continuing disclosure reports or other reports made in connection with the debt. These requirements shall apply only until the earliest of the following: (i) all the debt is redeemed or defeased, but if the debt is refunded, such provisions shall apply until all such refunding bonds are redeemed or defeased, or (ii) all proceeds of the debt, or any investment earnings thereon, are fully expended.

The District shall post on the District website the Annual Report of the District's Independent Bond Oversight Committee which has been given the responsibility to review the expenditure of GO Bond proceeds to assure the community that all GO Bond funds have been used for the construction, renovation, repair, furnishing and equipping of school facilities, and not used for teacher or administrator salaries or other operating expenses.

The District shall hire an independent auditor to perform an annual independent financial and performance audit of the expenditure of GO Bond proceeds, and to post such audits on the District website.

Policy Adopted: 04/25/17