

Mesa Union School District

Agenda for the Board Meeting of the Board of Trustees to be held on Tuesday, December 17, 2013, at 6:00 p.m. in the School Multi-Purpose Room located at 3901 North Mesa School Road, Somis, California 93066

The Regular Board Meeting of the Board of Trustees will begin at 6:00 p.m. with closed session and approximately 6:30 p.m. for open session. A complete agenda packet is available at the District Office, 3901 North Mesa School Road, Somis, Monday and Tuesday prior to a regularly scheduled meeting and online at www.mesaschool.org.

1. CALL TO ORDER AND RECOGNITION OF A QUORUM:

Time _____	Present	Absent
Mrs. Susan Nemets, President	_____	_____
Mr. Steven Sullivan, Vice President	_____	_____
Mrs. Judith Thielemann, Board Clerk	_____	_____
Mr. Rick Murray, Trustee	_____	_____
Mr. Noel Camanag, Trustee	_____	_____
Dr. Michael Babb, Superintendent	_____	_____
Mr. Ryan Howatt, Principal	_____	_____
Mrs. Cindy Hansen, Chief Business Official	_____	_____
Mrs. Erica Magdaleno, Executive Assistant	_____	_____

2. ADOPTION OF AGENDA

Usually an agenda covers an entire session, in which case it is the order of business for that session and is adopted by majority vote of the assembly. Thereafter, no change can be made in the agenda except by a two-thirds vote or by unanimous consent. At the point of adoption of the agenda, any Board member or the superintendent can request that the agenda be re-ordered.

Action: 1st _____ 2nd _____)
 Nemets: A N A A Sullivan: A N A A Thielemann: A N A A Murray: A N A A Camanag: A N A A
Ayes: _____ **Noes:** _____ **Abstentions:** _____ **Absent:** _____

3. PUBLIC COMMENT ON CLOSED SESSION ITEMS:

At this time, any member of the public may address the Board concerning the closed session items. A person addressing the Board is urged to use not more than three (3) minutes of time.

4. CLOSED SESSION:

During this time, the Board may adjourn to closed session to discuss confidential material relating to:

- A. Negotiations as it relates to MUTA and MUST authorized by Government Code §3549.1
- B. Personnel as authorized by Government Code §54957 – *as it relates to personnel needs for the 2013-2014 school year.*

ADJOURN FROM CLOSED: Time _____

RECONVENE IN PUBLIC
 (Approximate time-6:30pm) Time: _____

Report of actions taken during closed session: The president of the Board will report on actions taken during closed session.

5. OFFICIAL OPENING - PLEDGE OF ALLEGIANCE

6. MINUTES

It is the recommendation of the district administration that the Board of Trustees approve the minutes of the regular board meeting of November 19, 2013, and the minutes of the special board meeting of December 10, 2013, as presented.

Action: 1st _____ 2nd _____)
 Nemets: A N A A Sullivan: A N A A Thielemann: A N A A Murray: A N A A Camanag: A N A A
Ayes: _____ **Noes:** _____ **Abstentions:** _____ **Absent:** _____

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7. AUDIENCE TO ADDRESS BOARD OF TRUSTEES

PRESENTATIONS/COMMENTS BY THE PUBLIC. All individuals are invited to speak to the Board during public comment on matters related to the district. If you wish to address the Board, please plan to complete a Speaker Form prior to the start of the meeting. Forms are available in the District Office, at the Board meeting and online at www.mesaschool.org

8. BOARD REORGANIZATION

A. Election of Board Officers

1. President

(Action: 1st _____ 2nd _____)

Nemets: A N A A Sullivan: A N A A Thielemann: A N A A Murray: A N A A Camanag: A N A A

Ayes: _____ Noes: _____ Abstentions: _____ Absent: _____

2. Vice-President

(Action: 1st _____ 2nd _____)

Nemets: A N A A Sullivan: A N A A Thielemann: A N A A Murray: A N A A Camanag: A N A A

Ayes: _____ Noes: _____ Abstentions: _____ Absent: _____

3. Clerk

(Action: 1st _____ 2nd _____)

Nemets: A N A A Sullivan: A N A A Thielemann: A N A A Murray: A N A A Camanag: A N A A

Ayes: _____ Noes: _____ Abstentions: _____ Absent: _____

B. Certification of Signature

C. Statement of Facts Roster of Public Agencies Filing

D. Trustee Meeting Dates and Times

E. Board Member Representative to County School Board Association

F. Camarillo Chamber Educational Committee

G. Representative for Mesa Educational Foundation

H. Representative for Mesa Parent Faculty Organization

I. Representative for Highway 118 Committee

9. Reports/Information/Discussion

A. SUPERINTENDENT'S REPORT:

1. After school Program
2. Local Control Funding
3. EL data
4. Goals and Objectives

B. BOARD MEMBERS' REPORTS AND COMMUNICATIONS:

1. Correspondence
2. Board members' reports and communications
3. Board members' interests and concerns

C. INFORMATON :

1. IRS Mileage Rate-Effective January 1, 2014 the IRS decreased the mileage reimbursement rate to 56.0 cents per mile, a decrease of 0.5 cents per mile from the earlier rate of 56.5 cents per mile.

10. CONSENT AGENDA:

(Action: 1st _____ 2nd _____)

Nemets: A N A A Sullivan: A N A A Thielemann: A N A A Murray: A N A A Camanag: A N A A

Ayes: _____ Noes: _____ Abstentions: _____ Absent: _____

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**Approval of Consent Agenda – All items on the Consent Agenda are to be approved as one motion unless a Board Member requests separate action on a specific item. Each item approved shall be deemed to have been read in full and adopted as recommended.*

A. Purchase Orders – Mesa

It is the recommendation of the district administration that the purchase orders be approved as presented.

PLEASE SEE AGENDA ITEM 10A IN THE PACKET

B. Check Register – Mesa

It is the recommendation of the district administration that the Check Register be approved as presented.

PLEASE SEE AGENDA ITEM 10B IN THE PACKET

C. Statement of Revenues and Expenditures (November 2013)

It is the recommendation of the district administration that the Statement of Revenues and Expenditures be approved as presented.

PLEASE SEE AGENDA ITEM 10C IN THE PACKET

D. Current Enrollment Report

It is the recommendation of the district administration that the Enrollment Report be accepted as presented.

PLEASE SEE AGENDA ITEM 10D IN THE PACKET

E. Student of the Month Listing

It is the recommendation of the district administration that the Student of the Month listing be accepted as presented.

PLEASE SEE AGENDA ITEM 10E IN THE PACKET

F. Golden Valley Charter School Statement of Revenue and Expenditures

It is the recommendation of the district administration that the Statement of Revenue and Expenditures from the Golden Valley Charter School be approved as presented.

PLEASE SEE AGENDA ITEM 10F IN THE PACKET

11. ACTION/DISCUSSION ITEMS:

Public Hearing:

A. Presentation of Initial Proposal of the Mesa Union Support Team (MUST) to the Mesa Union School District for the 2013-2014 school year; and Public Comment

In accordance with Government Code section 3547, all initial bargaining proposals of an exclusive bargaining representative shall be presented at a public meeting of the public school employer. The initial bargaining proposal of the Mesa Union Support Team (MUST) was first made public at the November 19, 2013 meeting of the Board of Trustees and is hereby returned to this agenda for public discussion.

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Closed Public Hearing: Time: _____

- B. Discuss and Acknowledge Receipt of the Initial Proposal of the Mesa Union Support Team (MUST) to the Mesa Union School District for the 2013-2014 school year for negotiations.

In accordance with Government Code section 3547, discuss and acknowledge receipt by the Board of the initial proposal of the Mesa Union Support Team (MUST) to the Mesa Union School District for the 2013-2014 school year for negotiations.

It is the recommendation of the district administration that the Board of Trustees acknowledge receipt of the initial proposal of the Mesa Union Support Team (MUST) to the Mesa Union School District for the 2013-2014 school year negotiations.

PLEASE SEE AGENDA ITEM 11B IN THE PACKET

(Action: 1st _____ 2nd _____)
Nemets: A N A A Sullivan: A N A A Thielemann: A N A A Murray: A N A A Camanag: A N A A
Ayes: _____ Noes: _____ Abstentions: _____ Absent: _____

- C. Consideration of Adoption of Resolution # 13-14-05. Regarding Annual & Five-Year Accounting of Development Fees for Fiscal Year 2012-2013 as per GC66001(D)

It is the recommendation of the District Administration that the Board of Trustees adopt Resolution # 13-14-05.

PLEASE SEE AGENDA ITEM 11C IN THE PACKET

(Action: 1st _____ 2nd _____)
Nemets: A N A A Sullivan: A N A A Thielemann: A N A A Murray: A N A A Camanag: A N A A
Ayes: _____ Noes: _____ Abstentions: _____ Absent: _____

- D. Consideration of approval of the 2014 Level 1 Developer Fee Study Contract with School Works.

It is the recommendation of the District Administration that the Board of Trustees approve the 2014 Level 1 Developer Fee Study Contract with School Works.

PLEASE SEE AGENDA ITEM 11D IN THE PACKET

(Action: 1st _____ 2nd _____)
Nemets: A N A A Sullivan: A N A A Thielemann: A N A A Murray: A N A A Camanag: A N A A
Ayes: _____ Noes: _____ Abstentions: _____ Absent: _____

- E. Consideration of acceptance and certification of the Annual Financial Report for year ending June 30, 2013, from Vicenti Lloyd & Stutzman, LLP.

It is the recommendation of the District Administration that the Board of Trustees accept and certify the Annual Financial Report for year ending June 30, 2013, from Vicenti Lloyd & Stutzman, LLP.

PLEASE SEE AGENDA ITEM 11E IN THE PACKET

(Action: 1st _____ 2nd _____)
Nemets: A N A A Sullivan: A N A A Thielemann: A N A A Murray: A N A A Camanag: A N A A
Ayes: _____ Noes: _____ Abstentions: _____ Absent: _____

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- F. Consideration of acceptance of Proposition 39 General Obligation Bonds and Measure A Performance Audit for Fiscal Year ending June 30, 2013.

It is the recommendation of the District Administration that the Board of Trustees accept Proposition 39 General Obligation Bonds and Measure A Performance Audit for Fiscal Year ending June 30, 2013.

PLEASE SEE AGENDA ITEM 11F IN THE PACKET

(Action: 1st _____ 2nd _____)
Nemets: A N A A Sullivan: A N A A Thielemann: A N A A Murray: A N A A Camanag: A N A A
Ayes: _____ Noes: _____ Abstentions: _____ Absent: _____

- G. Consideration of acceptance of the Mesa Union School District Accountability Report Card (SARC) for the 2012-2013 school year to be published during the 2013-2014 school year.

It is the recommendation of the district administration that the Board of Trustees accept the Mesa Union School District Accountability Report Card (SARC) for the 2012-2013 school year to be published during the 2013-2014 school year.

PLEASE SEE AGENDA ITEM 11G IN THE PACKET

(Action: 1st _____ 2nd _____)
Nemets: A N A A Sullivan: A N A A Thielemann: A N A A Murray: A N A A Camanag: A N A A
Ayes: _____ Noes: _____ Abstentions: _____ Absent: _____

- H. Consideration of adoption of board policies in sections 0000-3000 as presented or amended.

It is the recommendation of the district administration that the Board of Trustees adopt the board policies in sections 0000-3000.

PLEASE SEE AGENDA ITEM 11H IN THE PACKET

(Action: 1st _____ 2nd _____)
Nemets: A N A A Sullivan: A N A A Thielemann: A N A A Murray: A N A A Camanag: A N A A
Ayes: _____ Noes: _____ Abstentions: _____ Absent: _____

- I. Consideration of adoption of board policies in section 6000 as presented or amended.

It is the recommendation of the district administration that the Board of Trustees adopt the policies in section 6000 as presented or amended.

PLEASE SEE AGENDA ITEM 11I IN THE PACKET

(Action: 1st _____ 2nd _____)
Nemets: A N A A Sullivan: A N A A Thielemann: A N A A Murray: A N A A Camanag: A N A A
Ayes: _____ Noes: _____ Abstentions: _____ Absent: _____

- J. First Reading for policy revisions in section 7000.

It is the recommendation of the district administration that the Board of Trustees review the policies in section 7000. These policies will be placed on the January 2014 agenda for adoption.

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PLEASE SEE AGENDA ITEM 11J IN THE PACKET

K. First Reading for policy revisions in section 9000.

It is the recommendation of the district administration that the Board of Trustees review the policies in section 9000. These policies will be placed in the January 2014 agenda for adoption.

PLEASE SEE AGENDA ITEM 11K IN THE PACKET

L. PERSONNEL:

Consideration of approval of hiring Michelle Demaria as an hourly specialist for four hours per day for the remainder of the 2013-2014 school year. Salary placement to be on the certificated miscellaneous salary schedule. Position to be funded through Title I.

It is the recommendation of the district that Board of Trustees approve the hiring of Michelle Demaria as an hourly specialist for the remainder of the 2013-2014 school year.

(Action: 1st _____ 2nd _____)
Nemets: A N A A Sullivan: A N A A Thielemann: A N A A Murray: A N A A Camanag: A N A A
Ayes: _____ Noes: _____ Abstentions: _____ Absent: _____

Consideration of approval of hiring Ronda Plomteaux as an hourly specialist for four hours per day for the remainder of the 2013-2014 school year. Salary placement to be on the certificated miscellaneous salary schedule. Position to be funded through Title I.

It is the recommendation of the district that the Board of Trustees approve the hiring of Ronda Plomteaux as an hourly specialist for the remainder of the 2013-2014 school year.

(Action: 1st _____ 2nd _____)
Nemets: A N A A Sullivan: A N A A Thielemann: A N A A Murray: A N A A Camanag: A N A A
Ayes: _____ Noes: _____ Abstentions: _____ Absent: _____

13. ITEMS FOR FUTURE CONSIDERATION

- A. Summer Facility Use
- C. Policies 7000-9000 adoption
- D. Counseling Services

14. FUTURE MEETINGS

- A. January 21, 2014, 6:00 p.m.

15. ADJOURNMENT:

Time: _____
(Action: 1st _____ 2nd _____)
Nemets: A N A A Sullivan: A N A A Thielemann: A N A A Murray: A N A A Camanag: A N A A
Ayes: _____ Noes: _____ Abstentions: _____ Absent: _____

In accordance with requirement of the Americans with Disabilities Act and related federal regulations, individuals who require special accommodation, including but not limited to an American sign language interpreter, accessible seating or documentation in accessible formats, should contact the Superintendent's office at least two days before the meeting.

Call to order

The November 19, 2013, Regular Meeting of the Mesa Union School District Board of Trustees was called to order by President Nemets at 6:05 p.m. in the Multi-purpose Room.

Roll Call

Board members present were Susan Nemets, Noel Camanag, and Judith Thielemann. Rick Murray and Steven Sullivan were absent.

Administration present were Dr. Babb, superintendent, Erica Magdaleno, executive assistant, Ryan Howatt, principal and Cindy Hansen, chief business officer.

Agenda

The agenda was adopted by common consent.

Public Comment on Closed Session

At 6:07 p.m., President Nemets asked for public comment on closed session items. Hearing none, she announced that the Board was going into closed session to discuss negotiations as it relates to MUST and MUTA and liability claim, claimant number: VCSD-025953.

Reconvene to Open Session

At 6:34 p.m., the Board of Trustees returned to open session. President Nemets reported that the Board of Trustees had just returned from closed session where negotiations as it relates to MUST and MUTA was discussed. No action was taken. She stated the Board would return to closed session to discuss liability claim, claimant number: VCSD-025953.

Official Opening Pledge

Student Kellen Jack led the Pledge of Allegiance.

Minutes

The minutes of the Regular Board Meeting of October 15, 2013, were approved by common consent.

Public Comments

The Mesa Robotic teams provided presentations on the various aspects of team competition projects, robot programming, team presentations and research.

Dr. Babb presented the board of trustees with a plaque commemorating Modernization Project

Measure A. The plaque will be installed on the wall at the front entrance of the school.

Principal's Report

Principal's Report:

A. Zeros Aren't Permitted (ZAP) program-Following up from last month's discussion, Mr. Howatt shared that he has been researching the ZAP program used to support student work completion in the junior high. In speaking to the junior high teachers Mr. Howatt found that students are meeting with teachers during lunch to finish work and get extra help. The current process is an informal process but there are some great benefits. Students are able to complete their work and receive extra help in a smaller class setting. One of the concerns regarding the current process is that teachers are not being compensated. Mr. Howatt researched similar programs, and found that some programs are held after school and/or on Saturdays. Currently the district is in the process of hiring two intervention teachers. One teacher will be available in the morning and the other teacher will be available in the afternoon. One or both of these teachers may be able to help support student work completion.

Trustee Thielemann requested clarification on which students are meeting with teachers during lunch. Are students aware that teachers are available? Mr. Howatt clarified that students of all progress levels are working with teachers.

Trustee Nemets shared that having teachers available during lunch provides students with a great opportunity. Not only are students making up missing assignments, but students are being given extra help if needed. Trustee Nemets was concerned that students who are missing work may not be attending since it is not a formal process. Mr. Howatt clarified that students who are missing assignments are notified and asked to attend, and although it's

informal it's being handled as a formal process. Mr. Howatt shared that he will continue working with staff to improve the process.

B. School Site Council- Mr. Howatt provided an update on the School Site Council. The election process is complete. School site council will consist of 10 members, which includes three classroom teachers, one non-teaching staff, one administrator, and five parents. The first school meeting will be held on Friday, November 21. At that time the council will review last year's goals. The council will then determine measures for assessing student performance for the 2013-2014 school year, as students will no longer take the California Standard Test (CST).

Mr. Howatt has contacted Kevin Mannion from Datawise, and has arranged grade level training that has been scheduled for December 12th. Grade level teams will be looking at Common Core assessments. Mr. Howatt will then talk to School Site Council to determine if DataWise is an appropriate way to measure student growth this year. Mr. Howatt shared that we want to teach and measure with fidelity and so we need to ensure that student growth can be measured with appropriate measures that are aligned to what students are being taught.

C. Smarter Balanced Assessment-Mr. Howatt shared slides from a Smarter Balanced training that he attended. Some of major differences that he found were the response formats. Assessment will feature both constructed and selected responses. Constructed response address assessment targets and claims that are of greater complexity. Constructed responses will be administered during the computer-adaptive component. Responses will be scored using artificial intelligence. Most constructed response items take between one and five minutes to complete. Some of the more complex items may take up to 10 minutes. Traditional selected responses included a stem, options and a distractor, the non-traditional responses will include a stem, stimulus, and options. Mr. Howatt shared an example problem of a linear equation in which students are required to determine if a particular equation has no solution, one solution or many solutions. The example indicated the type of teaching that will be required for students to succeed on the Smarter Balanced assessment. Mr. Howatt will present information to staff at a later date.

D. School Climate Survey- Mr. Howatt shared a presentation on school climate survey that was presented to students in grades 5th-8th. Mr. Howatt provided students with a kindness survey. The survey did not directly address the issue of bullying, but it addressed acts of kindness and acts of unkindness which led to comments about bullying. Students answered questions with open ended responses. Based on responses, Mr. Howatt created a word diagram representing student answers. Mr. Howatt will be presenting the survey and outcomes to staff.

Trustee Thielemann and Dr. Babb complemented Mr. Howatt for the format of his survey presentation. It is an effective format that can be used for adults and students that is easy to understand.

Superintendent's Report:

A. Title III Accountability-Dr. Babb shared the Title III accountability report from the federal government. The report reflects the performance of English Language Learners (ELL) on the California English Language Development Test (CELDT) from last year and years prior. The CELDT testing for this year was completed a few weeks ago, but results will not be issued until next year. The Title III accountability report demonstrates the rate at which English learners become proficient. Due to the small number of English learners enrolled at Mesa the report was prepared in a consortium with other similar schools. The accountability report provides the number of students that took the test a year ago, and the annual measurable achievement objectives (AMAO). AMAO 1 refers to the percentage of English Learners making annual language development progress. AMAO 2 demonstrates

Superintendent's Report

the percentage of English Learners attaining the English proficient level on CELDT. Based on the report, Mesa Union students met AMAO 1 and AMAO 2 target goals. However, the consortium did not meet those goals. The report also includes AMAO 3 which demonstrates adequate yearly progress on STAR tests for English Learners. Neither Mesa Union nor the consortium made the target goals for AMAO 3. In order to continue moving towards meeting target goals for future accountability reports, Dr. Babb recommends that students continue making growth in English, students become proficient in English, staff is provided with specialized professional development and students are provide with individual student support. Last year we had specialist from Ventura County Office of Education (VCOE) provide staff with specialized training which included model lessons and lesson planning for teachers that engage with English Language learners. Supplemental Educational Services (SES) was also offered primarily to English Language Learners. Teachers have also shown a great interest in the A Developmental English Proficiency Test (ADEPT), an alternative formative assessment that can be taken any time during the year. Currently we have CELDT results, but they are hand scored results; final results are not received until end of the school year. The accountability reports are not provided until the following school year. Alternative assessments will help provide immediate data to help support English learners. English learners are a big factor in the Local Control Funding Formula (LCFF); base and supplemental funds will provide an opportunity to evaluate programs and close the achievement gap.

Trustee Nemets requested year to year comparison data for English language learner. Dr. Babb will provide growth data at the December board meeting.

B. Local Control Accountability Plan (LCAP) - Dr. Babb shared that he will report LCAP developments and progress regularly. The Local Control Accountability Plan will need to be submitted to the state before July 1. Dr. Babb attended a presentation at Business Services Administration (BSA) board meeting on Friday, and learned that the LCAP requirements are all coming together at state level. A template is currently being worked on. Dr. Babb has also been attending and presenting on LCFF to Mesa parent groups. Last month Dr. Babb presented on LCFF at the Mesa Education Foundation. Dr. Babb will also be presenting the funding formula to ELAC and SSC. Dr. Babb will continue to gather info from parent groups. Dr. Babb will also be attending curriculum council to learn of developments at state level (CISC/state board meeting) which he will share through his weekly memo to the board.

C. Supplemental Educational Services (SES)-Dr. Babb reminded the Board that Supplemental Educational Services (SES) is a requirement for schools that have been in Program Improvement for more than two years. Mesa Union currently is in Year 4 of Program Improvement. Dr. Babb shared that while there has been discussion of upcoming changes but at this point NCLB continues to be the law. Dr. Babb has been advised by the Title I officer at VCOE to follow the current Program Improvement steps. Dr. Babb shared that he met with providers who expressed an interest with in working with Mesa Union students. Letters have been mailed to families regarding Program Improvement and Supplemental Educational Services. A providers' fair has been scheduled for November 20th. Families will have an opportunity to meet and speak with the providers and decide with ones they prefer to work. Parents will need to turn in a form selecting their top three choices no later than November 27th. The total allotment that will be allocated for supplemental educational services is \$932.00 per student, 20% of Title I allotment. Once interest forms are received Dr. Babb will work with Mr. Howatt in prioritizing the students with most need of academic support. Supplement services are tentatively scheduled to begin before winter break.

D. Goals and Objectives-Dr. Babb shared that an update will need to be made to the current goals and objectives. The current goals and objectives were written based on the outgoing accountability system of AYP and API. With standardized testing not been used to determine student achievement a decision will need to be made on what measure will be

used to determine student achievement. Dr. Babb will work with Mr. Howatt and teaching staff to revise achievement outcomes expressed in goals and objectives.

Board Members' Reports and Communications

Correspondence:

1. CSBA Nomination request-The Board of Trustees decided not to nominate a CSBA Delegate for the CSBA Assembly.

2. Board members' reports and communications:

Trustee Thielemann shared a scheduling concern for 8th grade promotion. In reviewing the 2013-2014 Oxnard High School District Calendar, high school graduations will be taking place on the same date that has been scheduled for 8th grade promotions. Trustee Thielemann suggested adjusting the schedule for a later promotion ceremony time.

Dr. Babb shared that he would discuss concern with Mrs. Dwork and find a solution that will not conflict with families.

3. Board members' interests and concerns:

Trustee Thielemann shared an update from Yearbook Club.

Consent Agenda

Consent Agenda:

The Consent Agenda were approved by common consent

Purchase Orders \$35, 618.37

Checks totaling \$212, 973.25

Funds Balances

Enrollment 650

Golden Valley Charter School income/expenditure statement

1st Interim Report

Action/Discussion:

On motion of Trustee Camanag, seconded by Trustee Thielemann, and carried with 3-0-2 vote, the 1st interim report was adopted.

Cindy Hansen, CBO provided presentation on 1st interim report.

MUST Initial Proposal

The Board of Trustees discussed and acknowledged receipt of the Initial Proposal of the Mesa Union Support Association (MUST) to the Mesa Union School District for the 2013-2014 school year for negotiations. There were no comments. The board of trustees thereby acknowledged receipt.

Annual Programmatic Audit

On motion of Trustee Thielemann, seconded by Trustee Camanag, and carried with a 3-0-2 vote, the Annual Programmatic Audit for 2012-2013 from Golden Valley Charter School was accepted.

Certificated Salary Schedule

On motion of Trustee Camanag, seconded by Trustee Thielemann and carried with a 3-0-2 vote, the revised miscellaneous certificated salary schedule increasing the certificated substitute daily rates was accepted.

Classified Salary Schedule

On motion of Trustee Thielemann, seconded by Trustee Camanag and carried with a 3-0-2 vote, the revised classified salary schedule was accepted.

York Risk Services Group

On motion of Trustee Camanag, seconded by Trustee Thielemann, and carried with a 3-0-2 vote, the request to move Board Agenda Item 12F, the settlement authority request from York Risk Services Group, Inc. for Workman's Compensation Claim # VCSD-025953, to closed session for further discussion and action was approved.

**Board Policies
Section 0000-3000**

On motion of Trustee Thielemann, seconded by Trustee Camanag, and carried with a 3-0-2 vote, the Board of Trustees adopted the policies in sections 0000-3000 as presented or amended.

**Board Policies
Section 4000**

On motion of Trustee Thielemann seconded by Trustee Camanag, and carried with a 3-0-2 vote, the Board of Trustees adopted the policies in section 4000 as presented or amended.

**Board Policies
Section 5000**

On motion of Trustee Thielemann, seconded by Trustee Camanag, and carried with a 3-0-2 vote, the Board of Trustees adopted the policies in section 5000 as presented or amended.

**Board Policy
1st Read**

The Board of Trustees was provided with Board Policies in section 6000 for first review to be brought for adoption at the December 2013 Board meeting.

**Board Policy
1st Read**

The Board of Trustees was provided with the October 2013 Policy updates in section 0000-3000 Board Policies for first review to be brought for adoption at the December 2013 Board meeting.

Personnel

Personnel:

On motion of Trustee Camanag, seconded by Trustee Thielemann, and carried with a 3-0-2 vote, the revised hourly specialist job description placed on the certificated miscellaneous salary schedule was approved.

On motion of Trustee Thielemann, seconded by Trustee Camanag, and carried with a 3-0-2 vote, the hiring of (2) hourly specialists for four hours per day was approved.

On motion of Trustee Camanag, seconded by Trustee Thielemann, and carried with a 3-0-2 vote, the consideration of hiring Leticia Cousino as a student supervisor for the remainder of the 2013-2014 school year was approved. Salary placement to be on the classified salary schedule.

On motion of Trustee Thielemann, seconded by Trustee Camanag, and carried with a 3-0-2 vote, the ratification of hiring Kevin Andrew as a substitute computer resource technician was approved. Salary placement to be on the classified salary schedule.

Future Items

- A. Summer Facility Use
- B. Annual Reorganization
- C. Policies 7000-9000 first read
- D. Counselor Services
- E. Discuss and Adopt the Initial Proposal of the Mesa Union School District to the Mesa Union Support Team for the 2013-2014 school year negotiations.

Future Meetings

December 17, 2013, at 6:00 p.m.

Adjournment

There being no further items of business, the regular board meeting was adjourned at 9:02 p.m. President discussion and action Nemets announced that the Board would be returning to closed session to discuss the settlement authority request from York Risk Services Group, Inc. for Workman's Compensation Claim # VCSD-025953.

The Board came out of closed session at 10:54 p.m. where negotiations as is relates to MUST and MUTA and the settlement authority request from York Risk Services Group, Inc. for Workmans' Compensation Claim #VCSD-025953 were discussed. No action was taken.

The Board returned to open session at 10:54 p.m.

On motion of Trustee Thielemann, seconded by Trustee Camanag, and carried with a 3-0-2 vote, the settlement authority request from York Risk Services Group, Inc. for Workman's Compensation Claim # VCSD-025953 was approved.

There being no further items of business, the board adjourned at 10:56 p.m.

Call to order	The regular meeting of the Board of Trustees of the Mesa Union School District was called to order by Susan Nemets at 5:03 p.m., on December 10, 2013, in the Mesa Union School Multi-Purpose Room.
Roll Call	Board members present were Susan Nemets, Judith Thielemann, and Steven Sullivan. Administration present: Dr. Michael Babb, superintendent, and Cindy Hansen, CBO. No staff or member of the public was present.
Pledge	President Nemets led the Pledge of Allegiance.
Agenda	On common consent the agenda was adopted as presented.
Public Comment	There were no public comments. At 5:04 p.m., President Nemets asked for public comment on closed session items. Hearing none, she announced that the Board was going into closed session to discuss negotiations as it relates to MUTA.
Closed Session	At 5:16 p.m., Trustee Murray arrived. At 5:19 p.m., Trustee Camanag phoned in from a remote location.
Reconvene to Open Session	At 7:03 p.m., the Board of Trustees returned to open session. President Nemets reported that the Board of Trustees had just returned from closed session where negotiations as it relates to MUTA was discussed. No action was taken.
Adjournment	There being no further items of business, the meeting was adjourned at 7:05 p.m.

**Mesa Union School District
Certification of Signatures**

I, Michael Babb, Secretary to the Board of Trustees of the Mesa Union School District of Ventura County, California certify that the signatures shown below are the verified signatures of the Governing Board of the above-named school district (Part 1). Verified signatures of the person or persons authorized to sign orders drawn on the funds of the school district, Notices of Employment, Contracts, etc., appear in Part 2. These certifications are made in accordance with the provisions of Education Code Sections indicated.* If those authorized to sign orders shown in Part 2 are unable to do so, the law requires the signatures of the majority of the Governing Board.

These approved signatures will be considered valid for the period of 12/17/2013 to 6/30/2014

Date of Board Action: December 17, 2013

Signature: _____
Secretary of the Board

PART 1

Signatures of Members of the Board

Signature: _____
Print/Type:
President of the Board of Trustees

Signature: _____
Print/Type:
Member of the Board of Trustees

Signature: _____
Print/Type:
Clerk of the Board of Trustees

Signature: _____
Print/Type:
Member of the Board of Trustees

Signature: _____
Print/Type:
Member Board of Trustees

Signature: _____
Print/Type:
Member of Board of Trustees

Signature: _____
Print/Type:
Member of Board of Trustees

*K-12 Districts

42632
42633

PART 2

Signatures of Personnel and/or Members of the Mesa Union School District authorized to Sign Checks, Orders for Salary Payment, Notices of Employment, contracts, etc.

Signature: _____
Print/Type : Dr. Michael Babb
Title: **Superintendent**
Authorized to Sign: A through G and 1 through 5

Signature: _____
Print/Type : Ryan Howatt
Title: **Principal**
Authorized to Sign: A through G and 1 through 5

Signature: _____
Print/Type
Title: **District Clerk**
Authorized to Sign: A through G and 1 through 5

Signature: _____
Print/Type : Erica Magdaleno
Title: **Executive Assistant**
Authorized to Sign: Items B, E, G and 1 through 5

Signature: _____
Print/Type: Irene Ramirez
Title: **School Secretary**
Authorized to Sign: Items E and 5

Signature:
Print/Type
Title:
Authorized to Sign: All

Signature:
Print/Type
Title:
Authorized to Sign: All

Signature:
Print/Type
Title:
Authorized to Sign:

PART 2 (con't)

Signature: _____

Print/Type : Cynthia Hansen

Title: **Chief Business Official**

Authorized to Sign: A-G and 1-5

Signature: _____

Print/Type: Benny Martinez

Title: **Director of School Business Authority**

Authorized to Sign: A-G and 1-5

Signature: _____

Print/Type : Cynthia Bridges

Title: **Senior Accountant**

Authorized to Sign: A-G and 1-5

Signature: _____

Print/Type: Maria Eva Lopez

Title: **Senior Accountant**

Authorized to Sign: A-G and 1-5

Signature: _____

Print/Type: Linda Mayer

Title: **Senior Accountant**

Authorized to Sign: A-G and 1-5

CERTIFICATION OF SIGNATURE GUIDELINES

The following documents must be filed with School Business and Advisory Services:

- A. Authorization to sign reports, budgets, and all documents requiring signature of the Secretary or Clerk.
- B. Authorization to approve payroll orders.
- C. Authorization to approve commercial check orders.
- D. Authorization to sign collection reports to the county.
- E. Authorization to sign board approved budget transfers.
- F. Authorization to sign Interfund and Intrafund transfers.
- G. Authorization to sign contracts after Board approval.

Examples of documents requiring District authority (not required to be filed with School Business and Advisory Services):

- 1. Authorization to sign employment contracts.
- 2. Appointment of authorized agents, for federal and state applications.
- 3. Appointment of representatives to acquire surplus property.
- 4. Authorization to sign cafeteria reports.
- 5. Authorization to sign checks on District bank accounts, i.e., cafeteria; clearing account.

Districts must notify School Business and Advisory Services in writing and submit Board Approved signature authorization amendments as staff and/or organizational changes occur mid-year.



Board of Trustees:

Noel Camanag

Rick Murray

Susan Nemets

Steve Sullivan

Judith Thielemann

Superintendent

Dr. Michael Babb

Principal

Ryan Howatt

"We teach students to create, connect, and collaborate—for life!"

Mesa Union School District Board Meetings Schedule

Regular meetings of the Board of Trustees are held on the third Tuesday of each calendar month (July is dark): with closed session beginning at 6:00 p.m. and open session at 6:30 p.m. Meetings are held in the Multi-Purpose Room at 3901 North Mesa School Road, Somis, California.

- January 21, 2014
- February 18, 2014
- March 18, 2014
- April 15, 2014
- May 20, 2014
- June 17, 2014
- August 19, 2014
- September 16, 2014
- October 21, 2014
- November 18, 2014
- December 16, 2014



Board of Trustees:
Noel Camanag
Rick Murray
Susan Nemets
Steven Sullivan
Judith Thielemann

Superintendent
Dr. Michael Babb
Principal
Ryan Howatt

"We teach students to create, connect, and collaborate—for life!"

Board Agenda Item (Informational)

To: Mesa Union School District Board of Trustees
From: Michael Babb, Ed.D., Superintendent
Date: December 17, 2013
Re: 2014 IRS Mileage Reimbursement Rate

BACKGROUND:

Per board policy, MUSD reimburses employees for mileage at the IRS allowable mileage rate. The IRS adjusts this rate annually.

DESCRIPTION/DETAILS:

Effective January 1, 2014, the allowable mileage rate will be 56.0 cents instead of 56.5 cents per mile. Any mileage driven through December 31, 2013, will be reimbursed at the rate of 56.5 cents per mile.

The Mileage Reimbursement form is available on the VCSBSA website at www.vcsbsa.org/resources/forms under the purchasing section.

Includes 11/01/2013 - 11/30/2013				Board Meeting Date December 17 2013		
PO Number	Vendor Name	Order Location	Object Description	Resource Description	Account Amount	
B0314-00072	COASTAL OCC MED GRP	MESA UNION	EmployFees	Unrestrict	200.00	
B0314-00073	VTA CNTY OFFICE OF EDUCATION	MESA UNION	Prof Svc	IDEA Basic	8,453.00	
				Mental Health	6,547.00	
P0314-00087	CALIFORNIA LUTHERAN UNIVERSITY ED RESEARCH & LEADERSHIP	MESA UNION	Travel/Cnf	Unrestrict	85.00	
			STAFF DEV	Unrestrict	255.00	
P0314-00088	VENTURA COUNTY STAR	MESA UNION	Prof Svc	Unrestrict	246.40	
P0314-00089	PRO AIR ENGINEERING	MESA UNION	RntRprNCap	ChildNutri	300.00	
P0314-00090	JONES SCHOOL SUPPLY	MESA UNION	Mat'ls/Sup	GVCS	225.00	
P0314-00091	SCOTT & SONS ELECTRIC	MESA UNION	Mat'ls/Sup	Unrestrict	957.61	
			RntRprNCap	Unrestrict	420.00	
P0314-00092	DON JOHNSTON, INC	MESA UNION	Prof Svc	Lottery	503.00	
P0314-00093	ANDERSON SYSTEMS INC	MESA UNION	RntRprNCap	Unrestrict	467.56	
P0314-00094	MARK-IT PLACE	MESA UNION	Mat'ls/Sup	Unrestrict	1,042.75	
P0314-00095	FOLLETT SOFTWARE COMPANY	MESA UNION	Prof Svc	Lottery	495.00	
P0314-00096	UNITED REFRIGERATION INC	MESA UNION	Mat'ls/Sup	Unrestrict	9.55	
P0314-00097	SAN JOAQUIN CNTY OFFICE OF ED	MESA UNION	Prof Svc	Unrestrict	300.00	
P0314-00098	J BEE NP PUBLISHING LTD THE AC ORN NEWSPAPERS	MESA UNION	Prof Svc	Unrestrict	104.58	
P0314-00099	BANK OF AMERICA	MESA UNION	STAFF DEV	Transportation	110.00	
P0314-00100	PRO AIR ENGINEERING	MESA UNION	HEAT & AIR	Unrestrict	6,700.00	
P0314-00101	BANK OF AMERICA	MESA UNION	Mat'ls/Sup	Unrestrict	115.85	
P0314-00102	VTA CNTY OFFICE OF EDUCATION	MESA UNION	EmployFees	Unrestrict	64.00	
P0314-00103	WIESER EDUCATIONAL	MESA UNION	Mat'ls/Sup	SpecialEd	186.91	
P0314-00104	SAGE INSTITUTE INC	MESA UNION	Sites	Unrestrict	3,620.00	
P0314-00105	RWC SCHOOL SERVICES	MESA UNION	Prof Svc	Unrestrict	163.03	
P0314-00106	SATICOY AUTO BODY & TRUCK	MESA UNION	RntRprNCap	Transportation	18,255.27	
Total Number of POs			22	Total	49,826.51	

Fund Summary

Fund	Description	PO Count	Amount
010	General Fund	19	39,206.51
130	Cafeteria Fund	1	300.00
140	Deferred Maintenance Fund	1	6,700.00
251	Developer Fees	1	3,620.00
		Total	49,826.51

The preceding Purchase Orders have been issued in accordance with the District's Purchasing Policy and authorization of the Board of Trustees. It is recommended that the preceding Purchase Orders be approved and that payment be authorized upon delivery and acceptance of the items ordered.

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Includes 11/01/2013 - 11/30/2013

Board Meeting Date December 17 2013

PO Changes

	<u>New PO Amount</u>	<u>Fund/ Object</u>	<u>Description</u>	<u>Change Amount</u>
B0314-00020	1,000.00	010-4300	General Fund/Mat'ls/Sup	400.45
B0314-00046	2,895.00	010-4300	General Fund/Mat'ls/Sup	490.73
Total PO Changes				891.18

The preceding Purchase Orders have been issued in accordance with the District's Purchasing Policy and authorization of the Board of Trustees. It is recommended that the preceding Purchase Orders be approved and that payment be authorized upon delivery and acceptance of the items ordered.

ESCAPE ONLINE

Checks Dated 11/01/2013 through 11/30/2013			Board Meeting Date December 17 2013		
Check Number	Check Date	Pay to the Order of	Fund Object	Expensed Amount	Check Amount
5003806636	11/01/2013	GOLDEN VALLEY CHARTER SCHOOL	010-8096		75,804.08
5003806637	11/06/2013	1ST STOP URGENT CARE	010-5804		15.00
5003806638	11/06/2013	EXCEL LD	010-5901		11.04
5003806639	11/06/2013	PEACH HILL SOILS	010-4300		209.62
5003806640	11/06/2013	RICOH USA, INC	010-4300		77.40
5003806641	11/06/2013	SELF-INSURED SCHOOLS OF CALIF	010-9534		49,667.55
5003806642	11/06/2013	SHERWIN-WILLIAMS CO	010-4300		103.20
5003806643	11/06/2013	SOUTHWEST SCHOOL & OFFICE SPLY	010-4300		1.01
5003806644	11/06/2013	SYSCO VENTURA	130-4300	196.26	
			130-4700	1,250.58	1,446.84
5003806645	11/06/2013	TARANGO'S DIESEL REPAIR	010-4300	5.49	
			010-5600	560.00	565.49
5003806646	11/13/2013	ALERT COMMUNICATIONS	010-5800		179.95
5003806647	11/13/2013	ALTA DENA DAIRY	130-4700		1,127.32
5003806648	11/13/2013	ANIMAL & INSECT PEST MGMT INC	010-5506		199.00
5003806649	11/13/2013	APPERSON	010-4300		79.51
5003806650	11/13/2013	ASSN OF CALIF SCHOOL ADMIN	010-5300		1,221.48
5003806651	11/13/2013	CALIF DEPT OF EDUCATION	130-4700		67.60
5003806652	11/13/2013	MISSION LINEN SUPPLY	130-5600		62.84
5003806653	11/13/2013	POOLE OIL COMPANY	010-4310		899.77
5003806654	11/13/2013	RENAISSANCE LEARNING, INC	010-5800		815.50
5003806655	11/13/2013	SCHOOL SERVICES OF CALIF, INC	010-5220		175.00
5003806656	11/13/2013	SYSCO VENTURA	130-4300	173.23	
			130-4700	1,035.34	1,208.57
5003806657	11/13/2013	VICENTI, LLOYD & STUTZMAN LLP	010-5801		4,500.00
5003806658	11/14/2013	ANDERSON REFRIGERATION, INC. ANDERSON A/C & HEATING	010-5600		135.00
5003806659	11/14/2013	FRANCISCO RAMOS	010-5600		1,300.00
5003806660	11/14/2013	JOHN DEERE LANDSCAPES	010-4300		212.47
5003806661	11/14/2013	PARTNERSHIP FOR SAFE FAMILIES	010-5800		600.00
5003806662	11/15/2013	CALIF SCHOOL BOARDS ASSN	010-5220		2,770.00
5003806663	11/15/2013	VTA CNTY OFFICE OF EDUCATION	010-5800		1,369.00
5003806664	11/18/2013	1ST STOP URGENT CARE	010-5804		45.00
5003806665	11/18/2013	COAST TO COAST COMPUTER PROD	010-4300		320.35
5003806666	11/18/2013	DIAL SECURITY	010-5800		57.88
5003806667	11/18/2013	GREEN THUMB INTL, INC	010-4300		64.11
5003806668	11/18/2013	HOME DEPOT CREDIT SERVICES	010-4300	189.83	
			010-5600	86.99	276.82
5003806669	11/18/2013	RICOH USA, INC	010-5600		2,894.19
5003806670	11/18/2013	JONES SCHOOL SUPPLY	010-4300	225.00	
			Unpaid Sales Tax	15.00-	210.00
5003806671	11/18/2013	MISSION LINEN SUPPLY	130-5600		62.84
5003806672	11/18/2013	OFFICEMAX, INC	010-4300		562.62
5003806673	11/18/2013	RICOH USA, INC	010-4300		302.14
5003806674	11/18/2013	SHERWIN-WILLIAMS CO	010-4300		103.20
5003806675	11/18/2013	SPARKLETTS	010-5504		26.00
5003806676	11/18/2013	SPARKLETTS	010-5504		140.50

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

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Page 1 of 2

Checks Dated 11/01/2013 through 11/30/2013			Board Meeting Date December 17 2013		
Check Number	Check Date	Pay to the Order of	Fund Object	Expensed Amount	Check Amount
5003806677	11/18/2013	SUNBELT RENTALS	010-5600		547.27
5003806678	11/18/2013	SYSCO VENTURA	130-4300	290.83	
			130-4700	1,024.45	1,315.28
5003806679	11/18/2013	VERIZON WIRELESS	010-5902		760.20
5003806680	11/18/2013	VERIZON WIRELESS	010-5901		370.97
5003806681	11/19/2013	JOHN A. BROWN	010-5800		144.60
5003806682	11/19/2013	KEVIN MERCHANT	010-5800		144.60
5003806683	11/19/2013	Michael Babb	010-5903		69.00
5003806684	11/19/2013	ACSA FOUNDATION FOR	010-5220		295.00
5003806685	11/19/2013	PRO AIR ENGINEERING	130-5600		300.00
5003806686	11/19/2013	REVOLVING ACCOUNT	010-5903		276.00
5003806687	11/19/2013	SCOTT & SONS ELECTRIC	010-4300	957.61	
			010-5600	420.00	1,377.61
5003806688	11/19/2013	VENTURA COUNTY STAR	010-5800		246.40
5003806689	11/20/2013	OFFICE DEPOT CREDIT PLAN	010-4300		261.22
5003806690	11/20/2013	POOLE OIL COMPANY	010-4310		1,507.07
5003806691	11/20/2013	UNDERWOOD FAMILY FARMS	130-4700		112.03
5003806692	11/21/2013	ANDERSON SYSTEMS INC	010-5600		467.56
5003806693	11/21/2013	ATKINSON,ANDELSON,LOYA, et al	010-5899		1,911.00
5003806694	11/21/2013	COASTAL OCC MED GRP	010-5804		20.00
5003806695	11/21/2013	FOLLETT SOFTWARE CO	010-5800		495.00
5003806696	11/21/2013	MARK-IT PLACE	010-4300		1,042.75
5003806697	11/21/2013	REVOLVING ACCOUNT	010-4300	179.40	
			010-5800	19.00	198.40
5003806698	11/21/2013	SAN JOAQUIN CNTY OFFICE OF ED	010-5800		300.00
5003806699	11/21/2013	UNITED REFRIGERATION INC	010-4300		9.55
5003806700	11/21/2013	TARANGO'S DIESEL REPAIR	010-5600		700.00
5003806701	11/25/2013	REVOLVING ACCOUNT	010-4300		31.60
5003806702	11/25/2013	TAX DEFERRED SERVICES	010-9539		6,500.00
5003806703	11/27/2013	CALIF DEPT OF EDUCATION	130-4700		145.60
5003806704	11/27/2013	E.J. HARRISON & SONS, INC	010-5505		441.38
5003806705	11/27/2013	EXCEL LD	010-5901		11.04
5003806706	11/27/2013	SO CA GAS CO	010-5501		371.14
5003806707	11/27/2013	SYSCO VENTURA	130-4300	198.43	
			130-4700	1,747.18	1,945.61
Total Number of Checks				72	172,207.77

Fund Summary

Fund	Description	Check Count	Expensed Amount
010	General Fund	61	164,428.24
130	Cafeteria Fund	11	7,794.53
Total Number of Checks		72	172,222.77
Less Unpaid Sales Tax Liability			15.00-
Net (Check Amount)			172,207.77

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

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Page 2 of 2

Fund 010 - General Fund		Fiscal Year 2013/14 Through November 2013				
Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Revenue Limit Sources						
8011		1,665,227.00	2,343,865.00	866,556.00	1,477,309.00	36.97
8012	Education Protection Act	639,468.00	572,751.00	143,202.00	429,549.00	25.00
8021	Homeowners' Exemption	18,079.00	17,763.00		17,763.00	
8041	Secured Rolls Tax	1,929,623.00	2,030,095.00		2,030,095.00	
8042	Unsecured Roll Taxes	70,074.00	78,032.00	66,652.87	11,379.13	85.42
8043	Prior Years' Taxes	7,817.00	6,254.00	4,436.30	1,817.70	70.94
8044	Supplemental Taxes	25,124.00	28,616.00	13,128.06	15,487.94	45.88
8045	Education Rev Augmentation Fd	120,466.00	150,167.00	21,484.23	171,651.23	-14.31
8092	PERS Reduction Transfer	4,624.00				NO BDGT
8096	Charter School Trans In Lieu P	1,021,029.00	1,072,178.00	322,167.34	750,010.66	30.05
	Total Revenue Limit Sources	3,218,541.00	3,855,031.00	793,292.12	3,061,738.88	20.58
Federal Revenue						
8181	Special Education Entitlement	104,141.00	104,141.00		104,141.00	
8182	Special Education Discretionary	2,393.00	2,476.00		2,476.00	
8285	Interagency Contracts Between	21,900.00	28,068.00		28,068.00	
8290	All Other Federal Revenue	87,285.00	127,045.00	17,979.12	109,065.88	14.15
	Total Federal Revenue	215,719.00	261,730.00	17,979.12	243,750.88	6.87
Other State Revenues						
8311	Other State Apportionments Cu	130,566.00				NO BDGT
8434	Class Size Reduction K-3	179,928.00				NO BDGT
8550	Mandated Cost Reimbursements	29,892.00	17,815.00	17,815.00		100.00
8560	State Lottery Revenue	102,337.00	102,337.00	2,478.06	99,858.94	2.42
8590	All Other State Revenues	160,254.00	246,963.00	137,066.00	109,897.00	55.50
	Total Other State Revenues	602,977.00	367,115.00	157,359.06	209,755.94	42.86
Other Local Revenue						
8660	Interest	5,000.00	4,500.00	1,895.03	2,604.97	42.11
8675	Transportation Fees from Indiv	29,000.00	20,000.00	8,241.00	11,759.00	41.21
8677	Interagency Services Between L	69,946.00	69,946.00		69,946.00	
8699	All Other Local Revenue	48,360.00	48,722.00	1,974.85	46,747.15	4.05
8792	Transfers of Apportionments Fr	257,126.00	278,071.00	94,033.00	184,038.00	33.82
	Total Other Local Revenue	409,432.00	421,239.00	106,143.88	315,095.12	25.20
	Total Year To Date Revenues	4,446,669.00	4,905,115.00	1,074,774.18	3,830,340.82	21.91

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Selection	Grouped by Account Type - Sorted by Org, Fund, Object, Filtered by (Org = 603, Starting Period = 1, Ending Account Period = 5, Stmt Option? = , Zero Amounts? = N, SACS? = N, Restricted? = Y)					ESCAPE	ONLINE

Fund 010 - General Fund

Fiscal Year 2013/14 Through November 2013

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail							
Certificated Salaries							
1100	Teachers' Salaries	1,855,995.00	1,862,634.00	1,180,829.23	681,077.06	727.71	36.57
1110	Substitute Teacher	17,955.00	17,955.00		3,895.00	14,060.00	21.69
1130	Stipend	500.00	500.00			500.00	
1140	Extra Duty	20,143.00	17,191.00		3,465.00	13,726.00	20.16
1200	Certificated Pupil Support Sal		47,667.00		12,555.94	35,111.06	26.34
1300	Cert Supervisors & Administrat	2,800.00					NO BDTG
1301	Superintendent	133,560.00	133,320.00	77,770.00	55,550.00		41.67
1303	Principal	92,020.00	92,020.00	53,678.38	38,341.70	08-	41.67
1900	Other Certificated Salaries	2,375.00	3,500.00			3,500.00	
	Total Certificated Salaries	2,125,348.00	2,174,787.00	1,312,277.61	794,884.70	67,624.69	36.55
Classified Salaries							
2100	Instructional Aides' Salaries	118,552.00	100,043.00	51,487.66	26,191.49	22,363.85	26.18
2110	Substitute Aide	1,343.00	1,343.00		899.79	443.21	67.00
2150	Instructional Aide Overtime		251.00		311.69	60.69-	124.18
2200	Classified Support Salaries	287,556.00	290,119.00	173,909.47	98,479.52	17,730.01	33.94
2216	Substitute Bus Driver	427.00	427.00			427.00	
2250	Classified Support Overtime		1,930.00		3,002.41	1,072.41-	155.57
2400	Clerical and Office Salaries	126,459.00	126,459.00	69,733.79	48,929.31	7,795.90	38.69
2450	Clerical/Office Overtime	5,641.00	7,940.00		5,134.35	2,805.65	64.66
2900	Other Classified Salaries	29,459.00	49,085.00	25,988.90	12,325.92	10,770.18	25.11
2950	OTHER CLASS OVERTIME		7.00		7.25	.25-	103.57
	Total Classified Salaries	569,437.00	577,604.00	321,119.82	195,281.73	61,202.45	33.81
Employee Benefits							
3101	STRS, certificated positions	175,521.00	179,620.00	108,378.20	65,440.95	5,800.85	36.43
3202	PERS, classified positions	55,990.00	58,416.00	35,002.45	20,860.69	2,552.86	35.71
3301	OASDI/Medicare/Alternative, ce	28,583.00	29,132.00	17,381.32	10,878.82	871.86	37.34
3302	OASDI/Medicare/Alternative, cl	42,038.00	42,153.00	22,914.50	14,369.79	4,868.71	34.09
3401	Health & Welfare Benefits, cer	269,024.00	275,793.00	193,053.35	82,737.15	2.50	30.00
3402	Health & Welfare Benefits, cla	104,058.00	103,707.00	72,593.99	31,111.71	1.30	30.00
3501	SUI, certificated positions	1,019.00	1,039.00	620.73	381.99	36.28	36.77
3502	SUI, classified positions	274.00	276.00	149.78	93.92	32.30	34.03
3601	Work Comp Ins, certificated po	63,338.00	65,707.00	39,646.95	24,019.85	2,040.20	36.56
3602	Work Comp Ins, classified posi	16,952.00	17,424.00	9,691.50	6,142.85	1,589.65	35.26
3802	PERS Reduction, classified pos	4,624.00					NO BDTG
	Total Employee Benefits	761,421.00	773,267.00	499,432.77	256,037.72	17,796.51	33.11

Selection Grouped by Account Type - Sorted by Org, Fund, Object, Filtered by (Org = 603, Starting Period = 1, Ending Account Period = 5, Stmt Option? = , Zero Amounts? = N, SACS? = N, Restricted? = Y)

ESCAPE ONLINE

Fund 010 - General Fund		Fiscal Year 2013/14 Through November 2013					
Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail (continued)							
Books and Supplies							
4100	Textbooks	11,647.00	14,147.00		12,056.13	2,090.87	85.22
4300	Materials and Supplies	148,977.00	169,490.00	42,968.89	48,073.08	78,448.03	28.36
4310	Bus Fuel	24,639.00	24,639.00	14,515.08	7,531.70	2,592.22	30.57
4319	Supplies Undesignated	33,155.00	76,963.00			76,963.00	
4400	Non-Capitalized Equipment	27,400.00	91,521.00		1,875.65	89,645.35	2.05
Total Books and Supplies		245,818.00	376,760.00	57,483.97	69,536.56	249,739.47	18.46
Services and Other Operating Expenditures							
5100	Sub Agreements for Prof Servic	120,305.00	108,253.00	100,031.00	8,220.93	1.07	7.59
5200	Travel and Conferences	1,285.00	1,285.00	85.00		1,200.00	
5201	Car Allowance	2,380.00	2,620.00	1,400.00	1,000.00	220.00	38.17
5220	STAFF DEVELOPMENT	14,917.00	64,917.00	10,877.06	4,904.95	49,134.99	7.56
5300	Dues and Memberships	8,160.00	8,660.00	110.00	5,436.39	3,113.61	62.78
5450	Other Insurance	26,286.00	26,286.00		26,285.09	.91	100.00
5501	Natural Gas	6,135.00	6,135.00	4,541.66	1,034.35	558.99	16.86
5502	Electricity	67,010.00	67,010.00	46,248.86	19,751.14	1,010.00	29.47
5504	Water	9,815.00	9,815.00	6,702.14	2,246.73	866.13	22.89
5505	Rubbish	6,095.00	6,095.00	3,793.10	2,206.90	95.00	36.21
5506	Pest Control	1,950.00	1,950.00	1,353.00	597.00		30.62
5600	Rentals,Leases,Repairs & Nonca	110,768.00	110,768.00	64,915.45	38,901.97	6,950.58	35.12
5750	Direct Costs for Interfund Ser				80.32	80.32	NO BDGT
5800	Professnl/Consult Serv & Opera	199,123.00	212,970.00	65,066.53	20,937.53	126,965.94	9.83
5801	Audit	18,250.00	18,250.00	4,500.00	9,000.00	4,750.00	49.32
5803	Business Services Authority	112,382.00	112,382.00	74,921.00	37,461.00		33.33
5804	Employment Fees	1,397.00	1,100.00	309.00	613.00	178.00	55.73
5819	Holding	22,315.00	22,315.00		210.68	22,104.32	0.94
5899	Legal Services	33,500.00	33,520.00	20,797.79	5,911.18	6,811.03	17.63
5901	Phone Services	5,200.00	5,200.00	1,720.79	1,736.87	1,742.34	33.40
5902	Internet Services	14,560.00	18,060.00	4,340.18	3,155.62	10,564.20	17.47
5903	Postage	2,300.00	2,300.00	5.39	1,327.93	966.68	57.74
Total Services and Other Operating Expenditures		784,133.00	839,891.00	411,717.95	190,858.94	237,314.11	22.72
Capital Outlay							
6200	Buildings and Improvement of B		107,984.00			107,984.00	
Total Capital Outlay		.00	107,984.00	.00	.00	107,984.00	
Tuition							
7141	Other Tuition/Excess Costs to	73,695.00	43,695.00			43,695.00	

Selection Grouped by Account Type - Sorted by Org, Fund, Object, Filtered by (Org = 603, Starting Period = 1, Ending Account Period = 5, Stmt Option? = , Zero Amounts? = N, SACS? = N, Restricted? = Y)

ESCAPE ONLINE

Fund 010 - General Fund

Fiscal Year 2013/14 Through November 2013

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail (continued)							
Tuition (continued)							
7142	Other Tuition/Excess Costs to	62,291.00	62,374.00			62,374.00	
	Total Tuition	135,986.00	106,069.00	.00	.00	106,069.00	
	Total Year To Date Expenditures	4,622,143.00	4,956,362.00	2,602,032.12	1,506,599.65	847,730.23	30.40

Fund 010 - General Fund		Fiscal Year 2013/14 Through November 2013		
Object	Description	Beginning Balance	Year to Date Activity	Ending Balance
Fund Reconciliation				
Assets				
9110	Cash in County Treasury	639,754.60	169,289.80	809,044.40
9120	Cash in Bank(s)	100.00		100.00
9130	Revolving Cash Account	1,000.00		1,000.00
9135	Cash with a Fiscal Agent/Trust	14,684.21		14,684.21
9140	Cash Collections Awaiting Depo	1,411.20	1,411.20-	
9200	Accounts Receivable - Clear	327,919.52	250,363.76-	77,555.76
9201	Payroll Receivable	49.10	49.10-	
9290	Due From Other Governments	41,496.00	71,048.00-	29,552.00-
9291	Due From Other Governments-Set	631,676.00	631,676.00-	
9311	Due From Other Funds - SetUp	7,206.14		7,206.14
Total Assets		1,665,296.77	785,258.26-	880,038.51
Liabilities				
9510	Prior Year Liability - Clear	387,405.19	324,689.19-	62,716.00
9530	Summer Pay Liability		28,469.32	28,469.32
9534	HW Benefits Liability	1,214.60-	64,220.68-	65,435.28-
9535	UI Liability	5.13	232.53	237.66
9537	Retiree Benefit Liability		7,646.43	7,646.43
9539	Misc Deduction Liability	104.73-		104.73-
9552	Use Tax Payable	282.20	223.03-	59.17
9651	Deferred Revenue-Setup	648.17	648.17-	
Total Liabilities		387,021.36	353,432.79-	33,588.57
Calculated Fund Balance		1,278,275.41	431,825.47-	846,449.94
Beginning Fund Balance				
9791	Beginning Fund Balance	1,278,275.41		1,278,275.41
Beginning Fund Balance Proof		.00	431,825.47-	431,825.47-
Change in Fund Balance - Excess Revenues (Expenditures)			(431,825.47)	

Memo Only - Ending Fund Balance Accounts				
		Adopted	Revised	
Reserves				
9720	Reserve for Encumbrances			2,602,032.12
Restricted Balance				
9740	Legally Restricted Balance	63,711.00	38,321.00	
Other Designations				

Fund 010 - General Fund

Fiscal Year 2013/14 Through November 2013

Memo Only - Ending Fund Balance Accounts (continued)

		Adopted	Revised
Other Designations (continued)			
9780	Other Assignments	117,087.00	153,071.00
9789	Reserv Econ Uncertain	231,108.00	247,299.00
9790	Undesignated/Unappropriated	529,343.00	788,337.00
Total Other Designations		<u>.00</u>	<u>.00</u>

Fund 010 - General Fund

Fiscal Year 2013/14 Through November 2013

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	4,446,669.00	4,905,115.00		1,074,774.18	3,830,340.82	21.91
B. Expenditures	4,622,143.00	4,956,362.00	2,602,032.12	1,506,599.65	847,730.23	30.40
C. Subtotal (Revenue LESS Expense)	175,474.00-	51,247.00-		431,825.47-	2,982,610.59	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	175,474.00-	51,247.00-		431,825.47-	2,982,610.59	
F. Fund Balance:						
Beginning Balance (9791)	1,116,723.00	1,278,275.00		1,278,275.41		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	1,116,723.00	1,278,275.00		1,278,275.41		
G. Calculated Ending Balance	941,249.00	1,227,028.00		846,449.94		
*Components of Ending Fund Balance						
Legally Restricted (9740)	63,711.00	38,321.00				
Other Designations (9780)	117,087.00	153,071.00				
Undesig/Unapprop (9790)	529,343.00	788,337.00				
Other	231,108.00	247,299.00		2,602,032.12		

Fund 130 - Cafeteria Fund		Fiscal Year 2013/14 Through November 2013				
Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Federal Revenue						
8220	Child Nutrition Programs	96,633.00	96,633.00	12,648.47	83,984.53	13.09
	Total Federal Revenue	96,633.00	96,633.00	12,648.47	83,984.53	13.09
Other State Revenues						
8520	Child Nutrition Programs	8,000.00	8,000.00	1,005.51	6,994.49	12.57
	Total Other State Revenues	8,000.00	8,000.00	1,005.51	6,994.49	12.57
Other Local Revenue						
8634	Food Services Sales	59,200.00	59,200.00	8,154.55	51,045.45	13.77
8660	Interest	100.00	100.00	28.91	71.09	28.91
	Total Other Local Revenue	59,300.00	59,300.00	8,183.46	51,116.54	13.80
	Total Year To Date Revenues	163,933.00	163,933.00	21,837.44	142,095.56	13.32

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail							
Classified Salaries							
2200	Classified Support Salaries	41,656.00	41,656.00	27,716.01	11,878.29	2,061.70	28.52
2212	Substitute Cafeteria Worker	4,740.00	4,740.00			4,740.00	
2250	Classified Support Overtime	2,444.00	2,444.00		1,647.12	796.88	67.39
2400	Clerical and Office Salaries	17,509.00	17,509.00	10,440.50	5,966.00	1,102.50	34.07
	Total Classified Salaries	66,349.00	66,349.00	38,156.51	19,491.41	8,701.08	29.38
Employee Benefits							
3202	PERS, classified positions	7,214.00	7,214.00	4,365.83	2,230.18	617.99	30.91
3302	OASDI/Medicare/Alternative, cl	4,860.00	4,756.00	2,694.72	1,395.01	666.27	29.33
3402	Health & Welfare Benefits, cla	12,690.00	12,690.00	8,882.79	3,806.91	.30	30.00
3502	SUI, classified positions	31.00	31.00	17.57	9.11	4.32	29.39
3602	Work Comp Ins, classified posi	1,975.00	2,002.00	1,151.50	588.23	262.27	29.38
	Total Employee Benefits	26,770.00	26,693.00	17,112.41	8,029.44	1,551.15	30.08
Books and Supplies							
4300	Materials and Supplies	6,500.00	13,700.00	2,442.97	2,557.03	8,700.00	18.66
4400	Non-Capitalized Equipment	3,500.00	3,500.00			3,500.00	
4700	Food	73,500.00	64,000.00	42,849.24	18,850.76	2,300.00	29.45
	Total Books and Supplies	83,500.00	81,200.00	45,292.21	21,407.79	14,500.00	26.36
Services and Other Operating Expenditures							
5220	STAFF DEVELOPMENT	200.00	200.00			200.00	

Selection Grouped by Account Type - Sorted by Org, Fund, Object, Filtered by (Org = 603, Starting Period = 1, Ending Account Period = 5, Stmt Option? = , Zero Amounts? = N, SACS? = N, Restricted? = Y)

Fund 130 - Cafeteria Fund

Fiscal Year 2013/14 Through November 2013

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail (continued)							
Services and Other Operating Expenditures (continued)							
5600	Rentals,Leases,Repairs & Nonca	2,200.00	3,200.00	2,218.47	781.53	200.00	24.42
5800	Professnl/Consult Serv & Opera	175.00	1,475.00		613.00	862.00	41.56
	Total Services and Other Operating Expenditures	2,575.00	4,875.00	2,218.47	1,394.53	1,262.00	28.61
	Total Year To Date Expenditures	179,194.00	179,117.00	102,779.60	50,323.17	26,014.23	28.10

Fund 130 - Cafeteria Fund		Fiscal Year 2013/14 Through November 2013		
Object	Description	Beginning Balance	Year to Date Activity	Ending Balance
Fund Reconciliation				
Assets				
9110	Cash in County Treasury	18,119.05	340.20	18,459.25
9120	Cash in Bank(s)	100.00		100.00
9140	Cash Collections Awaiting Depo	10,425.49	10,425.49-	
9200	Accounts Receivable - Clear	20,410.63	20,410.63-	
9320	Stores	6,750.12		6,750.12
	Total Assets	55,805.29	30,495.92-	25,309.37
Liabilities				
9510	Prior Year Liability - Clear	1,636.34	1,636.34-	
9552	Use Tax Payable	373.85	373.85-	
9611	Due to Other Funds - SetUp	7,204.36		7,204.36
	Total Liabilities	9,214.55	2,010.19-	7,204.36
	Calculated Fund Balance	46,590.74	28,485.73-	18,105.01
Beginning Fund Balance				
9791	Beginning Fund Balance	46,590.74		46,590.74
	Beginning Fund Balance Proof	.00	28,485.73-	28,485.73-
Change in Fund Balance - Excess Revenues (Expenditures)			(28,485.73)	

Memo Only - Ending Fund Balance Accounts

	Adopted	Revised		
Reserves				
9720	Reserve for Encumbrances		102,779.60	102,779.60
Other Designations				
9760	Other Commitments	10,533.00	31,407.00	

Fund 130 - Cafeteria Fund

Fiscal Year 2013/14 Through November 2013

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	163,933.00	163,933.00		21,837.44	142,095.56	13.32
B. Expenditures	179,194.00	179,117.00	102,779.60	50,323.17	26,014.23	28.10
C. Subtotal (Revenue LESS Expense)	15,261.00-	15,184.00-		28,485.73-	116,081.33	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	15,261.00-	15,184.00-		28,485.73-	116,081.33	
F. Fund Balance:						
Beginning Balance (9791)	25,794.00	46,591.00		46,590.74		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	25,794.00	46,591.00		46,590.74		
G. Calculated Ending Balance	10,533.00	31,407.00		18,105.01		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other	10,533.00	31,407.00		102,779.60		

Fund 140 - Deferred Maintenance Fund			Fiscal Year 2013/14 Through November 2013			
Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Other Local Revenue						
8660	Interest	550.00	550.00	308.22	241.78	56.04
Total Other Local Revenue		550.00	550.00	308.22	241.78	56.04
Total Year To Date Revenues		550.00	550.00	308.22	241.78	56.04

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail							
Services and Other Operating Expenditures							
5600	Rentals,Leases,Repairs & Nonca	5,000.00	5,000.00			5,000.00	
5604	Heating and Air Conditioning	5,000.00	11,700.00	6,700.00		5,000.00	
5607	Plumbing	25,000.00	25,000.00			25,000.00	
Total Services and Other Operating Expenditures		35,000.00	41,700.00	6,700.00	.00	35,000.00	
Total Year To Date Expenditures		35,000.00	41,700.00	6,700.00	.00	35,000.00	

Fund 140 - Deferred Maintenance Fund		Fiscal Year 2013/14 Through November 2013		
Object	Description	Beginning Balance	Year to Date Activity	Ending Balance
Fund Reconciliation				
Assets				
9110	Cash in County Treasury	199,969.73	477.39	200,447.12
9200	Accounts Receivable - Clear	169.17	169.17-	
	Total Assets	200,138.90	308.22	200,447.12
	Calculated Fund Balance	200,138.90	308.22	200,447.12
Beginning Fund Balance				
9791	Beginning Fund Balance	200,138.90		200,138.90
	Beginning Fund Balance Proof	.00	308.22	308.22
Change in Fund Balance - Excess Revenues (Expenditures)			308.22	

Memo Only - Ending Fund Balance Accounts				
	Adopted	Revised		
Reserves				
9720	Reserve for Encumbrances		6,700.00	6,700.00
Other Designations				
9760	Other Commitments	155,683.00	165,689.00	
9790	Undesignated/Unappropriated		6,700.00-	
	Total Other Designations	.00	.00	.00

Fund 140 - Deferred Maintenance Fund

Fiscal Year 2013/14 Through November 2013

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	550.00	550.00		308.22	241.78	56.04
B. Expenditures	35,000.00	41,700.00	6,700.00		35,000.00	
C. Subtotal (Revenue LESS Expense)	34,450.00-	41,150.00-		308.22	34,758.22-	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	34,450.00-	41,150.00-		308.22	34,758.22-	
F. Fund Balance:						
Beginning Balance (9791)	190,133.00	200,139.00		200,138.90		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	190,133.00	200,139.00		200,138.90		
G. Calculated Ending Balance	155,683.00	158,989.00		200,447.12		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)		6,700.00-				
Other	155,683.00	165,689.00		6,700.00		

Fund 150 - Pupil Transportation Equipment

Fiscal Year 2013/14 Through November 2013

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Other Local Revenue						
8660	Interest	100.00	100.00	30.36	69.64	30.36
	Total Other Local Revenue	100.00	100.00	30.36	69.64	30.36
	Total Year To Date Revenues	100.00	100.00	30.36	69.64	30.36

Fund 150 - Pupil Transportation Equipment		Fiscal Year 2013/14 Through November 2013		
Object	Description	Beginning Balance	Year to Date Activity	Ending Balance
Fund Reconciliation				
Assets				
9110	Cash in County Treasury	19,689.14	47.22	19,736.36
9200	Accounts Receivable - Clear	16.86	16.86-	
	Total Assets	19,706.00	30.36	19,736.36
	Calculated Fund Balance	19,706.00	30.36	19,736.36
Beginning Fund Balance				
9791	Beginning Fund Balance	19,706.00		19,706.00
	Beginning Fund Balance Proof	.00	30.36	30.36
Change in Fund Balance - Excess Revenues (Expenditures)			30.36	

Memo Only - Ending Fund Balance Accounts

Other Designations	Adopted	Revised
9760 Other Commitments	19,826.00	19,806.00

Fund 150 - Pupil Transportation Equipment

Fiscal Year 2013/14 Through November 2013

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	100.00	100.00		30.36	69.64	30.36
B. Expenditures						
C. Subtotal (Revenue LESS Expense)	100.00	100.00		30.36	69.64	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	100.00	100.00		30.36	69.64	
F. Fund Balance:						
Beginning Balance (9791)	19,726.00	19,706.00		19,706.00		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	19,726.00	19,706.00		19,706.00		
G. Calculated Ending Balance	19,826.00	19,806.00		19,736.36		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other	19,826.00	19,806.00				

Fund 171 - S/R Capital Outlay-Technology		Fiscal Year 2013/14 Through November 2013		
Object	Description	Beginning Balance	Year to Date Activity	Ending Balance
Fund Reconciliation				
Assets				
9110	Cash in County Treasury	36.01		36.01
	Calculated Fund Balance	<u>36.01</u>	<u>.00</u>	<u>36.01</u>
Beginning Fund Balance				
9791	Beginning Fund Balance	36.01		36.01
	Beginning Fund Balance Proof	<u>.00</u>	<u>.00</u>	<u>.00</u>
Change in Fund Balance - Excess Revenues (Expenditures)				

Memo Only - Ending Fund Balance Accounts			
		Adopted	Revised
Other Designations			
9760	Other Commitments	36.00	36.00

Fund 171 - S/R Capital Outlay-Technology

Fiscal Year 2013/14 Through November 2013

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues						
B. Expenditures						
C. Subtotal (Revenue LESS Expense)						
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance						
F. Fund Balance:						
Beginning Balance (9791)	36.00	36.00		36.01		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	36.00	36.00		36.01		
G. Calculated Ending Balance	36.00	36.00		36.01		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other	36.00	36.00				

Fund 173 - S/R Capital Outlay-Equipment

Fiscal Year 2013/14 Through November 2013

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Other Local Revenue						
8660	Interest	60.00	60.00	16.20	43.80	27.00
Total Other Local Revenue		60.00	60.00	16.20	43.80	27.00
Total Year To Date Revenues		60.00	60.00	16.20	43.80	27.00

Fund 173 - S/R Capital Outlay-Equipment		Fiscal Year 2013/14 Through November 2013		
Object	Description	Beginning Balance	Year to Date Activity	Ending Balance
Fund Reconciliation				
Assets				
9110	Cash in County Treasury	10,460.59	24.89	10,485.48
9200	Accounts Receivable - Clear	8.69	8.69-	
	Total Assets	<u>10,469.28</u>	<u>16.20</u>	<u>10,485.48</u>
	Calculated Fund Balance	<u>10,469.28</u>	<u>16.20</u>	<u>10,485.48</u>
Beginning Fund Balance				
9791	Beginning Fund Balance	10,469.28		10,469.28
	Beginning Fund Balance Proof	<u>.00</u>	<u>16.20</u>	<u>16.20</u>
Change in Fund Balance - Excess Revenues (Expenditures)			16.20	

Memo Only - Ending Fund Balance Accounts

Other Designations	Adopted	Revised
9760 Other Commitments	10,546.00	10,529.00

Fund 173 - S/R Capital Outlay-Equipment

Fiscal Year 2013/14 Through November 2013

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	60.00	60.00		16.20	43.80	27.00
B. Expenditures						
C. Subtotal (Revenue LESS Expense)	60.00	60.00		16.20	43.80	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	60.00	60.00		16.20	43.80	
F. Fund Balance:						
Beginning Balance (9791)	10,486.00	10,469.00		10,469.28		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	10,486.00	10,469.00		10,469.28		
G. Calculated Ending Balance	10,546.00	10,529.00		10,485.48		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other	10,546.00	10,529.00				

Fund 211 - Building Fund **Fiscal Year 2013/14 Through November 2013**

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Other Local Revenue						
8660	Interest			10.82	10.82-	NO BDGT
	Total Other Local Revenue	<u>.00</u>	<u>.00</u>	<u>10.82</u>	<u>10.82-</u>	NO BDGT
	Total Year To Date Revenues	<u>.00</u>	<u>.00</u>	<u>10.82</u>	<u>10.82-</u>	NO BDGT

Fund 211 - Building Fund		Fiscal Year 2013/14 Through November 2013		
Object	Description	Beginning Balance	Year to Date Activity	Ending Balance
Fund Reconciliation				
Assets				
9110	Cash in County Treasury	11,176.49	20.53	11,197.02
9200	Accounts Receivable - Clear	9.71	9.71-	
	Total Assets	11,186.20	10.82	11,197.02
Liabilities				
9611	Due to Other Funds - SetUp	11,186.20		11,186.20
	Calculated Fund Balance	.00	10.82	10.82
	Beginning Fund Balance Proof	.00	10.82	10.82
Change in Fund Balance - Excess Revenues (Expenditures)			10.82	

Fund 211 - Building Fund

Fiscal Year 2013/14 Through November 2013

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues				10.82	10.82-	NO BDGT
B. Expenditures						
C. Subtotal (Revenue LESS Expense)	.00	.00		10.82	10.82-	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	.00	.00		10.82	10.82-	
F. Fund Balance:						
Beginning Balance (9791)						
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance						
G. Calculated Ending Balance	.00	.00		10.82		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other						

Fund 251 - Developer Fees		Fiscal Year 2013/14 Through November 2013				
Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Other Local Revenue						
8660	Interest	160.00	160.00	49.42	110.58	30.89
8681	Mitigation/Developer Fees			2,677.41	2,677.41-	NO BDGT
Total Other Local Revenue		160.00	160.00	2,726.83	2,566.83-	1,704.27
Total Year To Date Revenues		160.00	160.00	2,726.83	2,566.83-	1,704.27

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail							
Services and Other Operating Expenditures							
5750	Direct Costs for Interfund Ser				80.32	80.32-	NO BDGT
Total Services and Other Operating Expenditures		.00	.00	.00	80.32	80.32-	NO BDGT
Capital Outlay							
6100	Sites and Improvement of Sites		6,507.00	3,620.00	2,886.25	.75	44.36
Total Capital Outlay		.00	6,507.00	3,620.00	2,886.25	.75	44.36
Total Year To Date Expenditures		.00	6,507.00	3,620.00	2,966.57	79.57-	45.59

Fund 251 - Developer Fees		Fiscal Year 2013/14 Through November 2013		
Object	Description	Beginning Balance	Year to Date Activity	Ending Balance
Fund Reconciliation				
Assets				
9110	Cash in County Treasury	28,311.85	215.71-	28,096.14
9200	Accounts Receivable - Clear	24.03	24.03-	
9311	Due From Other Funds - SetUp	11,186.20		11,186.20
	Total Assets	39,522.08	239.74-	39,282.34
	Calculated Fund Balance	39,522.08	239.74-	39,282.34
Beginning Fund Balance				
9791	Beginning Fund Balance	39,522.08		39,522.08
	Beginning Fund Balance Proof	.00	239.74-	239.74-
Change in Fund Balance - Excess Revenues (Expenditures)			(239.74)	

Memo Only - Ending Fund Balance Accounts				
		Adopted	Revised	
Reserves				
9720	Reserve for Encumbrances		3,620.00	3,620.00
Other Designations				
9780	Other Assignments	28,502.00	36,795.00	
9790	Undesignated/Unappropriated		3,620.00-	
	Total Other Designations	.00	.00	.00

Fund 251 - Developer Fees

Fiscal Year 2013/14 Through November 2013

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	160.00	160.00		2,726.83	2,566.83-	1,704.27
B. Expenditures		6,507.00	3,620.00	2,966.57	79.57-	45.59
C. Subtotal (Revenue LESS Expense)	160.00	6,347.00-		239.74-	2,487.26-	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	160.00	6,347.00-		239.74-	2,487.26-	
F. Fund Balance:						
Beginning Balance (9791)	28,342.00	39,522.00		39,522.08		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	28,342.00	39,522.00		39,522.08		
G. Calculated Ending Balance	28,502.00	33,175.00		39,282.34		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)	28,502.00	36,795.00				
Undesig/Unapprop (9790)		3,620.00-				
Other				3,620.00		

Fund 355 - School Facilities Hardship		Fiscal Year 2013/14 Through November 2013		
Object	Description	Beginning Balance	Year to Date Activity	Ending Balance
Fund Reconciliation				
Assets				
9110	Cash in County Treasury	1.78		1.78
Liabilities				
9611	Due to Other Funds - SetUp	1.78		1.78
	Calculated Fund Balance	<u>.00</u>	<u>.00</u>	<u>.00</u>
	Beginning Fund Balance Proof	<u>.00</u>	<u>.00</u>	<u>.00</u>
Change in Fund Balance - Excess Revenues (Expenditures)				

Fund 355 - School Facilities Hardship

Fiscal Year 2013/14 Through November 2013

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues						
B. Expenditures						
C. Subtotal (Revenue LESS Expense)						
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance						
F. Fund Balance:						
Beginning Balance (9791)						
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance						
G. Calculated Ending Balance						
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other						

Fund 401 - Sp Res Cap Outlay Proj, Constr		Fiscal Year 2013/14 Through November 2013		
Object	Description	Beginning Balance	Year to Date Activity	Ending Balance
Fund Reconciliation				
Assets				
9110	Cash in County Treasury	244.59		244.59
	Calculated Fund Balance	<u>244.59</u>	<u>.00</u>	<u>244.59</u>
Beginning Fund Balance				
9791	Beginning Fund Balance	244.59		244.59
	Beginning Fund Balance Proof	<u>.00</u>	<u>.00</u>	<u>.00</u>
Change in Fund Balance - Excess Revenues (Expenditures)				

Memo Only - Ending Fund Balance Accounts		
	Adopted	Revised
Other Designations		
9760	Other Commitments	245.00
		245.00

Fund 401 - Sp Res Cap Outlay Proj, Constr

Fiscal Year 2013/14 Through November 2013

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues						
B. Expenditures						
C. Subtotal (Revenue LESS Expense)						
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance						
F. Fund Balance:						
Beginning Balance (9791)	245.00	245.00		244.59		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	245.00	245.00		244.59		
G. Calculated Ending Balance	245.00	245.00		244.59		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other	245.00	245.00				

Fund 510 - Bond Interest & Redem 67117056

Fiscal Year 2013/14 Through November 2013

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Other State Revenues						
8571	Voted Indebtedness Levies, HOP	1,419.00	1,419.00		1,419.00	
Total Other State Revenues		1,419.00	1,419.00	.00	1,419.00	
Other Local Revenue						
8611	Voted Indebtedness Levies, Sec	235,409.00	235,409.00		235,409.00	
8612	Voted Indebtedness Levies, Uns	4,966.00	4,966.00	5,886.61	920.61-	118.54
8613	Voted Indebtedness Levies, P/Y			10.16	10.16-	NO BDGT
8614	Voted Indebtedness Levies, Sup			515.38	515.38-	NO BDGT
8660	Interest	500.00	500.00	209.07	290.93	41.81
Total Other Local Revenue		240,875.00	240,875.00	6,621.22	234,253.78	2.75
Total Year To Date Revenues		242,294.00	242,294.00	6,621.22	235,672.78	2.73

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail							
Debt Service							
7433	Bond Redemptions	95,000.00	95,000.00		95,000.00		100.00
7434	Bond Interest and Other Servic	157,750.00	157,750.00		79,350.00	78,400.00	50.30
Total Debt Service		252,750.00	252,750.00	.00	174,350.00	78,400.00	68.98
Total Year To Date Expenditures		252,750.00	252,750.00	.00	174,350.00	78,400.00	68.98

Fund 510 - Bond Interest & Redem 67117056		Fiscal Year 2013/14 Through November 2013		
Object	Description	Beginning Balance	Year to Date Activity	Ending Balance
Fund Reconciliation				
Assets				
9110	Cash in County Treasury	234,973.78	167,550.92-	67,422.86
9200	Accounts Receivable - Clear	177.86	177.86-	
	Total Assets	235,151.64	167,728.78-	67,422.86
	Calculated Fund Balance	235,151.64	167,728.78-	67,422.86
Beginning Fund Balance				
9791	Beginning Fund Balance	235,151.64		235,151.64
	Beginning Fund Balance Proof	.00	167,728.78-	167,728.78-
Change in Fund Balance - Excess Revenues (Expenditures)			(167,728.78)	

Memo Only - Ending Fund Balance Accounts

		Adopted	Revised
Other Designations			
9760	Other Commitments	216,545.00	224,696.00

Fund 510 - Bond Interest & Redem 67117056

Fiscal Year 2013/14 Through November 2013

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	242,294.00	242,294.00		6,621.22	235,672.78	2.73
B. Expenditures	252,750.00	252,750.00		174,350.00	78,400.00	68.98
C. Subtotal (Revenue LESS Expense)	10,456.00-	10,456.00-		167,728.78-	157,272.78	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	10,456.00-	10,456.00-		167,728.78-	157,272.78	
F. Fund Balance:						
Beginning Balance (9791)	227,001.00	235,152.00		235,151.64		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	227,001.00	235,152.00		235,151.64		
G. Calculated Ending Balance	216,545.00	224,696.00		67,422.86		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other	216,545.00	224,696.00				

Fund 511 - Bond Interest & Redem 67118381

Fiscal Year 2013/14 Through November 2013

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Other State Revenues						
8571	Voted Indebtedness Levies, HOP	1,466.00	1,466.00		1,466.00	
Total Other State Revenues		1,466.00	1,466.00	.00	1,466.00	
Other Local Revenue						
8611	Voted Indebtedness Levies, Sec	243,314.00	243,314.00		243,314.00	
8612	Voted Indebtedness Levies, Uns	5,477.00	5,477.00	6,489.09	1,012.09-	118.48
8613	Voted Indebtedness Levies, P/Y			9.65	9.65-	NO BDGT
8614	Voted Indebtedness Levies, Sup			538.50	538.50-	NO BDGT
8660	Interest	600.00	600.00	203.71	396.29	33.95
Total Other Local Revenue		249,391.00	249,391.00	7,240.95	242,150.05	2.90
Total Year To Date Revenues		250,857.00	250,857.00	7,240.95	243,616.05	2.89

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail							
Debt Service							
7433	Bond Redemptions	45,000.00	45,000.00		45,000.00		100.00
7434	Bond Interest and Other Servic	209,088.00	209,088.00		105,932.50	103,155.50	50.66
Total Debt Service		254,088.00	254,088.00	.00	150,932.50	103,155.50	59.40
Total Year To Date Expenditures		254,088.00	254,088.00	.00	150,932.50	103,155.50	59.40

Fund 511 - Bond Interest & Redem 67118381		Fiscal Year 2013/14 Through November 2013		
Object	Description	Beginning Balance	Year to Date Activity	Ending Balance
Fund Reconciliation				
Assets				
9110	Cash in County Treasury	221,729.96	143,526.98-	78,202.98
9200	Accounts Receivable - Clear	164.57	164.57-	
	Total Assets	<u>221,894.53</u>	<u>143,691.55-</u>	<u>78,202.98</u>
	Calculated Fund Balance	<u>221,894.53</u>	<u>143,691.55-</u>	<u>78,202.98</u>
Beginning Fund Balance				
9791	Beginning Fund Balance	221,894.53		221,894.53
	Beginning Fund Balance Proof	<u>.00</u>	<u>143,691.55-</u>	<u>143,691.55-</u>
Change in Fund Balance - Excess Revenues (Expenditures)			(143,691.55)	

Memo Only - Ending Fund Balance Accounts

	Adopted	Revised
Other Designations		
9760 Other Commitments	210,007.00	218,664.00

Fund 511 - Bond Interest & Redem 67118381

Fiscal Year 2013/14 Through November 2013

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	250,857.00	250,857.00		7,240.95	243,616.05	2.89
B. Expenditures	254,088.00	254,088.00		150,932.50	103,155.50	59.40
C. Subtotal (Revenue LESS Expense)	3,231.00-	3,231.00-		143,691.55-	140,460.55	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	3,231.00-	3,231.00-		143,691.55-	140,460.55	
F. Fund Balance:						
Beginning Balance (9791)	213,238.00	221,895.00		221,894.53		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	213,238.00	221,895.00		221,894.53		
G. Calculated Ending Balance	210,007.00	218,664.00		78,202.98		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other	210,007.00	218,664.00				

Grade	Teacher	Subject	Period	Total Enrolled	
Transitional K	Coe			4	
K	Coe			18	
K1	Larson			3	
K	Larson			22	
K	Sanchez			22	
K				70	
1	Dichiacchio			25	
1	Maxim			24	
1	Vollmert			21	
1				70	
2	Puga			26	
2	Sakai			25	
2	Webster			25	
2				76	
3	Best			24	
3	Mayes			25	
3	McKenna			25	
3				74	
4	Kuklenski/Waggoner			30	
4	Mitchell			29	
4/5 (4 TH)	Ford/Muhlightner			12	
4				71	
4/5 (5 TH)	Ford/Muhlightner			14	
5	DeMaria			31	
5	Wiley (Skeens)			29	
5				74	
Elementary				434	
6				70	
7				75	
8				70	
Junior High				213	
School				647	
6	Alkire	Homeroom	0	36	
6	Alkire	Science 6	1	36	
6	Alkire	Science 6	2	34	
6	Alkire	Social Studies 6	3	36	
6	Alkire	Social Studies 6	5	34	
6	Wiley	Homeroom	0	34	

6	Wiley	English Lang 6	1	34	
6	Wiley	English Lang 6	2	36	
7	Wiley	Exploratory 7	3	36	
6	Wiley	Exploratory 6	4	35	
7	Dunn	Homeroom	0	36	
7	Dunn	Science 7	1	36	
8	Dunn	Science 8	3	37	
8	Dunn	Science 8	4	33	
7	Dunn	Science 7	5	37	
7	Grogan	Homeroom	0	37	
7	Grogan	English Lang 7	1	36	
7	Grogan	Social Studies 7	2	37	
7	Grogan	Social Studies 7	4	37	
7	Grogan	English Lang 7	5	38	
8	Dwork	Homeroom	0	35	
8	Dwork	Social Studies 8	1	32	
8	Dwork	Social Studies 8	2	38	
8	Dwork	English Lang 8	3	33	
8	Dwork	English Lang 8	4	37	
8	Nguyen	Homeroom	0	35	
8	Nguyen	Geometry	1	31	
7/8	Nguyen	Algebra 7/8	2	40	
8	Nguyen	Math 6	3	34	
6	Nguyen	Math 6	5	36	
8	Hanley	Algebra Readiness 8	1	7	
7/8	Hanley	Pre Alg. 7/8	2	29	
7	Hanley	Pre Alg. 7	4	37	
8	Hanley	Exploratory 8	5	35	
7	Rosen	PE 7	3	36	
6	Rosen	PE 6	4	35	
8	Rosen	PE 8	5	35	

STUDENT OF THE MONTH

NOVEMBER 2013

<u>TEACHER</u>	<u>SOM</u>	<u>PRINCIPAL'S AWARD</u> Loyalty/Cooperation
COE	SYDNEY NISWANDER MARQUS MOORE	JOSH EHRHARDT SAMUEL BRYANT
LARSON	LILLY BRASHEAR LAYNEE FLORES OSHO MIGLINO	ASHLYN HALFAR NINA ADZIC ANDRES JIMENEZ
SANCHEZ	ELLA PFEIFFER ADRIAN AVALOS	MIA MACIAS LEILANI VICENTE ISABELLE RAMIREZ
DICHIACCHIO	GRACE HOOLMAA JACK BUENROSTRO ROMINA MUNOZ	LUZ LUCAS TONY PEREZ TAE KAWATA
MAXIM	AZAIRIA CHACON EVAN FANNER GAEL CASTRO	AISHWARYA MIGLINO EDUARDO AGRAZ HIROTOSHI OKAMURA ISAIAH BAUTISTA
VOLLMERT	BRADDOCK BEIFUSS SOPHIA TRESE	ZACKARY DAVIS ASHLEY WALLACE
PUGA	OMAR VILLA JACOB SOLIS	VIOLET VELASQUEZ CLAUDIA CASTANEDA
SAKAI	ADRIAN SANCHEZ NEVAEH ASPURIA ALISON GENGO	ESTRELLA RIVERA JACOB STRINGER JOCELYN CORRAL ILLIANA PEREZ
WEBSTER	KRIPA SHRESTHA LUCY GROOMS	BENJAMIN DYKES ISABELLA AMBRIZ SAMANTHA ARMSTRONG

STUDENT OF THE MONTH NOVEMBER 2013

TEACHER

SOM

PRINCIPAL'S AWARD

Loyalty/Cooperation

BEST	JENNIFER RUCKER REECE MORENCY	JULIAN ALFARO DANIELLA CERVANTES
MAYES	SHANELLE MURILLO PARKER GRAVEL	OLIVIA HARTMANN CASSANDRA MEDINA
MCKENNA	MADDY NISWANDER OLIVIA WOLBERT	ROBERT LEDESMA CYNDI RUIZ
FORD	HUNTER LEIJA ARMANDO SOLORIO	JACOB BALDERRAMA MELISSA GOMEZ
KUKLENSKI	COLE COMPTON EMILY WRIGHT	CRUZ CORONADO ARIANNA FLORES
MITCHELL	ISAAC LOZANO TREVOR ORTIGUERRA	PAYTON LYNCH CRISPIN AGRAZ
DEMARIA	RILEY STOTKO EMMA LANDEROS	MAX OMINSKY STEPHANIE ZAGER
WILLEY	ANDY HESS ALYSSA HESS	NEVAEH JONES JENNIFER MARTINEZ



Golden Valley Charter School

2013-14 December Financial Update
(actuals through 11/30/13)



2013-14 December Update

- The attached reports present a summary of how GVCS is performing so far vs. the approved 2013-14 First Interim Budget, the most recent Board-approved budget for GVCS.
- Currently, GVCS is running \$49,412 under budget through 11/30/13, but this is due to normal variances in monthly revenue and expenditure timing. This is not projected to result in significant year-end variance and should re-align in upcoming months. In general GVCS is aligning closely with the budget.
- Cash flow remains sufficient to meet all obligations for the remainder of the year, and while substantial variability continues to exist due to timing of state payments, currently no external borrowing is projected to be required.
- As with prior updates, we have left out the detail budget vs. actual reports showing individual line item performance each month vs. budget. However, we are happy to include these in this and future versions if desired, or alternatively can make them available on our secure website for optional access for board members who would like additional detail.

**Golden Valley Charter School
2013-14 December Update
BUDGET VS. ACTUALS - SUMMARY**

	2013-14 <u>1st Interim</u>	Year-to-Date <u>Budget</u>	Year-to-Date <u>Actuals</u>	Variance: <u>Budget vs Actual</u>
Revenues:				
Revenue Limit	\$ 4,545,280	\$ 1,239,617	\$ 1,231,033	\$ (8,584)
Federal Revenue	264,085	52,929	63,038	10,109
Other State Revenue	267,309	56,000	80,504	24,504
Other Local Revenue	5,400	2,500	1,327	(1,173)
TTL Revenues:	\$ 5,082,074	\$ 1,351,046	\$ 1,375,903	\$ 24,857
Expenditures:				
Certificated Salaries	\$ 1,964,130	\$ 721,463	\$ 691,498	\$ (29,964)
Non-certificated Salaries	133,465	31,000	39,267	8,267
Benefits	595,004	218,557	203,653	(14,903)
Books/Supplies/Materials	1,091,962	138,815	153,683	14,868
Services/Operations	1,103,155	453,089	451,725	(1,364)
Capital Outlay	3,500	1,458	-	(1,458)
Other Outgo	45,653	-	-	-
TTL Expenditures:	\$ 4,936,869	\$ 1,564,381	\$ 1,539,826	\$ (24,556)
Net Revenues	\$ 145,205	\$ (213,335)	\$ (163,923)	\$ 49,412
Year-To-Date Budget vs. Actuals:		\$ 49,412	under budget so far this year	
Beginning Balance July 1	\$ 2,116,950			
Ending Balance June 30	\$ 2,262,155			
Ending Balance as % of Total Outgo:	45.8%			

Golden Valley Charter School
WARRANT REGISTER: November 2013

Check Number	Check Date	Vendor	Total
53112	11/1/2013	All American Ballet School	\$ 325.00
53113	11/1/2013	Anne Alday	\$ 230.52
53114	11/1/2013	Apple Inc	\$ 198.00
53115	11/1/2013	Art Supplies Wholesale	\$ 30.53
53116	11/1/2013	Ballet Academy Ventura	\$ 450.00
53117	11/1/2013	Byu Independent Study	\$ 142.00
53118	11/1/2013	California Science Center Foundation	\$ 405.00
53119	11/1/2013	Carolina Biological Supply Co	\$ 24.10
53120	11/1/2013	Cassell's Music, Inc	\$ 520.00
53121	11/1/2013	Central Music	\$ 246.15
53122	11/1/2013	Children's Music Academy	\$ 800.00
53123	11/1/2013	Chinaberry Inc	\$ 20.94
53124	11/1/2013	City of Ojai	\$ 241.50
53125	11/1/2013	Claddagh Dance Company	\$ 160.00
53126	11/1/2013	Dance Creations LLC	\$ 210.00
53127	11/1/2013	Delta Managed Solutions, Inc.	\$ 8,850.00
53128	11/1/2013	Dorothy McCandliss	\$ 210.80
53129	11/1/2013	Education Station	\$ 12.00
53130	11/1/2013	Follett Educational Services	\$ 335.39
53131	11/1/2013	Footworks Youth Ballet Inc.	\$ 64.00
53132	11/1/2013	Handwriting Without Tears	\$ 63.77
53133	11/1/2013	Homeschool Programming, Inc	\$ 161.10
53134	11/1/2013	Houghton Mifflin Harcourt - Acct#147529	\$ 203.00
53135	11/1/2013	Huckleberry Center	\$ 1,956.85
53136	11/1/2013	Keyboard Galleria Music Center	\$ 110.00
53137	11/1/2013	Kids Art Inc - Northridge	\$ 301.00
53138	11/1/2013	Kids Art Inc - Pasadena	\$ 120.00
53139	11/1/2013	Lakeshore Learning Materials	\$ 133.98
53140	11/1/2013	The Little Gym of La Canada	\$ 174.80
53141	11/1/2013	Lorrie Veiga	\$ 312.40
53142	11/1/2013	Meg Rydman	\$ 53.11
53143	11/1/2013	Miss Melodee Studios, Inc	\$ 261.00
53144	11/1/2013	Monarch's National Gymnastics Training Center	\$ 673.75
53145	11/1/2013	Moving Beyond The Page	\$ 58.62
53147	11/1/2013	North Dakota Center For Distance Education	\$ 742.26
53156	11/1/2013	Office Depot	\$ 289.11
53157	11/1/2013	Office Depot eCommerce	\$ 77.30
53158	11/1/2013	Oriental Trading Company, Inc.	\$ 89.49
53159	11/1/2013	Ottsen Music Studio	\$ 1,620.00
53160	11/1/2013	Ovation School For Performing Arts	\$ 281.25
53161	11/1/2013	Pacific Diving Academy USA	\$ 160.00
53162	11/1/2013	Paper, Scissors, Stone	\$ 101.50
53163	11/1/2013	Peace Hill Press, Inc	\$ 74.78
53164	11/1/2013	Pearson - Acct#2462900, 05-5238169, 005-59407-000, 2484106	\$ 476.01
53165	11/1/2013	Play-Well TEKologies- Santa Barbara/Ventura	\$ 377.00
53166	11/1/2013	Pleasant Valley Rec & Park	\$ 40.00
53167	11/1/2013	Racheal Yard	\$ 288.91
53168	11/1/2013	Rainbow Resource Center	\$ 740.05
53169	11/1/2013	Rancho Simi Recreation & Park	\$ 45.00

Golden Valley Charter School
WARRANT REGISTER: November 2013

Check Number	Check Date	Vendor	Total
53170	11/1/2013	Rosetta Stone, Ltd. (Fairfield Language Tech.)	\$ 183.26
53171	11/1/2013	Sandra M. Yip	\$ 75.00
53172	11/1/2013	School Specialty Inc.	\$ 174.20
53173	11/1/2013	Singapore Math, Inc	\$ 125.40
53174	11/1/2013	Staples - eCommerce	\$ 306.97
53175	11/1/2013	Staples Business Advantage	\$ 28.91
53176	11/1/2013	Sylvia Klein	\$ 45.77
53177	11/1/2013	Tae Ryong TaeKwonDo School - Camarillo	\$ 757.25
53178	11/1/2013	TaeKwonDo Plus	\$ 435.50
53179	11/1/2013	Tamie Stewart	\$ 287.53
53180	11/1/2013	The Red Chair School of Perf.	\$ 508.00
53181	11/1/2013	Time 4 Learning	\$ 150.00
53182	11/1/2013	Urban Homeschoolers	\$ 94.18
53183	11/1/2013	Ventura Family YMCA	\$ 225.00
53184	11/1/2013	YMCA- Camarillo Family	\$ 82.00
53185	11/1/2013	Young At Art- Camarillo	\$ 215.00
53186	11/1/2013	Young At Art- Simi Valley	\$ 704.00
53187	11/1/2013	Museum Tour, Inc.	\$ 39.99
53193	11/8/2013	Advanced Academics, Inc.	\$ 300.00
53194	11/8/2013	All About Spelling	\$ 173.75
53195	11/8/2013	All American Ballet School	\$ 310.00
53196	11/8/2013	American Science & Surplus	\$ 53.65
53197	11/8/2013	Anne Alday	\$ 18.40
53198	11/8/2013	Apple Inc	\$ 304.82
53199	11/8/2013	Appolina Osborne	\$ 146.76
53200	11/8/2013	Cassell's Music, Inc	\$ 400.00
53201	11/8/2013	Christine Albright	\$ 218.83
53202	11/8/2013	City Creek Press, Inc	\$ 27.90
53203	11/8/2013	City of Whittier	\$ 305.00
53204	11/8/2013	Cynthia Marston	\$ 170.71
53205	11/8/2013	Delian Music	\$ 780.00
53206	11/8/2013	Dick Blick Company	\$ 183.93
53207	11/8/2013	Discount School Supply	\$ 160.77
53208	11/8/2013	Elizabeth Gomez	\$ 183.63
53209	11/8/2013	Emh Sports USA, Inc	\$ 60.00
53210	11/8/2013	Enchanted Learning Ctr, LLC	\$ 125.00
53211	11/8/2013	ETA/Hand2Mind	\$ 14.54
53212	11/8/2013	Evan- Moor	\$ 143.00
53213	11/8/2013	Follett Educational Services	\$ 97.89
53214	11/8/2013	Gander Publishing	\$ 534.57
53215	11/8/2013	Handwriting Without Tears	\$ 43.47
53216	11/8/2013	Hayley Hamilton	\$ 92.72
53217	11/8/2013	Houghton Mifflin Harcourt - Acct#147529	\$ 60.75
53219	11/8/2013	Institute For Excellence In Writing	\$ 39.75
53220	11/8/2013	Jeannie Gudith	\$ 221.58
53221	11/8/2013	Jostens	\$ 32.92
53222	11/8/2013	Joyce Salsberry	\$ 183.06
53223	11/8/2013	Keyboard Galleria Music Center	\$ 920.50
53224	11/8/2013	Kids Art Inc - La Crescenta	\$ 130.50

**Golden Valley Charter School
WARRANT REGISTER: November 2013**

Check Number	Check Date	Vendor	Total
53225	11/8/2013	Kids Art Inc - Northridge	\$ 217.50
53226	11/8/2013	Lakeshore Learning Materials	\$ 186.28
53227	11/8/2013	Laura Guy	\$ 328.15
53228	11/8/2013	Lego Education	\$ 222.22
53229	11/8/2013	The Little Gym of La Canada	\$ 142.00
53230	11/8/2013	Lori Mcmanus	\$ 1,380.59
53231	11/8/2013	Los Angeles School of Gymnastics	\$ 365.00
53232	11/8/2013	Math Support Services, Inc.	\$ 165.00
53234	11/8/2013	Mission Renaissance	\$ 183.00
53235	11/8/2013	MJP Computers	\$ 335.00
53236	11/8/2013	Monarch's National Gymnastics Training Center	\$ 330.00
53237	11/8/2013	Museum Tour, Inc.	\$ 24.95
53238	11/8/2013	Norma McBride	\$ 98.88
53239	11/8/2013	Office Depot	\$ 902.25
53240	11/8/2013	Office Depot eCommerce	\$ 56.86
53241	11/8/2013	One Spark Academy	\$ 380.00
53242	11/8/2013	Ottsen Music Studio	\$ 90.00
53243	11/8/2013	Paper, Scissors, Stone	\$ 356.10
53244	11/8/2013	Peace Hill Press, Inc	\$ 17.55
53245	11/8/2013	Peterson Directed Handwriting	\$ 41.50
53246	11/8/2013	Play-Well TEKnologies- Santa Barbara/Ventura	\$ 527.00
53247	11/8/2013	Pleasant Valley Rec & Park	\$ 42.00
53248	11/8/2013	Rainbow Resource Center	\$ 1,611.22
53249	11/8/2013	Rancho Simi Recreation & Park	\$ 476.85
53250	11/8/2013	San Joaquin County Office of Education	\$ 600.00
53251	11/8/2013	School Specialty Inc.	\$ 65.58
53252	11/8/2013	ServiceMaster Building Maintenance	\$ 329.00
53253	11/8/2013	Sharon McClain	\$ 92.10
53254	11/8/2013	Singapore Math, Inc	\$ 356.92
53255	11/8/2013	Staples - eCommerce	\$ 59.34
53256	11/8/2013	Staples Business Advantage	\$ 222.97
53257	11/8/2013	Stephanie Hagenbach	\$ 124.49
53258	11/8/2013	Sylvia Klein	\$ 174.59
53259	11/8/2013	TaeKwonDo Plus	\$ 109.00
53260	11/8/2013	The Red Chair School of Perf.	\$ 312.00
53261	11/8/2013	Urban Homeschoolers	\$ 867.16
53262	11/8/2013	Vibe Performing Arts Studios	\$ 693.00
53263	11/8/2013	Wendy Hand-Hogan	\$ 178.26
53264	11/8/2013	Wendy Theobald	\$ 176.85
53265	11/8/2013	Young At Art- Simi Valley	\$ 420.00
53266	11/8/2013	Huckleberry Center	\$ 1,600.43
53267	11/15/2013	All About Spelling	\$ 221.75
53268	11/15/2013	Amanda Burns	\$ 117.91
53269	11/15/2013	Angels School Supply	\$ 70.60
53270	11/15/2013	Apple Inc	\$ 929.23
53271	11/15/2013	Barnes & Noble Inc	\$ 263.68
53272	11/15/2013	Blackbird & Company	\$ 34.93
53273	11/15/2013	California Science Center Foundation	\$ 355.00
53274	11/15/2013	Carson- Dellosa	\$ 13.01

Golden Valley Charter School
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Check Number	Check Date	Vendor	Total
53275	11/15/2013	CCSA- LA	\$ 3,815.00
53276	11/15/2013	Conejo Recreation and Park Dis	\$ 351.00
53277	11/15/2013	Cuizon Ballet Centre	\$ 1,440.00
53278	11/15/2013	Dance 1	\$ 125.00
53279	11/15/2013	Delian Music	\$ 219.00
53280	11/15/2013	Dick Blick Company	\$ 108.17
53281	11/15/2013	Elizabeth Gomez	\$ 46.00
53282	11/15/2013	Evan- Moor	\$ 26.85
53283	11/15/2013	Excellence in Education	\$ 181.70
53284	11/15/2013	Follett Educational Services	\$ 238.33
53285	11/15/2013	Guitar Center	\$ 107.45
53286	11/15/2013	Gymnastikids, Inc.	\$ 175.00
53287	11/15/2013	Home Science Tools	\$ 523.65
53288	11/15/2013	Huckleberry Center	\$ 309.00
53289	11/15/2013	Kelly Villalovos	\$ 280.96
53290	11/15/2013	Kids Art Inc - La Crescenta	\$ 184.00
53291	11/15/2013	Lego Education	\$ 460.12
53292	11/15/2013	Lisa Sophos	\$ 247.59
53293	11/15/2013	Mary Jo Stirling	\$ 202.61
53294	11/15/2013	Math- U- See California, Inc	\$ 147.50
53295	11/15/2013	Melissa Barnett	\$ 102.49
53296	11/15/2013	Modern Curriculum Press	\$ 54.01
53297	11/15/2013	Montessori Services	\$ 71.22
53298	11/15/2013	Nickerson Family Trust (Sjnden LLC)	\$ 1,728.04
53299	11/15/2013	Office Depot	\$ 53.45
53300	11/15/2013	Office Depot eCommerce	\$ 299.92
53301	11/15/2013	One Spark Academy	\$ 1,470.00
53302	11/15/2013	Pearson - Acct#2462900, 05-5238169, 005-59407-000, 2484106	\$ 335.64
53303	11/15/2013	Pleasant Valley Rec & Park	\$ 42.00
53304	11/15/2013	Rainbow Resource Center	\$ 166.82
53305	11/15/2013	Rancho Simi Recreation & Park	\$ 300.00
53306	11/15/2013	Rose Bowl Aquatics Center	\$ 288.00
53307	11/15/2013	Science-2-U	\$ 1,941.35
53309	11/15/2013	Singapore Math, Inc	\$ 241.43
53310	11/15/2013	Special Ed Asst & Tech Support, Inc	\$ 31,899.68
53311	11/15/2013	Staples - eCommerce	\$ 378.72
53312	11/15/2013	Staples Business Advantage	\$ 227.34
53313	11/15/2013	Swordplay Fencing Studio, Inc.	\$ 187.00
53314	11/15/2013	TaeKwonDo Plus	\$ 287.25
53315	11/15/2013	Terri Adams	\$ 662.02
53316	11/15/2013	U. S. Bank	\$ 1,111.99
53317	11/15/2013	Ventura Family YMCA	\$ 530.00
53318	11/15/2013	YMCA- Camarillo Family	\$ 80.00
53319	11/15/2013	Young At Art- Camarillo	\$ 84.00
53320	11/15/2013	Shurley Instructional Material	\$ 112.32
53321	11/15/2013	Ballet Academy Ventura	\$ 337.00
53322	11/15/2013	Kids Art Inc - Pasadena	\$ 623.00
53323	11/15/2013	Rainbow Resource Center	\$ 2,270.00
53324	11/15/2013	Waller's Gymjam Academy	\$ 60.00

Golden Valley Charter School
WARRANT REGISTER: November 2013

Check Number	Check Date	Vendor	Total
53325	11/15/2013	Yamaha Music School	\$ 1,568.00
53326	11/22/2013	A Child's Dream Come True	\$ 375.55
53327	11/22/2013	All American Ballet School	\$ 240.00
53328	11/22/2013	Alliance for Performing Arts	\$ 376.50
53329	11/22/2013	Amy Warners-Hernandez	\$ 492.68
53330	11/22/2013	Applause Learning Resources	\$ 499.66
53331	11/22/2013	Apple Inc	\$ 1,116.33
53332	11/22/2013	Art Supplies Wholesale	\$ 304.97
53333	11/22/2013	Art with Sara	\$ 321.42
53334	11/22/2013	Barnes & Noble Inc	\$ 196.82
53335	11/22/2013	Benjamin Buttner Guitar Lessons	\$ 595.00
53336	11/22/2013	C.A.R.E. Learning Academy (SCV Tutors)	\$ 300.00
53337	11/22/2013	Carolina Biological Supply Co	\$ 93.47
53338	11/22/2013	Cassell's Music, Inc	\$ 160.00
53339	11/22/2013	Children's Music Academy	\$ 745.00
53340	11/22/2013	Conejo Recreation and Park Dis	\$ 1,496.98
53341	11/22/2013	Creative Learning Place	\$ 1,124.64
53342	11/22/2013	Dance Creations LLC	\$ 50.00
53343	11/22/2013	Del Sol Books	\$ 99.00
53344	11/22/2013	Delian Music	\$ 26.00
53345	11/22/2013	Dick Blick Company	\$ 113.99
53346	11/22/2013	Dorothy McCandliss	\$ 172.00
53347	11/22/2013	Educator's Publishing Service	\$ 44.24
53348	11/22/2013	Emh Sports USA, Inc	\$ 591.60
53349	11/22/2013	Excellence in Education	\$ 21.02
53350	11/22/2013	Follett Educational Services	\$ 75.99
53351	11/22/2013	Guitar Center	\$ 571.46
53352	11/22/2013	Houghton Mifflin Harcourt - Acct#147529	\$ 102.52
53353	11/22/2013	Huckleberry Center	\$ 696.35
53355	11/22/2013	Insect Lore	\$ 27.94
53356	11/22/2013	Institute For Excellence In Writing	\$ 81.40
53357	11/22/2013	Iron Fist Martial Arts, LLC	\$ 650.00
53358	11/22/2013	Joe Ferrante Music Academy	\$ 5,282.00
53359	11/22/2013	Just Dance Company	\$ 470.00
53360	11/22/2013	Kids Art Inc - La Crescenta	\$ 358.00
53361	11/22/2013	Kids Art Inc - Pasadena	\$ 240.00
53362	11/22/2013	Kids Art Inc - Sherman Oaks	\$ 611.00
53363	11/22/2013	Kumon Math and Reading Center of Westchester	\$ 330.00
53364	11/22/2013	Lakeshore Learning Materials	\$ 889.87
53365	11/22/2013	Laura Armbruster	\$ 151.74
53366	11/22/2013	Learn Beyond the Book, LLC	\$ 392.00
53367	11/22/2013	Math Support Services, Inc.	\$ 220.00
53368	11/22/2013	Math- U- See California, Inc	\$ 73.32
53369	11/22/2013	Mathnasium Of Burbank	\$ 400.00
53370	11/22/2013	McGroarty Arts Center	\$ 180.00
53371	11/22/2013	Meg Rydman	\$ 162.20
53372	11/22/2013	Mission Renaissance	\$ 2,176.56
53373	11/22/2013	MJP Computers	\$ 2,769.93
53374	11/22/2013	Monarch's National Gymnastics Training Center	\$ 346.00

Golden Valley Charter School
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Check Number	Check Date	Vendor	Total
53375	11/22/2013	Mr. Peter's Piano Studio	\$ 420.00
53376	11/22/2013	NewEdge Academy	\$ 75.00
53377	11/22/2013	Office Depot	\$ 656.06
53378	11/22/2013	Office Depot eCommerce	\$ 485.25
53379	11/22/2013	Old Towne Music Co.	\$ 25.71
53380	11/22/2013	One Spark Academy	\$ 230.00
53381	11/22/2013	Oriental Trading Company, Inc.	\$ 48.99
53383	11/22/2013	Paper, Scissors, Stone	\$ 25.90
53384	11/22/2013	Pasadena Conservatory Of Music	\$ 90.00
53385	11/22/2013	Peace Hill Press, Inc	\$ 51.80
53386	11/22/2013	Pearson - Acct#2462900, 05-5238169, 005-59407-000, 2484106	\$ 115.07
53387	11/22/2013	Rainbow Resource Center	\$ 1,015.60
53388	11/22/2013	Roots To The Source	\$ 315.00
53389	11/22/2013	School Specialty Inc.	\$ 56.83
53390	11/22/2013	Science-2-U	\$ 1,854.35
53391	11/22/2013	Shar Products	\$ 259.99
53392	11/22/2013	Singapore Math, Inc	\$ 352.63
53393	11/22/2013	Staples - eCommerce	\$ 757.01
53394	11/22/2013	Staples Business Advantage	\$ 226.24
53395	11/22/2013	Steve Spangler Science	\$ 55.96
53396	11/22/2013	Steven Sunnarborg Musical Serv	\$ 132.00
53397	11/22/2013	Studio 316	\$ 110.00
53398	11/22/2013	TaeKwonDo Plus	\$ 148.50
53399	11/22/2013	TelePacific Communications	\$ 385.19
53400	11/22/2013	The Little Gym of La Canada	\$ 266.80
53401	11/22/2013	Time 4 Learning	\$ 185.00
53402	11/22/2013	Tricia Purcell	\$ 475.90
53403	11/22/2013	Valencia Tutors	\$ 369.50
53404	11/22/2013	Waller's Gymjam Academy	\$ 524.00
53405	11/22/2013	YMCA of the Foothills	\$ 220.00
53406	11/22/2013	YMCA- Camarillo Family	\$ 90.00
53407	11/22/2013	Young At Art- Camarillo	\$ 576.00
53408	11/22/2013	Infinite Mind Eye Q	\$ 29.95
53409	11/22/2013	Ottsen Music Studio	\$ 1,950.00
53410	11/27/2013	All American Ballet School	\$ 85.00
53411	11/27/2013	Ballet Academy Ventura	\$ 80.00
53412	11/27/2013	California Science Center Foundation	\$ 380.00
53413	11/27/2013	Cassell's Music, Inc	\$ 240.00
53414	11/27/2013	Central Music	\$ 331.10
53415	11/27/2013	Conejo Recreation and Park Dis	\$ 204.00
53416	11/27/2013	Delian Music	\$ 312.00
53417	11/27/2013	Delta Managed Solutions, Inc.	\$ 8,850.00
53418	11/27/2013	Dick Blick Company	\$ 62.67
53419	11/27/2013	Education Station	\$ 146.62
53420	11/27/2013	Emh Sports USA, Inc	\$ 93.60
53421	11/27/2013	Huckleberry Center	\$ 1,001.59
53422	11/27/2013	Huntington Learning Center Simi Valley	\$ 195.00
53423	11/27/2013	Kids Art Inc - Northridge	\$ 301.00
53424	11/27/2013	Kids Art Inc - Sherman Oaks	\$ 261.00

Golden Valley Charter School
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Check Number	Check Date	Vendor	Total
53425	11/27/2013	Lakeshore Learning Materials	\$ 186.06
53426	11/27/2013	McGraw-Hill	\$ 77.36
53427	11/27/2013	MJP Computers	\$ 254.45
53428	11/27/2013	Monarch's National Gymnastics Training Center	\$ 240.00
53429	11/27/2013	Moving Beyond The Page	\$ 443.79
53430	11/27/2013	Nickerson Family Trust (Sjnden LLC)	\$ 4,759.75
53431	11/27/2013	Oak Meadow Inc	\$ 955.00
53432	11/27/2013	Ottsen Music Studio	\$ 870.00
53433	11/27/2013	Pacific Diving Academy USA	\$ 240.00
53434	11/27/2013	Peace Hill Press, Inc	\$ 183.99
53435	11/27/2013	Pearson - Acct#2462900, 05-5238169, 005-59407-000, 2484106	\$ 26.35
53436	11/27/2013	Play-Well TEKologies- Santa Barbara/Ventura	\$ 969.00
53437	11/27/2013	Rainbow Resource Center	\$ 691.49
53438	11/27/2013	Rancho Simi Recreation & Park	\$ 50.00
53439	11/27/2013	Roots To The Source	\$ 630.00
53440	11/27/2013	Singapore Math, Inc	\$ 167.34
53441	11/27/2013	Staples - eCommerce	\$ 16.11
53442	11/27/2013	Staples Business Advantage	\$ 87.62
53443	11/27/2013	Swordplay Fencing Studio, Inc.	\$ 51.00
53444	11/27/2013	Time 4 Learning	\$ 50.00
53445	11/27/2013	Urban Homeschoolers	\$ 318.31
53446	11/27/2013	Ventura Family YMCA	\$ 140.00
53447	11/27/2013	VoogDesigns	\$ 480.00
53448	11/27/2013	Young At Art- Camarillo	\$ 366.00
53449	11/27/2013	Young At Art- Simi Valley	\$ 180.00
53450	11/27/2013	Young Rembrandts- Ventura	\$ 155.75
53451	11/27/2013	Zaner- Bloser	\$ 30.06
Grand Total			\$ 172,466.04

TO: Mesa Union School Board

FROM: Mesa Union School M.U.S.T.
Executive Officers:
Karen Kerper, President/Vice President
Christina Mendoza, Treasurer
Sara Bisnett, Secretary

DATE: October 15, 2013

RE: Initial Successor Contract Proposal

The Mesa Union School Support Team (M.U.S.T., "Association") hereby presents its initial proposal for a successor collective bargaining agreement to the Mesa Union School District ("District"). This proposal is submitted pursuant to the Educational Employment Relations Act, Government Code section 3547, and incorporates the specific articles that the Association wishes to include in its successor contract negotiations with District.

ARTICLE XVI: COMPENSATION

- Make changes to salary schedule and anniversary increments
- Introduce additional pay for Associates degree

The Association also wishes to adopt negotiations procedures into contract.

The Association proposes that any article not listed above remain status quo and be included as is in the parties' successor contract.

Board Agenda Item

To: Board of Directors
From: Cynthia Hansen, Chief Business Official
Date: November 4, 2013
Re: Annual Accounting and Five-Year Accounting of Development Fees for Fiscal Year 2012-13 in the Developer Fee Fund(s)

Background:

Government Code sections 66001 and 66006 impose stringent requirements on public agencies which levy development fees. These sections require school districts collecting statutory school facilities fees to take certain actions prior to 180 days after the last day of each fiscal year. The purpose of this agenda item is to comply with these requirements.

The District is required to make an annual accounting of those funds available to the public and their governing boards to review that annual accounting at their next regularly scheduled meeting at least 15 days after the accounting was made available to the public. Section 66001 now requires districts collecting development fees to make additional findings every five years about any fund in which those fees remained unexpended at the end of a fiscal year. We have combined these required findings with the annual accounting report.

Recommended Action:

Approval of Resolution and Report

**MESA UNION ELEMENTARY SCHOOL DISTRICT
ANNUAL AND FIVE-YEAR ACCOUNTING OF DEVELOPMENT FEES REPORT FOR FISCAL YEAR
2012-2013 AS PER GC66001(D)
EXHIBIT A
ANNUAL REQUIREMENT**

A. Brief description of the type of fee in the fund:

The Developer Fee Fund identified herein contains statutory school facility fees imposed as a condition of development both residential and commercial.

B. The amount of the fee:

The fees are based on a square foot charge. For elementary or high school districts sharing the fee with another district the fee is currently \$3.20 per square foot of assessable space of residential construction; and \$0.51 per square foot of covered and enclosed space of commercial/industrial construction; but subject to the district's determination that a particular project is exempt from all or part of these fees. Pursuant to Education Code section 17623 and agreement with the districts sharing territory with the district, generally only 66.67% of the maximum fee specified above is distributed to this district. Currently the district is collecting \$2.13 for residential projects and \$0.34 for commercial projects.

C. The beginning and ending balance of the fund:

See Exhibit C

D. The amount of the fees collected and the interest earned:

See Exhibit C

E. An identification of each public improvement on which fees were expended and the amount of the expenditure on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

See Exhibit C

F. An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified.

The Mesa Expansion project has been in the planning phase for the past six years. Extensive work has been accomplished and the District has applied for State financing to help pay for the project. Also, the voters approved a \$4,000,000 in General Obligation Bonds on June 3, 2008 which will be used towards the expansion project.

G. A description of each interfund transfer or loan made from the fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an intervened loan, the date on which the loan will be repaid.

N/A. The District has not made any such interfund transfers or loans.

H. The amount of refunds made pursuant to subdivision (e) of section 66001 and any allocations pursuant to subdivision (f) of section 66001:

See Exhibit C

**MESA UNION ELEMENTARY SCHOOL DISTRICT
ANNUAL AND FIVE-YEAR ACCOUNTING OF DEVELOPMENT FEES REPORT FOR FISCAL YEAR
2012-2013 AS PER GC66001(D)
EXHIBIT B
FIVE YEAR REQUIREMENT**

1. Identification of the purpose to which the fee is to be put:

With respect only to that portion of the Fund remaining unexpended at the end of the 2012-2013 Fiscal Year, the purpose of the fees is to finance the construction of the project known as "The Mesa Expansion Project".

2. Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.

In reference to Government Code section 66001(d)(2), and with respect only to that portion of the Fund remaining unexpended at the end of the 2012-2013 Fiscal Year, the findings and evidence referenced above demonstrate that there is a reasonable relationship between the fees and the purpose for which it is charged.

See section 3.D of the Resolution

3. Identify all sources and amounts of funding anticipated to complete financing and incomplete improvements identified in paragraph (2) of subdivision (a) (improvements identified by reference to a capital improvement plan as specified in sections 65403 or 66002 or in other public documents that identify the public facilities for which the fee is charged.)

With respect only to that portion of the Fund remaining unexpended at the end of the 2012-2013 Fiscal Year, the sources and amounts of funding anticipated to complete financing in any incomplete improvements identified in (A) above are as follows:

Total ending balance, see Exhibit C.

4. Designate the approximate dates on which the funding referred to in paragraph (3) is expected to be deposited into the appropriate account or fund.

With respect only to that portion of the Fund remaining unexpended at the end of the 2012-2013 Fiscal Year, the following are the approximate dates on which the funding referred to in (3) above is expected to be deposited into the appropriate fund:

All funds are deposited into the Fund at the time of receipt. No loans have been made.

MESA UNION ELEMENTARY SCHOOL DISTRICT
 ANNUAL AND FIVE-YEAR ACCOUNTING OF DEVELOPMENT FEES REPORT FOR FISCAL YEAR 2012-2013 AS PER GC66001(D)
 EXHIBIT C

DEVELOPER FEE
 FUND 251
\$ 38,317.64

2012/13 BEGINNING FUND BALANCE:

INCOME:

DATE	NAME	PROJECT ADDRESS	PROJECT	SQUARE FOOTAGE	INTEREST/ OTHER INCOME	RESIDENTIAL FEES	COMMERCIAL FEES	TOTAL INCOME
11/13/12	R. Sandefer Construction, Inc	1011 Loma Linda	Residential	6,830		\$ 13,523.40	\$ -	\$ 13,523.40
06/30/13	Interest				153.71			153.71
TOTAL:					\$ 153.71	\$ 13,523.40	\$ -	\$ 13,677.11
TOTAL FUNDS AVAILABLE					\$ 51,994.75			

EXPENDITURES:

DATE	NAME	REFERENCE	PROJECT	OBJECT	ADMIN FEES	P051 PROJECT COSTS	TOTAL EXPENDITURES
10/12/12	Developer Fees			5800	\$ 2,200.00		\$ 2,200.00
11/13/12	Developer Fees			5750	405.70		\$ 405.70
02/06/13	Trf Southern Ca Edison					21,053.17	\$ 21,053.17
06/30/13	Due to/Due From SCE					(11,186.20)	\$ (11,186.20)
TOTAL:					\$ 2,605.70	\$ 9,866.97	\$ 12,472.67
ENDING FUND BALANCE:					\$ 39,522.08		

RESOLUTION # 13-14-05

**RESOLUTION OF THE GOVERNING BOARD OF THE MESA UNION SCHOOL
DISTRICT REGARDING ANNUAL & FIVE-YEAR ACCOUNTING OF
DEVELOPMENT FEES FOR FISCAL YEAR 2012-2013 AS PER GC 66001(D)**

1. Authority and Reasons for Adopting this Resolution.

- a. This District has levied school facilities fees pursuant to various resolutions, the most recent of which is dated August 21, 2012 and is referred to herein as the "School Facilities Fee Resolution" and is hereby incorporated by reference into this Resolution. These resolutions were adopted under the authority of Government Code section 53080, which section was redesignated Education Code section 17620 as of January 1, 1998. These fees have been deposited in the developer fee fund.
- b. Government Code sections 66001(d) and 66006(b) require this District to make an annual accounting of the Fund and to make additional findings every five years if there are any funds remaining in the Fund at the end of the prior fiscal year;
- c. Government Code sections 66001(d) and 66006(b) further require that the annual accounting of the Fund and those findings have been made available to the public no later than 180 days after the last day of the fiscal year, that this information be reviewed by this Board at its next regularly scheduled board meeting held no earlier than 15 days after they become available to the public, and that notice of the time and place of this meeting (as well as the address at which this information may be reviewed) be mailed at least 15 days prior to this meeting to anyone who has requested it.
- d. The Superintendent has informed this Board that a draft copy of this Resolution (along with Exhibit A which is hereby incorporated by reference into this Resolution) was made available to the public. The Superintendent has further informed this Board that notice of the time and place of this meeting (as well as the address at which this information may be reviewed) was mailed at least 15 days prior to this meeting to anyone who had requested it.
- e. The Superintendent has also informed this Board that there is no new information which would adversely affect the validity of any of the findings made by this Board in its School Facilities Fee Resolution.

2. What This Resolution Does.

This Resolution makes various findings and takes various actions regarding the Funds as required by and in accordance with Government Code sections 66001(d) and 66006(b).

3. Findings Regarding the Fund.

Based on all findings and evidence contained in, referred to, or incorporated into this Resolution, as well as the evidence presented to this Board at this meeting, the Board finds each of the following with respect to the Funds(s) for the 2012-2013 Fiscal Year:

- a. In reference to Government Code section 66006(b)(2), the information identified in section 1 above is correct;
- b. In further reference to Government Code section 66006(b)(2), this Board has reviewed the annual accounting for the Fund as contained in Exhibit A and determined that it meets the requirements set forth in Government Code section 66006(b)(1);
- c. In reference to Government Code section 66001(d)(1), and with respect only to that portion of the Fund(s) remaining unexpended at the end of the 2012-2013 Fiscal Year, the purpose of the fees is to finance the construction or reconstruction of school facilities necessary to reduce overcrowding caused by the development on which the fees were levied, which facilities are more specifically identified in Exhibit B;
- d. In reference to Government Code section 66001(d)(2), and with respect only to that portion of the Fund remaining unexpended at the end of the 2012-2013 Fiscal Year, the findings and evidence referenced above demonstrate that there is a reasonable relationship between the fees and the purpose for which it is charged;
- e. In reference to Government Code section 66001(d)(3), and with respect only to that portion of the Fund remaining unexpended at the end of the 2012-2013 Fiscal Year, all of the sources and amounts of funding anticipated to complete financing in any incomplete improvements identified as the use to which the fees are to be put is identified in Exhibit B;
- f. In reference to Government Code section 66001(d)(4), and with respect only to that portion of the Fund remaining unexpended at the end of the 2012-2013 Fiscal Year, the approximate dates on which the funding referred to in paragraph e above is expected to be deposited into the appropriate fund is designated in Exhibit B; and
- g. In reference to the last sentence of Government Code section 66006(d), because all of the findings required by that subdivision have been made in the fees that were levied in paragraphs c-f above, the District is not required to refund any moneys in the Fund as provided in Government Code section 66001(e).

4. Superintendent Authorized to Take Necessary and Appropriate Action.

The Board further directs and authorizes the Superintendent to take on its behalf such further action as may be necessary and appropriate to effectuate this Resolution.

5. Certification of Resolution.

I, _____, Secretary/Clerk of the Governing Board of the Mesa Union School District of Ventura County, State of California, certify that this Resolution proposed by _____, seconded by _____, was duly passed and adopted by the Board, at an official and public meeting this _____ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSENT:

Secretary/Clerk of the Board



6815 Fair Oaks Blvd, Suite 3
Carmichael, CA 95608
Ph. 916.733.0402

www.SchoolWorksGIS.com

MESA UNION SCHOOL DISTRICT

3901 North Mesa School Road
Somis, CA 93066

2014 LEVEL 1 DEVELOPER FEE STUDY CONTRACT

SchoolWorks, Inc. will contract to perform the tasks enumerated below for the prices indicated. School districts are authorized to enter into this agreement by Government Code 53060. These services are an allowed use of developer fee funds.

I. CONSULTING SERVICES

A. Services to be performed:

1. Developer Fee Study - Level 1:

Consultant shall prepare a Level 1 Developer Fee Study to justify the statutory fee rates for both residential and for commercial/industrial development. School Districts are authorized to collect these fees per Education Code Section 17620. The Study will include a sample Board Resolution to be adopted along with a sample Public Notice that needs to be published/posted at least fourteen (14) days prior to school Board approval.

The Level 1 Fees are adjusted every two years to account for the changes in the construction cost index.

The next adjustment will be on January 22, 2014.

In the event the adjustment in January 2014 is less than a five (5) percent increase, the district may opt out of this contract and will not incur any charges.

B. Terms:

Level 1 Developer Fee Study \$2,200

If necessary, consulting time for meetings with the District or Board presentations will be billed at \$140 per hour.



2014 LEVEL 1 DEVELOPER FEE STUDY CONTRACT

C. **Payment schedule:**

The fees outlined in "B" above will be billed upon completion of the Study. The full amount is due within thirty days of the date of the invoice.

D. **Information Needed:**

- 2013-14 CBEDS
- Listing of developer fees collected over the past two (2) years. This should include the amount paid and the square footage for each permit.

Authorized Signature

Superintendent

Title

Ken Reynolds, President
SchoolWorks, Inc.

_____ Dated

MESA UNION SCHOOL DISTRICT

VENTURA COUNTY

**REPORT ON
AUDIT OF FINANCIAL STATEMENTS
AND SUPPLEMENTARY INFORMATION
INCLUDING REPORTS ON COMPLIANCE**

June 30, 2013

MESA UNION SCHOOL DISTRICT

AUDIT REPORT

June 30, 2013

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MESA UNION SCHOOL DISTRICT

AUDIT REPORT

June 30, 2013

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INDEPENDENT AUDITOR'S REPORT

Board of Education
Mesa Union School District
3901 North Mesa School Road
Somis, CA 93066

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the major fund, and the aggregate remaining fund information of the Mesa Union School District (the District) as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

2210 E. Route 66, Suite 100, Glendora, CA 91740

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Opinions

In our opinion, the financial statements listed in the aforementioned table of contents present fairly, in all material respects, the respective financial position of the governmental activities, the major fund, and the aggregate remaining fund information of the District as of June 30, 2013, and the respective changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Change in Accounting Principle

As discussed in Note 1.C.18 to the basic financial statements, in 2013 the District adopted new accounting guidance, GASB Statement No. 63, *Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources and Net Position* and GASB Statement No. 65, *Items Previously Reported as Assets and Liabilities*. Our opinion is not modified with respect to these matters.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

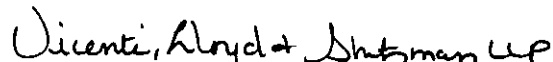
Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the District's basic financial statements. The supplementary schedules and the combining and individual non-major fund financial statements are presented for purposes of additional analysis and are not a required part of the basic financial statements.

Board of Education
Mesa Union School District

The supplementary section and combining and individual non-major fund financial statements are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated in all material respects in relation to the financial statements as a whole.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated October 24, 2013 on our consideration of the District's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the District's internal control over financial reporting and compliance.


VICENTI, LLOYD & STUTZMAN LLP
Glendora, CA
October 24, 2013

MESA UNION SCHOOL DISTRICT
MANAGEMENT'S DISCUSSION AND ANALYSIS
Year Ended June 30, 2013

This section of Mesa Union Elementary School District's 2012/13 annual financial report presents management's discussion and analysis of the District's financial performance during the fiscal year that ended on June 30, 2013. Please read it in conjunction with the independent auditor's report at the front of this report and the District's financial statements, which immediately follow this section.

OVERVIEW OF THE FINANCIAL STATEMENTS

Financial Statements

The financial statements presented herein include all of the activities of the Mesa Union Elementary School District (the District) using the integrated approach as prescribed by GASB Statement Number 34.

The *Government-Wide Financial Statements* present the financial picture of the District from the economic resources measurement focus using the accrual basis of accounting. They present governmental activities. These statements include all assets of the District as well as all liabilities (including long-term obligations).

Governmental Activities are prepared using the economic resources measurement focus and the accrual basis of Accounting.

The *Fund Financial Statements* include statements for the governmental activities.

The *Governmental Funds* are prepared using the current financial resources measurement focus and modified accrual basis of accounting. Governmental funds of the District include:

- General Fund, including the Deferred Maintenance Fund, the Pupil Transportation Equipment Fund and the Special Reserve Fund for Other than Capital Outlay Projects
- Cafeteria Fund
- Building Fund (Bonds)
- Capital Facilities Fund (Developer Fees)
- Special Reserve Fund for Capital Outlay Projects
- County Schools Facilities Fund
- Bond Interest and Redemption Fund

The District has no *Proprietary Funds*.

MESA UNION SCHOOL DISTRICT
MANAGEMENT'S DISCUSSION AND ANALYSIS
Year Ended June 30, 2013

The Fiduciary funds are funds where the District is the trustee, or fiduciary, for assets that belong to others, such as the student activities funds. The District is responsible for ensuring that the assets reported in these funds are used only for their intended purposes and by those to whom the assets belong. All of the District's fiduciary activities are reported in a separate statement of fiduciary net position on page 7 and 8. The District excluded these activities from the district-wide financial statements because the District cannot use these assets to finance its operations.

Reconciliation of the Fund Financial Statements to the Government-Wide Financial Statements is provided to explain the differences created by the integrated approach.

The Primary unit of the government is the District.

FINANCIAL HIGHLIGHTS OF THE PAST YEAR

- The total net position of the District was \$7.9 million as of June 30, 2013, which is a decrease of \$470 thousand (5.6%) from the prior fiscal year.
- District revenues from all governmental activities were \$5.2 million (an increase of \$11 thousand from the prior fiscal year).
- District expenditures from all governmental activities totaled \$5.4 million (a decrease of \$193 thousand from the prior fiscal year).
- The fund balance of the General Fund (excluding the Special Revenue Funds reported in the General Fund according to GASB 54) decreased \$66 thousand (4.9%) over the prior fiscal year.
- Capital Assets (net of depreciation) increased \$35 thousand for a net total of \$13.76 million.
- The District's net outstanding long-term debt increased \$837 thousand for a total of \$8.0 million.

MESA UNION SCHOOL DISTRICT
MANAGEMENT'S DISCUSSION AND ANALYSIS
Year Ended June 30, 2013

REPORTING THE DISTRICT AS A WHOLE

The Statement of Net Position and the Statement of Activities

The *Statement of Net Position* and the *Statement of Activities* report information about the District as a whole and about its activities. These statements include *all* assets, deferred outflows of resources and liabilities of the District using the accrual basis of accounting, which is similar to the accounting used by most private-sector companies. All of the current year's revenues and expenses are taken into account regardless of when cash is received or paid.

These two statements report the District's *net position* and changes in the net position in the fiscal year. Net position is the net between assets plus deferred outflows of resources less liabilities, one way to measure the District's financial health, or *financial position*. Over time, *increases or decreases* in the District's net position is an indicator of whether its *financial health* is improving or deteriorating. Other factors to consider are changes in the District's enrollment and the condition of the District's facilities.

The relationship between revenues and expenses is the District's *operating results*. Since the governing Board's responsibility is to provide services to the students and not to generate profit as commercial entities do, one must consider other factors when evaluating the *overall health* of the District. The quality of the education and the safety of our schools will likely be an important component in this evaluation.

In the *Statement of Net Position* and the *Statement of Activities*, the District's activities are separated as follows:

Governmental activities - All of the District's services are reported in this category. This includes the education of kindergarten through grade eight students, and the on-going effort to improve and maintain buildings and sites. Property taxes, State apportionment, user fees, interest income, Federal, State and local grants finance these activities.

Business-type activities - None at this time.

MESA UNION SCHOOL DISTRICT
MANAGEMENT'S DISCUSSION AND ANALYSIS
Year Ended June 30, 2013

REPORTING THE DISTRICT'S MOST SIGNIFICANT FUNDS

Fund Financial Statements

The fund financial statements provide detailed information about the most significant funds - not the District as a whole. Some funds are required to be established by State law and bond covenants. However, management establishes many other funds to help it control and manage money for particular purposes or to show that it is meeting legal responsibilities for using certain taxes, grants, and other money that it receives from the U.S. Department of Education.

Governmental funds - All of the District's basic services are reported in governmental funds, which focus on how money flows into and out of those funds and the balances left at year-end that are available for spending. These funds are reported using an accounting method called *modified accrual* accounting, which measures cash and all other *financial* assets that can readily be converted to cash. The governmental fund statements provide a detailed *short-term view* of the District's general government operations and the basic services it provides. Governmental fund information helps determine whether there are more or fewer financial resources that can be spent in the near future to finance the District's programs. The differences of results in the governmental fund financial statements to those in the government-wide financial statements are explained in a reconciliation following each governmental fund financial statement.

MESA UNION SCHOOL DISTRICT
MANAGEMENT'S DISCUSSION AND ANALYSIS
Year Ended June 30, 2013

THE DISTRICT AS A WHOLE

Net Position

The District's net position was \$7.9 million for the fiscal year ended June 30, 2013. Of this amount, \$1.5 million was unrestricted. Restricted net position is reported separately to show legal constraints from debt covenants, grantors, constitutional provisions and enabling legislation that limit the governing board's ability to use restricted net position for day-to-day operations. The following analysis, in summary form, focuses on the net position (Table 1) and change in net position (Table 2) of the District's governmental activities.

The \$1.5 million in unrestricted net position of governmental activities represents the *accumulated* results of all past years' operations that is not legally restricted for other purposes or invested in capital assets. It means that if the District had to pay off all of its bills *today*, including all of its liabilities, the District would have remaining assets of \$1.5 million that are not legally restricted for specific purposes or invested in capital outlay.

Table 1: Net Position

	Governmental Activities		
	<u>2013</u>	<u>2012*</u>	<u>Difference</u>
Assets			
Current and other assets	\$ 2,441,061	\$ 3,769,407	\$ (1,328,346)
Capital assets	<u>13,755,636</u>	<u>13,720,870</u>	<u>34,766</u>
Total Assets	<u>16,196,697</u>	<u>17,490,277</u>	<u>(1,293,580)</u>
Deferred Outflow of Resources			
Deferred charge on refunding	<u>182,245</u>	<u>195,185</u>	<u>(12,940)</u>
Total Deferred Outflow of Resources	<u>182,245</u>	<u>195,185</u>	<u>(12,940)</u>
Liabilities			
Current liabilities	542,793	542,464	329
Long-term debt	<u>7,960,224</u>	<u>8,796,990</u>	<u>(836,766)</u>
Total Liabilities	<u>8,503,017</u>	<u>9,339,454</u>	<u>(836,437)</u>
Net Position			
Invested in capital assets, net of related debt	5,795,412	5,400,685	394,727
Restricted	615,403	1,709,493	(1,094,090)
Unrestricted	<u>1,465,110</u>	<u>1,235,830</u>	<u>229,280</u>
Total Net Position	<u>\$ 7,875,925</u>	<u>\$ 8,346,008</u>	<u>\$ (470,083)</u>

* Prior year numbers have not been restated due to GASB No. 65, *Items Previously Reported as Assets and Liabilities*; however certain reclassifications have been made. See Note 1.C.18.

MESA UNION SCHOOL DISTRICT
MANAGEMENT'S DISCUSSION AND ANALYSIS
Year Ended June 30, 2013

Governmental Activities

The results of this year's operations for the District as a whole are reported in the *Government-wide Statement of Activities* on page 2. Table 2 takes the information from the Statement and rearranges them slightly in order to see the total revenues, expenditures, and change in net position for the year. The revenues from all governmental sources were \$5.2 million and the cost of all governmental activities was \$5.4 million, resulting in a decrease in net position of \$205 thousand (excluding the prior year beginning balance adjustment of \$265 thousand discussed in Note 1.C.18).

Table 2: Governmental Activities

	Governmental Activities		
	<u>2013</u>	<u>2012*</u>	<u>Difference</u>
Revenues			
Program revenues:			
Charges for services	\$ 86,018	\$ 93,760	\$ (7,742)
Operating grants and contributions	820,763	919,594	(98,831)
Capital grants and contributions		2,144	(2,144)
General revenues:			
Federal and state aid (unrestricted)	1,694,991	1,636,716	58,275
Property taxes	2,466,240	2,372,086	94,154
Other general revenues	101,740	134,953	(33,213)
Total Revenues	<u>5,169,752</u>	<u>5,159,253</u>	<u>10,499</u>
Expenses			
Instruction	2,918,186	2,977,259	(59,073)
Instruction-related services	493,188	491,275	1,913
Pupil services	432,884	405,396	27,488
Ancillary services	1,707	1,711	(4)
General administration	366,850	457,338	(90,488)
Plant services	643,496	654,133	(10,637)
Debt service	383,011	451,362	(68,351)
Other outgo	135,688	129,694	5,994
Total Expenses	<u>5,375,010</u>	<u>5,568,168</u>	<u>(193,158)</u>
Change in Net Position	<u>\$ (205,258)</u>	<u>\$ (408,915)</u>	<u>\$ 203,657</u>

* Prior year numbers have not been restated due to GASB No. 65, *Items Previously Reported as Assets and Liabilities*. See Note 1.C.18.

MESA UNION SCHOOL DISTRICT
MANAGEMENT'S DISCUSSION AND ANALYSIS
Year Ended June 30, 2013

Cost of Services

The cost of each of the District's largest functions, as well as each program's *net* cost (total cost less revenues generated by the activities) is presented below. Providing this information allows our citizens to consider the cost of each function in comparison to the benefits they believe are provided by that function.

Table 3: Cost of Services

Services (Functions)	Total Cost of Services		Net Cost of Services	
	2013	2012*	2013	2012*
Instruction	\$ 2,918,186	\$ 2,977,259	\$ 2,518,983	\$ 2,515,129
Instruction-related services	493,188	491,275	416,126	390,481
Pupil services	432,884	405,396	125,830	42,563
Ancillary services	1,707	1,711	1,707	1,711
General administration	366,850	457,338	331,626	435,318
Plant services	643,496	654,133	643,496	654,041
Debt service	383,011	451,362	383,011	451,362
Other outgo	135,688	129,694	47,450	62,065
Totals	\$ 5,375,010	\$ 5,568,168	\$ 4,468,229	\$ 4,552,670

* Prior year numbers have not been restated due to GASB No. 65, *Items Previously Reported as Assets and Liabilities*. See Note 1.C.18.

MESA UNION SCHOOL DISTRICT
MANAGEMENT'S DISCUSSION AND ANALYSIS
Year Ended June 30, 2013

GOVERNMENTAL FUNDS

As the District completed this year, the governmental funds reported a combined fund balance of \$2.1 million, which is a decrease from last year of \$1.1 million (34%) as shown in Table 4.

Table 4: Fund Balance

Fund	Fund Balance		
	<u>June 30, 2013</u>	<u>June 30, 2012</u>	<u>Difference</u>
<i>Major Governmental Funds</i>			
General	\$ 1,278,275	\$ 1,344,601	\$ (66,326)
Deferred Maintenance	200,139	224,309	(24,170)
Pupil Transportation Equipment	19,706	19,626	80
Special Reserve Non-Capital	<u>10,505</u>	<u>10,462</u>	<u>43</u>
Total General Fund *	1,508,625	1,598,998	(90,373)
Bond Interest and Redemption	457,046	453,100	3,946
<i>Non-Major Governmental Funds</i>			
Cafeteria	46,591	46,027	564
Building Fund		981,368	(981,368)
Capital Facilities	39,522	38,318	1,204
County School Facilities			-
Special Reserve Capital Outlay	<u>245</u>	<u>245</u>	<u>-</u>
Totals	<u>\$ 2,052,029</u>	<u>\$ 3,118,056</u>	<u>\$ (1,066,027)</u>

**GASB 54 required special revenue funds without an independent, restricted funding source to be included in the District's General Fund*

1. The Total General Fund Balance (including GASB 54 revenue funds) decreased \$90 thousand due to:
 - a. The decrease of \$66 thousand (4.9%) in the General Fund (which is the principal operating fund of the District) is primarily due to expenditures in 2012/13 for carryover of restricted funds from 2011/12.
 - b. The decrease of \$24 thousand in the Deferred Maintenance Fund is due to expenditures for replacement of a water well pump.
2. The decrease in the Building Fund of \$981 thousand is due to expenditures for planned capital outlay projects (parking lot, traffic light, modular locker room, technology infrastructure).

MESA UNION SCHOOL DISTRICT
MANAGEMENT'S DISCUSSION AND ANALYSIS
Year Ended June 30, 2013

GENERAL FUND BUDGETARY HIGHLIGHTS

Over the course of the year, the District revised its budget as unanticipated changes in revenues and expenditures became known. A schedule showing the District's original and final budget amounts compared with amounts actually paid and received for the General Fund is provided on page 38. Table 5 compares the District's original adopted budget for the General Fund with the amounts actually paid and received in 2012/13. A comparison is also shown between the 2011/12 and 2012/13 actual revenues and expenditures.

Table 5: General Fund Comparison

	2011/12 Actuals	2012/13 Original Budget	2012/13 Actuals	Comparison 2010/11 - 2011/12		Comparison Actuals vs. Original Budget	
				Amount	%	Amount	%
Revenues							
Revenue limit sources	\$ 3,067,130	\$ 2,947,484	\$ 3,196,108	\$ 128,978	4.21%	\$ 248,624	8.44%
Federal sources	314,843	228,266	253,838	(61,005)	-19.38%	25,572	11.20%
Other state sources	589,008	548,657	603,908	14,900	2.53%	55,251	10.07%
Other local sources	427,432	425,817	421,628	(5,804)	-1.36%	(4,189)	-0.98%
Total Revenues	4,398,413	4,150,224	4,475,482	77,069	1.75%	325,258	7.84%
Expenditures							
Certificated salaries	2,183,242	2,158,821	2,138,458	(44,784)	-2.05%	(20,363)	-0.94%
Classified salaries	610,312	588,378	561,743	(48,569)	-7.96%	(26,635)	-4.53%
Employee benefits	824,188	825,057	798,486	(25,702)	-3.12%	(26,571)	-3.22%
Books and supplies	216,908	187,331	155,943	(60,965)	-28.11%	(31,388)	-16.76%
Services and other operating expenditures	652,055	708,811	673,684	21,629	3.32%	(35,127)	-4.96%
Capital outlay	21,699			(21,699)	-100.00%	-	-
Other outgo	104,899	126,330	133,802	28,903	27.55%	7,472	5.91%
Direct support - indirect costs			(7,205)	(7,205)	-	(7,205)	-
Debt service	28,050	51,894	688,050	660,000	2352.94%	636,156	1225.88%
Total Expenditures	4,641,353	4,646,622	5,142,961	501,608	10.81%	496,339	10.68%
Increase/(Decrease)	(242,940)	(496,398)	(667,479)	(424,539)	-174.75%	(171,081)	-34.46%
Other Financing Sources							
Transfers in			601,153	601,153	-	601,153	-
Total Other Sources	-	-	601,153	601,153	-	601,153	-
Net Change in Fund Balance	(242,940)	(496,398)	(66,326)	176,614	72.70%	430,072	86.64%
Beginning Fund Balance	1,587,541	1,344,601	1,344,601	(242,940)	-15.30%	-	0.00%
Ending Fund Balance	\$ 1,344,601	\$ 848,203	\$ 1,278,275	\$ (66,326)	-4.93%	\$ 430,072	50.70%

This schedule is for the General Fund only for all years. The Deferred Maintenance, the Pupil Transportation Fund and the Special Reserve Fund for Non-Capital Outlay have not been included.

MESA UNION SCHOOL DISTRICT

MANAGEMENT'S DISCUSSION AND ANALYSIS Year Ended June 30, 2013

1. Actual revenues increased \$325 thousand from the adopted budget projections due to the following:
 - a. Revenue limit funding increased \$249 thousand due to the restoration of a projected midyear "trigger reduction" of approximately \$440 per ADA due to the passage of Proposition 30 (Education Protection Act).
 - b. Federal revenues increased \$26 thousand primarily due to an increase in the Title I allocation.
 - c. State revenue increased \$55 thousand due to the following increases:
 - i. \$7 thousand economic impact aid
 - ii. \$2 thousand pupil transportation funding
 - iii. \$11 thousand class size reduction program
 - iv. \$21 thousand mandated block grant
 - v. \$9 thousand lottery
 - vi. \$5 thousand other state revenues (including prior year adjustments).
 - d. Local revenue decreased approximately \$4 thousand from the revenues projected for the adopted budget due to the following:
 - i. \$1 thousand decrease in interest earnings
 - ii. \$8 thousand decrease in pupil transportation fees
 - iii. \$6 thousand increase in charter oversight fees
 - iv. \$9 thousand removal of Neighborhood For Learning funding
 - v. \$24 thousand reduction in donations from Foundation
 - vi. \$7 thousand increase in miscellaneous donations
 - vii. \$25 thousand increase in AB602 Special Education pass through funding
2. The actual expenditures were \$496 thousand more than the expenditures included in the original adopted budget. The difference is primarily due to the following:
 - a. Salaries and benefits decreased \$74 thousand primarily due to the reduction of extra duty stipends, classified overtime, savings from unfilled leave of absences, and savings from replacement of administrative personnel.
 - b. Books and supplies decreased \$31 thousand due to carryover of categorical programs to be expensed in 2013/14.

MESA UNION SCHOOL DISTRICT
MANAGEMENT'S DISCUSSION AND ANALYSIS
Year Ended June 30, 2013

- c. Services and other operating costs decreased \$35 thousand primarily because repair costs were less than anticipated (copier, maintenance, and bus repairs).
 - d. Debt service costs were \$636 thousand more than included in the adopted budget due to the Board decision to exercise the District's option to repay the certificates of participation in its entirety.
3. Transfers In increased \$601 thousand due to the transfer of the certificates of participation proceeds from the Bond Building Fund since the bridge funding was no longer needed due to hardship funding received through the SB50 State Facilities Program.

CAPITAL ASSET AND DEBT ADMINISTRATION

Capital Assets

As of June 30, 2013, the District had \$13.8 million in a broad range of capital assets (net of depreciation), including land, buildings, and equipment as shown in Table 6 below. The net increase of \$35 thousand was primarily due to the completion of the facility hardship expansion capital outlay project (increase of \$393 thousand) and depreciation (decrease of \$358 thousand). More detailed information about the District's capital assets is presented in Note 6 of the financial statements on page 28.

Table 6: Capital Assets (Net of Depreciation)

Capital Assets (Net of Depreciation)	Governmental Activities		
	2013	2012	Difference
Land	\$ 1,961,220	\$ 1,961,220	\$ -
Work in progress		50,668	(50,668)
Land improvements	5,391,384	5,184,455	206,929
Buildings	6,204,589	6,269,628	(65,039)
Equipment	198,443	254,899	(56,456)
Totals	\$ 13,755,636	\$ 13,720,870	\$ 34,766

MESA UNION SCHOOL DISTRICT
MANAGEMENT'S DISCUSSION AND ANALYSIS
Year Ended June 30, 2013

Long-Term Obligations

The District had \$8.0 million in long-term obligations outstanding as of June 30, 2013 as shown on the following Table. The decrease of \$837 thousand was due a combination of the elimination of the certificates of participation (\$660 thousand), last payment of the early retirement incentive (\$17 thousand) and the decrease in the general obligation bonds (\$160 thousand). More detailed information about the District's long-term obligations is presented in Note 11 to the financial statements on page 31.

Table 7: Long-Term Obligations

Long-Term Obligations	Governmental Activities		
	<u>2013</u>	<u>2012*</u>	<u>Difference</u>
General obligation bonds	\$ 7,960,224	\$ 8,120,195	\$ (159,971)
Certificates of participation		660,000	(660,000)
Early retirement incentive (PARS)		16,795	(16,795)
Totals	<u>\$ 7,960,224</u>	<u>\$ 8,796,990</u>	<u>\$ (836,766)</u>

* The prior year balance has been revised to conform to the current year presentation based on GASB No. 65, *Items Previously Reported as Assets and Liabilities* . See Note 1.C.18.

ECONOMIC FACTORS AND NEXT YEAR'S BUDGET AND RATES

In considering the District's Budget for the 2013/14 fiscal year, the District Board and management used the following criteria:

The key assumptions in the revenue forecast were based on the State's May 2013 Revised Budget projections (without the implementation of the local control funding formula) as follows:

1. Revenue limit income includes a cost of living adjustment of 1.565%, deficit of 22.272%, and average daily attendance of 636 (same as 2012/13), resulting in a projected increase of \$22 thousand.
2. Federal income includes the removal of prior year one-time funding and carryover, 5.92% reduction for projected federal sequestration, resulting in a decrease of \$38 thousand.
3. State revenue is budgeted at the same funding rate as the prior year.
4. All prior year one-time local revenue has been removed, resulting in a decrease of \$12 thousand.

MESA UNION SCHOOL DISTRICT

**MANAGEMENT'S DISCUSSION AND ANALYSIS
Year Ended June 30, 2013**

The key assumptions in the expenditure forecast which projects a decrease of \$521 thousand are as follows:

1. Staffing ratios are in place as follows:

	<u>Staffing Ratio</u>
Grades K through three	25:1
Grades four through eighth	Varies

2. Salaries and benefits include step and column but no cost of living adjustment until bargained.
3. Supplies are budgeted based on projected student enrollment.
4. Other operating services have been increased based on the consumer price index.
5. Prior year one-time expenditures have been removed from the budget (including the one-time repayment of \$688 thousand).

CONTACTING THE DISTRICT'S FINANCIAL MANAGEMENT

This financial report is designed to provide our citizens, taxpayers, students, investors and creditors with a general overview of the District's finances and to show the District's accountability for the money it receives. If you have questions about this report or need any additional financial information, contact the Chief Business Official, at Ventura County Schools Business Services Authority, Camarillo, California, 93012, (805) 383-1972 or e-mail at chansen@vcoe.org.

FINANCIAL SECTION

MESA UNION SCHOOL DISTRICT

STATEMENT OF NET POSITION

June 30, 2013

	<u>Governmental Activities</u>
<u>Assets</u>	
Cash in county treasury	\$ 1,384,469
Cash on hand and in banks	200
Cash in revolving fund	1,000
Cash with fiscal agent	14,684
Cash collections awaiting deposit	11,836
Accounts receivable:	
Federal and state governments	931,820
Miscellaneous	90,302
Inventories	6,750
Land	1,961,220
Depreciable assets, net	<u>11,794,416</u>
Total Assets	<u>16,196,697</u>
 <u>Deferred Outflow of Resources</u>	
Deferred charge on refunding	<u>182,245</u>
Total Deferred Outflow of Resources	<u>182,245</u>
 <u>Liabilities</u>	
Accounts payable	388,384
Accrued interest	153,761
Unearned revenue	648
Current portion of long-term liabilities:	
General obligation bonds	140,000
Non-current portion of long-term liabilities:	
General obligation bonds	<u>7,820,224</u>
Total Liabilities	<u>8,503,017</u>
 <u>Net Position</u>	
Invested in capital assets, net of related debt	5,795,412
Restricted for:	
Capital projects	39,522
Debt service	303,285
Educational programs	272,596
Unrestricted	<u>1,465,110</u>
Total Net Position	<u>\$ 7,875,925</u>

See the accompanying notes to the financial statements.

MESA UNION SCHOOL DISTRICT

STATEMENT OF ACTIVITIES
For the Fiscal Year Ended June 30, 2013

Functions	Expenses	Program Revenues		Net (Expense) Revenue and Changes in Net Position
		Charges for Services	Operating Grants and Contributions	Governmental Activities
Governmental Activities				
Instruction	\$ 2,918,186	\$	\$ 399,203	\$ (2,518,983)
Instruction - related services	493,188		77,062	(416,126)
Pupil services	432,884	82,052	225,002	(125,830)
Ancillary services	1,707			(1,707)
General administration	366,850	3,966	31,258	(331,626)
Plant services	643,496			(643,496)
Debt service	383,011			(383,011)
Other outgo	135,688		88,238	(47,450)
Total Governmental Activities	<u>\$ 5,375,010</u>	<u>\$ 86,018</u>	<u>\$ 820,763</u>	<u>(4,468,229)</u>
General Revenues				
Property taxes levied for:				
General purposes				1,959,484
Debt service				506,756
Federal and state aid not restricted to specific purposes				1,694,991
Interest				9,278
Interagency revenues				75,784
Miscellaneous				<u>16,678</u>
Total General Revenues				<u>4,262,971</u>
Change in net position				<u>(205,258)</u>
Net Position - Beginning of Year, as Originally Stated				8,346,008
Cumulative effect of change in accounting principle (See Note 1.C.18)				<u>(264,825)</u>
Net Position - Beginning of Year, as Restated				<u>8,081,183</u>
Net Position - End of Year				<u>\$ 7,875,925</u>

See the accompanying notes to the financial statements.

MESA UNION SCHOOL DISTRICT

BALANCE SHEET - GOVERNMENTAL FUNDS

June 30, 2013

	<u>General Fund</u>	<u>Bond Interest and Redemption Fund</u>	<u>Other Governmental Funds</u>	<u>Total Governmental Funds</u>
<u>Assets</u>				
Cash in county treasury	\$ 869,911	\$ 456,704	\$ 57,854	\$ 1,384,469
Cash on hand and in banks	100		100	200
Cash in revolving fund	1,000			1,000
Cash with fiscal agent	14,684			14,684
Cash collections awaiting deposit	1,411		10,425	11,836
Accounts receivable:				
Federal and state governments	911,443		20,377	931,820
Miscellaneous	89,892	342	68	90,302
Due from other funds	7,206		11,186	18,392
Inventories			6,750	6,750
Total Assets	<u>\$ 1,895,647</u>	<u>\$ 457,046</u>	<u>\$ 106,760</u>	<u>\$ 2,459,453</u>
<u>Liabilities and Fund Balance</u>				
Liabilities				
Accounts payable	\$ 386,374	\$	\$ 2,010	\$ 388,384
Due to other funds			18,392	18,392
Unearned revenue	648			648
Total Liabilities	<u>387,022</u>	<u>-</u>	<u>20,402</u>	<u>407,424</u>
Fund Balance				
Nonspendable	1,000		6,750	7,750
Restricted	232,755	457,046	79,363	769,164
Committed	230,350			230,350
Assigned	174,907		245	175,152
Unassigned	869,613			869,613
Total Fund Balance	<u>1,508,625</u>	<u>457,046</u>	<u>86,358</u>	<u>2,052,029</u>
Total Liabilities and Fund Balance	<u>\$ 1,895,647</u>	<u>\$ 457,046</u>	<u>\$ 106,760</u>	<u>\$ 2,459,453</u>

See the accompanying notes to the financial statements.

MESA UNION SCHOOL DISTRICT

**RECONCILIATION OF THE GOVERNMENTAL FUNDS BALANCE SHEET TO THE
STATEMENT OF NET POSITION**

June 30, 2013

Total fund balance – governmental funds \$ 2,052,029

Amounts reported for governmental activities in the statement of net position are different because:

Capital assets used for governmental activities are not financial resources and, therefore, are not reported as assets in governmental funds. These assets consist of:

Land	\$ 1,961,220	
Depreciable assets, net	<u>11,794,416</u>	
Total capital assets		13,755,636

Deferred outflows of resources are recognized over future periods, therefore, unamortized amounts are accrued in the statement of net position

Deferred charge on refunding		182,245
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Long-term liabilities, including bonds payable, are not due and payable in the current period and, therefore, are not reported as liabilities in the funds. Long-term liabilities at year-end consist of:

General obligation bonds principal payable	(7,490,000)	
Unmatured premium general obligation bonds	<u>(470,224)</u>	
Total long-term liabilities		(7,960,224)

Interest expense related to general obligation bonds payable was incurred but not accrued through June 30, 2013		<u>(153,761)</u>
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Total net position – governmental activities \$ 7,875,925

See the accompanying notes to the financial statements.

MESA UNION SCHOOL DISTRICT

STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCE - GOVERNMENTAL FUNDS
For the Fiscal Year Ended June 30, 2013

	General Fund	Bond Interest and Redemption Fund	Other Governmental Funds	Total Governmental Funds
Revenues				
Revenue limit sources:				
State apportionments	\$ 2,260,146	\$	\$	\$ 2,260,146
Local sources	935,962			935,962
Total revenue limit sources	3,196,108	-	-	3,196,108
Federal sources	253,838		95,674	349,512
Other state sources	603,908	2,718	8,047	614,673
Other local sources	422,307	505,397	81,755	1,009,459
Total Revenues	4,476,161	508,115	185,476	5,169,752
Expenditures				
Instruction	2,862,844			2,862,844
Instruction - related services	480,874			480,874
Pupil services	230,358		161,533	391,891
Ancillary services	1,707			1,707
General administration	354,774		9,810	364,584
Plant services	413,392		392,580	805,972
Debt service	688,050	504,169		1,192,219
Other outgo	135,688			135,688
Total Expenditures	5,167,687	504,169	563,923	6,235,779
Excess (deficiency) of revenues over expenditures	(691,526)	3,946	(378,447)	(1,066,027)
Other Financing Sources (Uses)				
Interfund transfers in	601,153			601,153
Interfund transfers out			(601,153)	(601,153)
Total Other Financing Sources (Uses)	601,153	-	(601,153)	-
Net change in fund balance	(90,373)	3,946	(979,600)	(1,066,027)
Fund Balance - Beginning of Year (See Note 1.C.19.)	1,598,998	453,100	1,065,958	3,118,056
Fund Balance - End of Year	\$ 1,508,625	\$ 457,046	\$ 86,358	\$ 2,052,029

See the accompanying notes to the financial statements.

MESA UNION SCHOOL DISTRICT
RECONCILIATION OF THE GOVERNMENTAL FUNDS
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES TO THE STATEMENT OF ACTIVITIES
For the Fiscal Year Ended June 30, 2013

Net change in fund balance – Total government funds \$ (1,066,027)

Amounts reported for governmental activities in the statement of activities are different because:

Governmental funds report capital outlay as expenditures. However, in the statement of activities, the cost of those assets is allocated over their useful lives as depreciation expense.

Capital outlay	\$ 392,581	
Depreciation expense	<u>(357,815)</u>	
Excess of capital outlay over depreciation expense		34,766

The governmental funds report bond proceeds as an other financing source, while repayment of bond principal is reported as an expenditure. Interest is recognized as an expenditure in the governmental funds when it is due. In the statement of activities interest expense is recognized as it accrues, regardless of when it is due. The net effect of these differences in the treatment of general obligation bonds and related items is as follows:

General obligation bond principal payments	130,000	
Bond premium, current year amortization	29,971	
Deferred outflow, current year amortization	(12,940)	
Net decrease in accrued interest	2,177	
Repayment of certificates of participation	<u>660,000</u>	
		809,208

Some items reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds. These activities consist of:

Net decrease in early retirement incentive (PARS)		<u>16,795</u>
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Change in net position of governmental activities \$ (205,258)

See the accompanying notes to the financial statements.

MESA UNION SCHOOL DISTRICT

STATEMENT OF FIDUCIARY NET POSITION

June 30, 2013

	<u>Associated Student Body Fund</u>
<u>Assets</u>	
Cash on hand and in banks	\$ 4,586
Total Assets	<u>4,586</u>
<u>Net Position</u>	
Unrestricted	4,586
Total Net Position	<u>\$ 4,586</u>

See the accompanying notes to the financial statements.

MESA UNION SCHOOL DISTRICT

STATEMENT OF CHANGES IN FIDUCIARY NET POSITION
For the Fiscal Year Ended June 30, 2013

	<u>Associated Student Body Fund</u>
Additions	
Revenue from local sources	\$ 42,404
Total Additions	<u>42,404</u>
Deductions	
Other expenses	<u>38,952</u>
Total Deductions	<u>38,952</u>
Change in net position	3,452
Net Position - Beginning of Year	<u>1,134</u>
Net Position - End of Year	<u>\$ 4,586</u>

See the accompanying notes to the financial statements.

MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES:

The District accounts for its financial transactions in accordance with the policies and procedures of the Department of Education's *California School Accounting Manual*, updated to conform to the most current financial and reporting requirements promulgated by the California Department of Education. The accounting policies of the district conform to generally accepted accounting principles (GAAP) as prescribed by the Governmental Accounting Standards Board (GASB).

The significant accounting policies applicable to the District are described below.

A. BASIS OF PRESENTATION:

The accompanying financial statements have been prepared in conformity with GAAP as prescribed by GASB. The financial statement presentation required by GASB provides a comprehensive, entity-wide perspective of the District's financial activities. The entity-wide perspective enhances the fund-group perspective previously required. Fiduciary activities are excluded from the basic financial statements and are reported separately in the fiduciary fund statements.

The District's basic financial statements consist of government-wide statements, including a Statement of Net Position, a Statement of Activities, and fund financial statements.

1. Government-wide Financial Statements:

The Statement of Net Position and the Statement of Activities displays information about the District as a whole. These statements include the financial activities of the primary government. Fiduciary funds are excluded

MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (continued)

A. BASIS OF PRESENTATION: (continued)

1. Government-wide Financial Statements: (continued)

The Statement of Net Position presents the financial condition of the governmental activities of the District at year-end. The Statement of Activities presents a comparison between direct expenses and program revenues for each program or function of the District's governmental activities. Direct expenses are those that are specifically associated with a service, program or department and therefore clearly identifiable to a particular function. Program revenues include charges paid by the recipient of the goods or services offered by the program, grants and contributions that are restricted to meeting the operational or capital requirements of a particular program and interest earned on grants that is required to be used to support a particular program. Revenues which are not classified as program revenues are presented as general revenues of the District. The comparison of direct expenses with program revenues identifies the extent to which each governmental function is self-financing or draws from the general revenues of the District. Depreciation has been allocated to specific functions.

2. Fund Financial Statements:

During the year, the District segregates transactions related to certain District functions or activities in separate funds in order to aid financial management and to demonstrate legal compliance. Fund financial statements are designed to present financial information of the District at this more detailed level. The focus of governmental funds financial statements is on major funds. Each major fund is presented in a separate column. Nonmajor funds are aggregated and presented in a single column. The fiduciary funds are reported by type.

MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (continued)

A. BASIS OF PRESENTATION: (continued)

2. Fund Financial Statements: (continued)

The fund financial statement expenditures are presented in a function-oriented format. The following is a brief description of the functions:

Instruction - includes the activities directly dealing with the interaction between teachers and students.

Instruction - Related Services - includes supervision of instruction, instructional library, media and technology, and school site administration.

Pupil Services - includes home to school transportation, food services and other pupil services.

Ancillary Services - includes activities that are generally designed to provide students with experiences outside the regular school day.

General Administration - includes data processing services and all other general administration services.

Plant Services - includes activities of maintaining the physical plant. This also includes facilities acquisition and construction expenditures.

Debt Service - includes principal and interest payments for long-term debt.

Other Outgo - includes transfers to other agencies.

The fiduciary fund expenditures are presented by natural classification.

MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (continued)

B. FUND ACCOUNTING:

To ensure compliance with the California Education Code, the financial resources of the District are divided into separate funds for which separate accounts are maintained for recording cash, other resources and all related liabilities, obligations and equities.

The Statement of Revenues, Expenditures and Changes in Fund Balance are statements of financial activities of the particular fund related to the current reporting period. Expenditures of the various funds frequently include amounts for land, buildings, equipment, retirement of indebtedness, transfers to other funds, etc. Consequently, these statements do not purport to present the result of operations or the net income or loss for the period as would a statement of income for a profit-type organization. The modified accrual basis of accounting is used for all governmental funds.

GOVERNMENTAL FUNDS - MAJOR

General Fund - the general operating fund of the District is used to account for all financial resources except those required to be accounted for in another fund. The Deferred Maintenance Fund, the Pupil Transportation Fund, and the Special Reserve Fund for Other than Capital Outlay do not meet the definition of a special revenue fund and all activities of these funds are reported in the General Fund.

Bond Interest and Redemption Fund - used to account for payment of bond interest and redemption of general obligation bond principle.

MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (continued)

B. FUND ACCOUNTING: (continued)

GOVERNMENTAL FUNDS - NON-MAJOR

Special Revenue Fund - used to account for the proceeds of specific revenue sources that are restricted or committed to expenditures for specific purposes other than debt service or capital projects.

1. Cafeteria Fund - used to account for revenues received and expenditures made to operate the District's cafeterias.

Capital Projects Funds - used to account for the financial resources that are restricted, committed or assigned for the acquisition and/or construction of major governmental general fixed assets.

1. Building Fund - used to account for the construction projects funded by the proceeds of voter approved bonds.
2. Capital Facilities Fund - used to account for resources received from residential and commercial developer impact fees.
3. County School Facilities Fund - used to account for the School Facility Program grant awards for modernization and new construction of various school sites.
4. Special Reserve Fund - used to account for specific board-approved capital expenditures.

FIDUCIARY FUNDS

Associated Student Body Fund - used to account for raising and expending money to promote the general welfare, morale and educational experiences of the Mesa Union School student body.

MESA UNION SCHOOL DISTRICT

NOTES TO FINANCIAL STATEMENTS

June 30, 2013

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (continued)

C. BASIS OF ACCOUNTING:

Basis of accounting refers to when revenues and expenditures or expenses are recognized in the accounts and reported in the financial statements. Basis of accounting relates to the timing of measurement made, regardless of the measurement focus applied. Revenues in governmental fund financial statements are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the District considers revenues to be available if they are collected within 60 days of the end of the current fiscal period.

Government-wide financial statements are prepared using the accrual basis of accounting. Governmental funds use the modified accrual basis of accounting. Fiduciary funds use the accrual basis of accounting. Differences in the accrual and the modified accrual basis of accounting arise in the recognition of revenue, the recording of unearned revenue, and in the presentation of expenses versus expenditures.

1. Cash and Cash Equivalents

The District's cash and cash equivalents are considered to be cash on hand, demand deposits and short-term investments with original maturities of three months or less from the date of acquisition. Cash in the County Treasury is recorded at cost, which approximates fair value, in accordance with the requirements of GASB Statement No. 31.

2. Receivables

Receivables are generally recorded when the amount is earned and can be estimated. All material receivables are considered fully collectible. Per Education Code Section 33128.1, a local education agency may recognize for budgetary and financial reporting purposes any amount of state appropriations deferred from the current fiscal year and appropriated from the subsequent fiscal year for payment of current year costs as a receivable in the current year. The District has recognized receivables in accordance with this standard, the most notable being for the final P-2 apportionment.

MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (continued)

C. BASIS OF ACCOUNTING: (continued)

3. Inventories

Inventories are presented at the lower of cost or market on an average basis and are expensed when used. Inventory consists of expendable supplies held for consumption. At June 30, 2013, the Cafeteria Fund had inventory of \$6,750 for food.

4. Capital Assets

Generally, capital assets result from expenditures in the governmental funds. These assets are reported in the governmental activities column of the Statement of Net Position, but are not reported in the fund financial statements.

Capital assets are capitalized at cost (or estimated historical cost) and updated for additions and retirements during the year. Donated fixed assets are recorded at their fair market values as of the date received. The District maintains a capitalization threshold of \$5,000. The District does not own any infrastructure as defined in GASB Statement No. 34. Improvements are capitalized; however, the costs of normal maintenance and repairs that do not add to the value of the asset or materially extend an asset's life are not capitalized.

MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (continued)

C. BASIS OF ACCOUNTING: (continued)

4. Capital Assets (continued)

All reported capital assets except for land are depreciated. Improvements are depreciated over the remaining useful lives of the related capital assets. Depreciation is computed using the straight-line method over the following useful lives:

Description	Estimated Lives
Buildings and Improvements	15-50 years
Furniture	5-15 years

Depreciation expense has been allocated as a direct expense to functions where applicable.

5. Deferred Outflow of Resources

Deferred outflow of resources represent a consumption of net position or fund balance that applied to a future period and thus, will not be recognized as an outflow of resources until then. The District has a deferred charge on refunding reported in the government-wide statement of net position. A deferred charge on refunding results from the difference in the carrying value of refunded debt and its reacquisition price. This amount is deferred and amortized over the shorter of the life of the refunded or refunding debt.

6. Unearned Revenue

Cash received for federal and state special projects and programs is recognized as revenue to the extent that qualified expenditures have been incurred. Unearned revenue is recorded to the extent cash received on specific projects and programs exceeds qualified expenditures.

MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (continued)

C. BASIS OF ACCOUNTING: (continued)

7. Compensated Absences

Sick leave benefits are accumulated without limit for each employee. The employees do not gain a vested right to accumulated sick leave, therefore, accumulated employee sick leave benefits are not recognized as a liability of the District. The District's policy is to record sick leave as an operating expense in the period taken since such benefits do not vest nor is payment probable; however, unused sick leave is added to the creditable service period for calculation of retirement benefits when the employee retires.

8. Long-Term Obligations

The District reports long-term debt of governmental funds at face value in the government-wide financial statements.

Bond premiums and discounts are deferred and amortized over the life of the bonds using the straight-line method. Bonds payable are reported net of the applicable bond premium or discount.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as expenditures.

MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (continued)

C. BASIS OF ACCOUNTING: (continued)

9. Fund Balance Classification

In accordance with GASB Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, the governmental fund financial statements present fund balance classifications that comprise a hierarchy based on the extent to which the District is bound to honor constraints on the specific purposes for which amounts can be spent. The classifications used in the governmental fund financial statements are as follows:

Nonspendable: This classification includes amounts that cannot be spent because they are either (a) not in spendable form or (b) are legally or contractually required to be maintained intact.

Restricted: Amounts for which constraints have been placed on the use of the resources either (a) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments, or (b) imposed by law through constitutional provisions or enabling legislation.

Committed: Amounts that can be used only for specific purposes pursuant to constraints imposed by formal action of the District Board of Education. These amounts cannot be used for any other purpose unless the District Board of Education removes or changes the specified use by taking the same formal action (vote or resolution) that was employed when the funds were initially committed. This classification also includes contractual obligations to the extent that existing resources have been specifically committed for use in satisfying those contractual requirements.

MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (continued)

C. BASIS OF ACCOUNTING: (continued)

9. Fund Balance Classification (continued)

Assigned: Amounts that are constrained by the District's intent to be used for a specific purpose but are neither restricted nor committed. The Board of Education, through a formal action has given authority to the Chief Business Official to assign amounts for a specific purpose that is neither restricted nor committed.

Unassigned: The residual fund balance for the General Fund and all other spendable amounts.

10. Spending Order Policy

The District considers restricted amounts to have been spent when an expenditure is incurred for purposes for which both restricted and unrestricted fund balance is available.

When an expenditure is incurred for which committed, assigned, or unassigned fund balances are available, the District's policy considers amounts to have been spent first out of committed funds, then assigned funds, and finally unassigned funds, as needed, unless the Board of Education has provided otherwise in its commitment or assignment functions.

11. Minimum Fund Balance Policy

The District has adopted a minimum fund balance policy in order to protect against revenue shortfalls and unexpected one-time expenditures. The policy requires a Reserve for Economic Uncertainties consisting of unassigned amounts which represent, at a minimum, 5% of annual operating expenditures and other uses.

MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (continued)

C. BASIS OF ACCOUNTING: (continued)

12. Net Position

Net position represents the difference between assets and liabilities. Net position invested in capital assets, net of related debt consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any borrowings used for the acquisition, construction or improvements of those assets. Net position is reported as restricted when there are limitations imposed on their use through external restrictions imposed by donors, grantors, laws or regulations of other governments or by enabling legislation adopted by the District.

13. State Apportionments

Certain current year apportionments from the State are based upon various financial and statistical information of the previous year. Second period to annual corrections for revenue limits and other state apportionments (either positive or negative) are accrued at the end of the fiscal year (see Note 1.C.2).

14. Property Taxes

Secured property taxes attach as an enforceable lien on property as of January 1. Taxes are payable in two installments on November 1 and February 1. Unsecured property taxes are payable in one installment on or before August 31.

Real and personal property tax revenues are reported in the same manner in which the County auditor records and reports actual property tax receipts to the Department of Education. This is generally on a cash basis. A receivable has not been recognized in the General Fund for property taxes due to the fact that any receivable is offset by a payable to the State for revenue limit purposes. Property taxes for debt service purposes cannot be estimated and have therefore not been accrued in the government-wide financial statements.

MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (continued)

C. BASIS OF ACCOUNTING: (continued)

15. On-Behalf Payments

GASB Statement No. 24 requires that direct on-behalf payments for fringe benefits and salaries made by one entity to a third party recipient for the employees of another legally separate entity be recognized as revenue and expenditures by the employer government. The State of California makes direct on-behalf payments for retirement benefits to the State Teachers' and Public Employees' Retirement Systems on behalf of all school districts in California. However, a fiscal advisory was issued by the California Department of Education instructing districts not to record revenue and expenditures for these on-behalf payments. The amount of on-behalf payments made for the District is estimated at \$43,000 for STRS.

16. Contributed Services

Generally accepted accounting principles require that contributions of donated services that create or enhance non-financial assets or that require specialized skills, are provided by individuals possessing those skills, and would typically need to be purchased if not provided by donation, are to be recorded at fair value in the period received. Although the District receives numerous hours of volunteer time, it is not deemed necessary to record these hours on the books of the District based on the above guidelines. In addition, the District receives donations of immaterial equipment and supplies which are not recorded upon receipt.

17. Estimates

The preparation of the financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying notes. Actual results may differ from those estimates.

MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (continued)

C. BASIS OF ACCOUNTING: (continued)

18. Change in Accounting Principle

There was no effect on the beginning net position for the adoption of GASB Statement No. 63, *Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources and Net Position*.

The beginning net position of the District has been restated by \$264,825 to write-off the balance of capitalized fees in accordance with the implementation of GASB Statement No. 65, *Items Previously Reported as Assets and Liabilities*. The fees were prepaid general obligation bond issue costs that are now required to be expensed in the period incurred.

19. Fund Balance Reclassification

The beginning fund balance of the Other Governmental Funds has been reclassified by \$981,368 to include the Building Fund in accordance with the major fund determination requirements of GASB Statement No. 34, *Basic Financial Statements and Management's Discussion and Analysis – for State and Local Governments and Audits of State and Local Governmental Units*.

D. REPORTING ENTITY:

The District is the level of government primarily accountable for activities related to public education. The governing authority consists of elected officials who, together, constitute the Board of Education.

The District considered its financial and operational relationships with potential component units under the reporting entity definition of GASB Statement No. 14, *The Financial Reporting Entity*, as amended by GASB Statement No. 39, *Determining Whether Certain Organizations are Component Units* and GASB Statement No. 61, *The Financial Reporting Entity: Omnibus an amendment of GASB Statements No. 14 and No. 34*.

The basic, but not the only, criterion for including another organization in the District's reporting entity for financial reports is the ability of the District's elected officials to exercise oversight responsibility over such agencies. Oversight responsibility implies that one entity is dependent on another and a financial benefit or burden relationship is present and that the dependent unit should be reported as part of the other.

MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (continued)

D. REPORTING ENTITY: (continued)

Oversight responsibility is derived from the District's power and includes, but is not limited to: financial interdependency; selection of governing authority; designation of management; ability to significantly influence operations; and accountability for fiscal matters.

Due to the nature and significance of their relationship with the District, including ongoing financial support of the District or its other component units, certain organizations warrant inclusion as part of the financial reporting entity. A legally separate, tax-exempt organization should be reported as a component unit of the District if all of the following criteria are met:

1. The economic resources received or held by the separate organization are entirely or almost entirely for the direct benefit of the District, its component units, or its constituents.
2. The District, or its component units, is entitled to, or has the ability to otherwise access, a majority of the economic resources received or held by the separate organization.
3. The economic resources received or held by an individual organization that the District, or its component units, is entitled to, or has the ability to otherwise access, are significant to the District.

The following potential component units have been excluded from the District's reporting entity:

The Mesa Education Foundation - The Foundation is a separate not-for-profit corporation. The Board of Directors are elected by their own Board and independent of any District Board of Education appointments. The Board is responsible for approving its own budget and accounting and finance related activities. The organization was evaluated using the three criterion listed above. The entity has been excluded as a component unit because the second and third criterion have not been met. Separate financial statements for the Foundation may be obtained through the District.

MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (continued)

D. REPORTING ENTITY: (continued)

Parent Faculty Organization (PFO) – The PFO was evaluated using the three criterion listed above. The PFO has been excluded as a component unit because the third criterion was not met; the economic resources received and held by the PFO is not significant to the District.

NOTE 2 - BUDGETS:

By state law, the District's Governing Board must approve a budget no later than July 1, using the Single Adoption Budget process. A public hearing must be conducted to receive comments prior to adoption. The District's Governing Board satisfied these requirements. Budgets for all governmental funds were adopted on a basis consistent with GAAP.

These budgets are revised by the District's Governing Board during the year to give consideration to unanticipated income and expenditures. The original and final revised budget for the General Fund is presented in a budgetary comparison schedule in the required supplementary section.

Formal budgetary integration was employed as a management control device during the year for all budgeted funds. Expenditures cannot legally exceed appropriations by major object account.

NOTE 3 - DEPOSITS:

Custodial Credit Risk

Custodial credit risk is the risk that in the event of a bank failure, the District's deposits may not be returned to it. As of June 30, 2013, the District's bank balance of \$30,757 was not exposed to credit risk.

MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 3 - DEPOSITS: (continued)

Cash in County

In accordance with Education Code Section 41001, the District maintains substantially all of its cash in the Ventura County Treasury. The County pools these funds with those of other districts in the County and invests the cash. These pooled funds are carried at amortized cost which approximates market value. The fair market value of the District's deposits in this pool as of June 30, 2013, as provided by the County Treasurer, was \$1,383,167 as is based upon the District's pro-rata share of the fair value for the entire portfolio (in relation to the amortized cost of the portfolio).

The County is authorized to deposit cash and invest excess funds by California Government Code Section 53648 et. seq. The county is restricted by Government Code Section 53635 pursuant to Section 53601 to invest in time deposits, U.S. government securities, state registered warrants, notes or bonds, State Treasurer's investment pool, bankers' acceptances, commercial paper, negotiable certificates of deposit, and repurchase or reverse repurchase agreements. The funds maintained by the County are either secured by federal depository insurance or are collateralized. The County investment pool is not required to be rated. Interest earned is deposited quarterly into participating funds. Any investment losses are proportionately shared by all funds in the pool.

NOTE 4 - INTERFUND TRANSACTIONS:

Interfund activity has been eliminated in the Government-wide statements as required by GASB No. 34. The balances and transactions on the following page are reported in the fund financial statements.

MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 4 - INTERFUND TRANSACTIONS: (continued)

A. Interfund Receivables/Payables

Individual interfund receivable and payable balances at June 30, 2013 are temporary loans and are detailed as follows:

Fund	Interfund Receivables	Interfund Payables
General Fund	\$ 7,206	\$
Special Revenue Fund: Cafeteria Fund		7,204
Capital Projects Funds: Building Fund		11,186
Capital Facilities Fund	11,186	
County School Facilities Fund	_____	_____2
Totals	\$ <u>18,392</u>	\$ <u>18,392</u>

B. Interfund Transfers

Interfund transfers consist of operating transfers from funds receiving revenue to funds through which the resources are to be expended. Interfund transfers for the 2012-13 fiscal year are as follows:

Transfer from the Building Fund to the General Fund to reimburse interim financing provided by the certificates of participation	\$ <u>601,153</u>
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MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 5 - FUND BALANCES:

The following amounts were nonspendable, restricted, committed, assigned or unassigned as shown below:

	General Fund	Bond Interest and Redemption Fund	Other Governmental Funds	Total Governmental Funds
Nonspendable				
Revolving cash	\$ 1,000	\$	\$	\$ 1,000
Stores			6,750	6,750
Total nonspendable	<u>1,000</u>	<u>-</u>	<u>6,750</u>	<u>7,750</u>
Restricted				
Legally restricted programs	232,755		39,841	272,596
Capital projects			39,522	39,522
Debt service		457,046		457,046
Total restricted	<u>232,755</u>	<u>457,046</u>	<u>79,363</u>	<u>769,164</u>
Committed				
Pupil transportation	19,706			19,706
Technology and equipment	10,505			10,505
Deferred maintenance program	200,139			200,139
Total committed	<u>230,350</u>	<u>-</u>	<u>-</u>	<u>230,350</u>
Assigned				
Mandated costs	39,330			39,330
Tier III flexibility programs	101,217			101,217
Education protection act	34,360			34,360
Capital projects			245	245
Total assigned	<u>174,907</u>	<u>-</u>	<u>245</u>	<u>175,152</u>
Unassigned				
Economic uncertainties	257,149			257,149
Unassigned	612,464			612,464
Total unassigned	<u>869,613</u>	<u>-</u>	<u>-</u>	<u>869,613</u>
Total fund balance	<u>\$ 1,508,625</u>	<u>\$ 457,046</u>	<u>\$ 86,358</u>	<u>\$ 2,052,029</u>

MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 6 - CAPITAL ASSETS AND DEPRECIATION – SCHEDULE OF CHANGES:

Capital asset activity for the year ended June 30, 2013 is shown below.

	Balance July 1, 2012	Additions	Retirements	Balance June 30, 2013
Capital assets not being depreciated:				
Land	\$ 1,961,220	\$	\$	\$ 1,961,220
Work in progress	50,668	_____	50,668	-
Total capital assets not being depreciated:	<u>2,011,888</u>	<u>-</u>	<u>50,668</u>	<u>1,961,220</u>
Capital assets being depreciated:				
Land improvements	6,043,979	262,284		6,306,263
Buildings	7,981,325	180,965		8,162,290
Equipment	805,181	_____	104,087	701,094
Total capital assets being depreciated	<u>14,830,485</u>	<u>443,249</u>	<u>104,087</u>	<u>15,169,647</u>
Less accumulated depreciation for:				
Land improvements	(859,524)	(55,355)		(914,879)
Buildings	(1,711,697)	(246,004)		(1,957,701)
Equipment	(550,282)	(56,456)	(104,087)	(502,651)
Total accumulated depreciation	<u>(3,121,503)</u>	<u>(357,815)</u>	<u>(104,087)</u>	<u>(3,375,231)</u>
Governmental activities capital assets, net	<u>\$ 13,720,870</u>	<u>\$ 85,434</u>	<u>\$ 50,668</u>	<u>\$ 13,755,636</u>

Depreciation expense was allocated in the following functions:

Governmental Activities:	
Instruction	\$ 72,137
Instruction - related services	12,314
Pupil services	40,993
General administration	2,266
Plant services	<u>230,105</u>
Total governmental activities depreciation expense	<u>\$ 357,815</u>

MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 7 - OPERATING LEASE:

The District has entered into an operating lease for five copiers with a lease term in excess of one year. The agreement does not contain any purchase options. Future minimum lease payments under the agreements are as follows:

<u>Fiscal Year</u>	<u>Lease Payment</u>
2014	\$ 35,661
2015	<u>35,661</u>
Total	<u>\$ 71,322</u>

Current year expenditures for operating leases was \$35,661. The District will receive no sublease revenues nor pay any contingent rentals associated with this lease.

NOTE 8 - GENERAL OBLIGATION BONDS:

A. 2002 Election and 2011 Refunding

The voters approved \$3,900,000 in General Obligation Bonds on November 5, 2002. The purpose of these Bonds was to finance the acquisition and construction of school facilities of the District, including modernization of the District's existing school and school facilities. On August, 14, 2003, the District issued \$3,900,000 Series A bonds.

On September 13, 2011, the District issued \$3,565,000 in refunding bonds which the District used to advance refund portions of the Series A bonds. The difference in the carrying value of the refunded debt and the amount placed in escrow was \$205,969. This amount was recorded as a deferred charge on the statement of net position and will be amortized to interest expense over the life of the new debt. Amortization of \$12,940 was recognized during 2012-13.

The outstanding general obligation bonded debt for these issues at June 30, 2013 is:

	<u>Date of Issue</u>	<u>Interest Rate %</u>	<u>Maturity Date</u>	<u>Amount of Original Issue</u>	<u>Outstanding July 1, 2012</u>	<u>Redeemed Current Year</u>	<u>Outstanding June 30, 2013</u>
Refunded Bonds							
2002 Series A	8/14/2003	1.35%-4.35%	8/1/2028	\$ 3,900,000	\$ 75,000	\$ 75,000	\$ -
Refunding Bonds							
2011 Refunding Bonds	9/13/2011	2.00%-5.00%	8/1/2027	<u>3,565,000</u>	<u>3,565,000</u>	<u>25,000</u>	<u>3,540,000</u>
				<u>\$ 7,465,000</u>	<u>\$ 3,640,000</u>	<u>\$ 100,000</u>	<u>\$ 3,540,000</u>

MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 8 - GENERAL OBLIGATION BONDS: (continued)

A. 2002 Election and 2011 Refunding (continued)

The annual requirements to amortize the bonds payable outstanding as of June 30, 2013 are as follows:

Year Ended June 30,	Principal	Interest	Total
2014	\$ 95,000	\$ 157,750	\$ 252,750
2015	100,000	155,300	255,300
2016	110,000	152,150	262,150
2017	125,000	148,000	273,000
2018	145,000	142,600	287,600
2019-2023	1,165,000	594,850	1,759,850
2024-2028	1,800,000	204,500	2,004,500
	<u>3,540,000</u>	<u>\$ 1,555,150</u>	<u>\$ 5,095,150</u>
Unamortized bond premium (1)	<u>309,116</u>		
Total	<u>\$ 3,849,116</u>		

(1) Proceeds received in excess of debt are added to the maturity amount and amortized to interest expense over the life of the liability. The 2011 Refunding Bond included a total premium of \$349,356. This amount is amortized using the straight-line method. Amortization of \$21,949 was recognized during the 2012-13 year.

MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 8 - GENERAL OBLIGATION BONDS: (continued)

B. 2008 Election

The voters approved \$4,000,000 in General Obligation Bonds on June 3, 2008. The purpose of these Bonds was to finance the acquisition and construction of school facilities of the District, including modernization of the District's existing school and school facilities. On August 14, 2008, the District issued \$4,000,000 Series A bonds. The outstanding general obligation bonded debt for these issues at June 30, 2013 is:

<u>Date of Issue</u>	<u>Interest Rate %</u>	<u>Maturity Date</u>	<u>Amount of Original Issue</u>	<u>Outstanding July 1, 2012</u>	<u>Redeemed Current Year</u>	<u>Outstanding June 30, 2013</u>
8/14/2008	5.25%-5.50%	8/1/2033	<u>\$ 4,000,000</u>	<u>\$ 3,980,000</u>	<u>\$ 30,000</u>	<u>\$ 3,950,000</u>

The annual requirements to amortize the bonds payable outstanding as of June 30, 2013, are as follows:

<u>Year Ended June 30,</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2014	\$ 45,000	\$ 209,088	\$ 254,088
2015	55,000	206,338	261,338
2016	70,000	202,900	272,900
2017	85,000	198,638	283,638
2018	100,000	193,550	293,550
2019-2023	665,000	864,763	1,529,763
2024-2028	980,000	650,675	1,630,675
2029-2033	1,555,000	321,431	1,876,431
2034	<u>395,000</u>	<u>10,369</u>	<u>405,369</u>
	3,950,000	<u>\$ 2,857,752</u>	<u>\$ 6,807,752</u>
Unamortized bond premium (1)	<u>161,108</u>		
Total	<u>\$ 4,111,108</u>		

- (1) Proceeds received in excess of debt are added to the maturity amount and amortized to interest expense over the life of the liability. The bond included a total premium of \$200,550. This amount is amortized using the straight-line method. Amortization of \$8,022 was recognized during the 2012-13 year.

MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 9 - EARLY RETIREMENT INCENTIVE (PARS):

The District adopted an Early Retirement Incentive (PARS) in June 2008. Eligible employees that retired prior to a certain date were provided a retirement annuity based upon earnings and length of service. One employee that met the requirements chose to participate in the plan. A final payment of \$16,795 satisfying the outstanding liability was made during 2012-13.

NOTE 10 – CERTIFICATES OF PARTICIPATION:

An agreement dated November 1, 2010, was between the District as the “lessee” and the Public Property Financing Corporation of California (the Corporation), a nonprofit public benefit corporation duly organized and operating under the laws of California as the “lessor” or “corporation”. The Corporation is a legally separate entity which was formed for the sole purpose of acquiring equipment and capital outlay and then leasing such items to several California public agencies.

The Corporation’s funds for acquiring these items were generated by the issuance of \$660,000 of Certificates of Participation (COPs). COPs are long-term debt instruments which are tax exempt and therefore issued at interest rates below current market levels for taxable investments.

Lease Payments – Lease payments were required to be made by the District under the lease agreement on each May and November for use and possession of the equipment for the period commencing November 2010 and terminating November 2023. Lease payments were funded in part from the proceeds of the Certificates. Interest rates were fixed at 4.25% for the length of the issuance.

In 2012-13, the District defeased the debt with a principal payment of \$660,000.

MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 11 - LONG-TERM DEBT – SCHEDULE OF CHANGES:

A schedule of changes in long-term debt for the year ended June 30, 2013 is shown below.

	Balance July 1, 2012*	Additions	Deductions	Balance June 30, 2013	Due in One Year
General Obligation Bonds	\$ 7,620,000	\$	\$ 130,000	\$ 7,490,000	\$ 140,000
Premium on General Obligation Bonds	500,195		29,971	470,224	
Total General Obligation Bonds	8,120,195	-	159,971	7,960,224	140,000
Certificates of Participation (COPS)	660,000		660,000	-	
Early Retirement Incentive (PARS)	16,795		16,795	-	
Total	<u>\$ 8,796,990</u>	<u>\$ -</u>	<u>\$ 836,766</u>	<u>\$ 7,960,224</u>	<u>\$ 140,000</u>

* The beginning balance has been restated to remove the deferred charge on refunding in accordance with GASB Statement No. 65, *Items Previously Reported as Assets and Liabilities*. See Note 1.C.18.

NOTE 12 - POST-EMPLOYMENT BENEFITS:

The District provides post-employment health care benefits, in accordance with District employment contracts and District Board policies, to retired employees who were hired prior to January 1, 1999, and had been a full-time employee of the District for at least 15 consecutive years prior to retirement. Retiree benefits are terminated when the retiree reaches the age of 65.

Following are the maximum amounts that the District contributes towards the premium for eligible retirees:

Hire date after August 1, 1985 and prior to September 1, 1996: The District pays up to a maximum of \$1,500 annually towards the benefits. There are currently seven employees who may be eligible to retire under this plan, and one retiree participating in the plan.

Hire date after September 1, 1996 and prior to January 1, 1999: The District pays up to a maximum of \$1,000 annually towards the benefits. There are currently five employees who may be eligible to retire under this plan.

Total contributions for post-employment health care benefits for 2012-13 were \$750. The potential future liability related to the post-employment benefits plan has not been included in long term debt as the estimated liability calculated is not material to the financial statements.

MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 13 - EMPLOYEE RETIREMENT PLANS:

Qualified employees are covered under multiple-employer defined benefit pension plans maintained by agencies of the State of California. Certificated employees are members of the State Teachers' Retirement System (STRS) and classified employees are members of the Public Employees' Retirement System (PERS).

State Teachers' Retirement System (STRS)

Plan Description

The District contributes to the State Teachers' Retirement System (STRS), a cost-sharing multiple-employer public employee retirement system defined benefit pension plan administered by STRS. The plan provides retirement, disability and survivor benefits to beneficiaries. Benefit provisions are established by State statutes, as legislatively amended, within the State Teachers' Retirement Law. STRS issues a separate comprehensive annual financial report that includes financial statements and required supplementary information. Copies of the STRS annual financial report may be obtained from STRS, 7667 Folsom Boulevard, Sacramento, CA 95826.

Funding Policy

Active plan members are required to contribute 8.0% of their salary and the District is required to contribute an actuarially determined rate. The actuarial methods and assumptions used for determining the rate are those adopted by the STRS Teachers' Retirement Board. The required employer contribution rate for fiscal year 2012-13 was 8.25% of annual payroll. The contribution requirements of the plan members are established and may be amended by State statute.

MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 13 - EMPLOYEE RETIREMENT PLANS: (continued)

Public Employees' Retirement System (PERS)

Plan Description

The District contributes to the School Employer Pool under the California Public Employees' Retirement System (CalPERS), a cost-sharing multiple-employer public employee retirement system defined benefit pension plan administered by CalPERS. The plan provides retirement and disability benefits, annual cost-of-living adjustments, and death benefits to plan members and beneficiaries. Benefit provisions are established by State statutes, as legislatively amended, within the Public Employees' Retirement Law. CalPERS issues a separate and required supplementary information. Copies of the CalPERS annual financial report may be obtained from the CalPERS Executive Office, 400 P Street, Sacramento, CA 95814.

Funding Policy

Active plan members are required to contribute 7.0% of their salary and the District is required to contribute an actuarially determined rate. The actuarial methods and assumptions used for determining the rate are those adopted by the CalPERS Board of Administration. The required employer contribution rate for fiscal year 2012-13 was 11.417% of annual payroll. The contribution requirements of the plan members are established and may be amended by State statute.

Contributions to STRS and PERS

The District's contributions to STRS and PERS for each of the last three fiscal years is as follows:

<u>Year Ended</u> <u>June 30,</u>	<u>STRS</u>		<u>PERS</u>	
	<u>Required</u> <u>Contribution</u>	<u>Percent</u> <u>Contributed</u>	<u>Required</u> <u>Contribution</u>	<u>Percent</u> <u>Contributed</u>
2011	\$ 175,813	100%	\$ 58,946	100%
2012	179,987	100%	60,515	100%
2013	175,601	100%	62,250	100%

MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 14 - JOINT POWERS AGREEMENTS:

The District participates in four joint power agreement (JPA) entities, the Ventura County Schools Self-Funding Authority (VCSSFA), the Ventura County Fast Action School Transit Authority (VCFAST), the Ventura County Schools Business Services Authority (VCSBSA) and the Self-Insured Schools of California (SISC). The VCSSFA provides workers' compensation, property and liability coverage for its member school districts through a varying combination of coverage. The District pays a contribution commensurate with the level of coverage requested. The VCFAST was established July 1, 1995 for the purpose of providing a county wide distribution system for carrying documents and materials to and from the Ventura County Superintendent of Schools Office and participating public agencies. The VCSBSA was established April 1, 1988 for the purpose of providing school business services for participating public agencies. The SISC arranges for health and welfare benefits for employees and retirees of participating school districts and their eligible dependents. Member districts pay a monthly premium per eligible participant.

The JPAs are governed by a board consisting of a representative from each member district. The governing board controls the operations of its JPA independent of any influence by the District beyond the District's representation on the governing board.

The JPAs are independently accountable for their fiscal matters. The VCSSFA, VCFAST, VCSBSA and SISC maintain their own accounting records. Budgets are not subject to any approval other than that of the JPAs governing board. Member districts share surpluses and deficits proportionately to their participation in the JPA. Separate financial statements for each JPA may be obtained from the respective entity.

MESA UNION SCHOOL DISTRICT
NOTES TO FINANCIAL STATEMENTS
June 30, 2013

NOTE 14 - JOINT POWERS AGREEMENTS: (continued)

The relationship between the District and the JPA is such that the JPA is not a component unit of the District for financial reporting purposes.

	VCSSFA (Audited) 6/30/2012	VCFast (Unaudited) 6/30/2013	VCSBSA (Audited) 6/30/2013	SISC (Audited) 9/30/2012
Total Assets	\$ <u>92,001,551</u>	\$ <u>32,348</u>	\$ <u>778,936</u>	\$ <u>290,186,066</u>
Total Liabilities	\$ <u>58,283,137</u>	\$ <u>22,325</u>	\$ <u>62,915</u>	\$ <u>131,486,820</u>
Total Fund Balance	\$ <u>33,718,414</u>	\$ <u>10,023</u>	\$ <u>716,021</u>	\$ <u>158,699,246</u>
Total Revenues	\$ <u>21,854,787</u>	\$ <u>113,002</u>	\$ <u>996,206</u>	\$ <u>1,276,863,026</u>
Total Expenditures	\$ <u>26,933,703</u>	\$ <u>105,698</u>	\$ <u>1,102,318</u>	\$ <u>1,264,964,243</u>

NOTE 15 - COMMITMENTS AND CONTINGENCIES:

A. State and Federal Allowances, Awards, and Grants

The District has received state and federal funds for specific purposes, including reimbursement of mandated costs, that are subject to review and audit by the grantor agencies. Although such audits could generate expenditure disallowances under terms of the grants, it is believed that any required reimbursement will not be material.

B. County School Facilities Funds

The District participated in a construction project funded through the Office of Public School Construction. This project is subject to future audits by the State, which may result in adjustments to the fund.

REQUIRED SUPPLEMENTARY INFORMATION

MESA UNION SCHOOL DISTRICT
SCHEDULE OF BUDGETARY COMPARISON FOR THE GENERAL FUND
For the Fiscal Year Ended June 30, 2013

	Budgeted Amounts - General Fund		Actual Amounts General Fund	(a) Fund Basis to	Actual Amounts GAAP Basis
	Original	Final		GAAP	
Revenues					
Revenue limit sources:					
State apportionments	\$ 2,024,457	\$ 2,287,769	\$ 2,260,146	\$	\$ 2,260,146
Local sources	923,027	909,222	935,962		935,962
Total revenue limit sources	2,947,484	3,196,991	3,196,108	-	3,196,108
Federal sources	228,266	287,211	253,838		253,838
Other state sources	548,657	616,707	603,908		603,908
Other local sources	425,817	423,757	421,628	679	422,307
Total Revenues	4,150,224	4,524,666	4,475,482	679	4,476,161
Expenditures					
Certificated salaries	2,158,821	2,141,684	2,138,458		2,138,458
Classified salaries	588,378	563,502	561,743		561,743
Employee benefits	825,057	808,883	798,486		798,486
Books and supplies	187,331	242,507	155,943		155,943
Services and other operating expenditures	708,811	782,724	673,684	24,726	698,410
Other outgo	126,330	134,660	133,802		133,802
Direct support - indirect cost		(7,863)	(7,205)		(7,205)
Debt service	51,894	688,050	688,050		688,050
Total Expenditures	4,646,622	5,354,147	5,142,961	24,726	5,167,687
Deficiency of revenues over expenditures	(496,398)	(829,481)	(667,479)	(24,047)	(691,526)
Other Financing Sources					
Interfund transfers in		601,153	601,153		601,153
Total Other Financing Sources	-	601,153	601,153	-	601,153
Net change in fund balance	\$ (496,398)	\$ (228,328)	(66,326)	(24,047)	(90,373)
Fund Balance - Beginning of Year			1,344,601	254,397	1,598,998
Fund Balance - End of Year			\$ 1,278,275	\$ 230,350	\$ 1,508,625

(a) Amounts presented are the result of the District including activity of the Deferred Maintenance Fund, Pupil Transportation Fund, and the Special Reserve Fund for Other than Capital Outlay Funds. (See Note 1B)

See the accompanying notes to the required supplementary information.

MESA UNION SCHOOL DISTRICT

**NOTES TO REQUIRED SUPPLEMENTARY INFORMATION
For the Fiscal Year Ended June 30, 2013**

NOTE 1 - PURPOSE OF SCHEDULE:

Schedule of Budgetary Comparison for the General Fund

GASB Statement No. 34 requires a budgetary comparison be presented for the general fund and for any major special revenue fund that has a legally adopted annual budget. This schedule presents the budget as originally adopted, the revised budget as of the fiscal year end, actual amounts at fiscal year end and any adjustments needed to present the amounts in accordance with generally accepted accounting principles (GAAP).

NOTE 2 – EXCESS OF EXPENDITURES OVER APPROPRIATIONS:

There were no excesses of expenditures over appropriations in the General Fund.

SUPPLEMENTARY INFORMATION

MESA UNION SCHOOL DISTRICT

HISTORY AND ORGANIZATION

June 30, 2013

The Mesa Union School District was established in 1873 and is located in Ventura County. There were no changes in the boundaries of the District during the current year. The District is currently operating one elementary school consisting of kindergarten through eighth grade. The District also sponsors Golden Valley Charter Schools, two independent, non-classroom based programs serving kindergarten through twelfth grade students.

The Board of Education and the District Administrators for the fiscal year ended June 30, 2013 were as follows:

BOARD OF EDUCATION

<u>Member</u>	<u>Office</u>	<u>Term Expires</u>
Susan Nemets	President	December 2016
Steve Sullivan	Vice President	December 2014
Judith Thielemann	Clerk	December 2014
Noel Camanag	Member	December 2014
Rick Murray	Member	December 2016

DISTRICT ADMINISTRATION

Michael Babb, Ed.D.	Superintendent
Cynthia Hansen	Chief Business Official

MESA UNION SCHOOL DISTRICT
SCHEDULE OF AVERAGE DAILY ATTENDANCE (ADA)
For the Fiscal Year Ended June 30, 2013

The requirements governing ADA, admission of pupils, types of schools, recording and reporting of pupil attendance, and similar matters are controlled by provisions of the Education Code and by regulations of the California Department of Education.

ADA statistics reported to the State for the fiscal year ended June 30, 2013 are as follows:

	<u>Second Period</u>	<u>Annual</u>
Elementary:		
Kindergarten	73	75
First through third grade	215	215
Fourth through eighth grade	<u>348</u>	<u>347</u>
Total ADA	<u>636</u>	<u>637</u>

See the accompanying notes to supplementary information.

MESA UNION SCHOOL DISTRICT

**SCHEDULE OF INSTRUCTIONAL TIME
For the Fiscal Year Ended June 30, 2013**

Grade Level	1986-87	1986-87	1982-83	1982-83	2012-13	Number of Days		Status
	Minutes Requirement	Minutes Reduced	Actual Minutes	Minutes Reduced	Actual Minutes	Traditional Calendar		
Kindergarten	36,000	35,000	34,200	33,250	37,800	180		In Compliance
Grade 1	50,400	49,000	41,400	40,250	50,680	180		In Compliance
Grade 2	50,400	49,000	41,400	40,250	50,680	180		In Compliance
Grade 3	50,400	49,000	41,400	40,250	50,680	180		In Compliance
Grade 4	54,000	52,500	43,200	42,000	58,060	180		In Compliance
Grade 5	54,000	52,500	43,200	42,000	58,060	180		In Compliance
Grade 6	54,000	52,500	43,200	42,000	58,140	180		In Compliance
Grade 7	54,000	52,500	43,200	42,000	58,140	180		In Compliance
Grade 8	54,000	52,500	43,200	42,000	58,140	180		In Compliance

See the accompanying notes to supplementary information.

MESA UNION SCHOOL DISTRICT

SCHEDULE OF FINANCIAL TRENDS AND ANALYSIS
For the Fiscal Year Ended June 30,

	(Budget) 2014		2013		2012		2011	
	Amount	%	Amount	%	Amount	%	Amount	%
Revenue								
Revenue limit sources	\$ 3,218,541	69.6	\$ 3,196,108	62.1	\$ 3,067,130	66.1	\$ 2,903,277	53.4
Federal sources	215,719	4.7	253,838	4.9	314,843	6.8	350,478	6.4
Other state sources	602,977	13.0	603,908	11.7	589,008	12.7	562,167	10.3
Other local sources	409,432	8.9	421,628	8.2	427,432	9.2	676,702	12.4
Proceeds from certificates of participation							660,000	12.1
Interfund transfers in			601,153	11.7			95,268	1.8
Total Revenue	<u>4,446,669</u>	<u>96.2</u>	<u>5,076,635</u>	<u>98.6</u>	<u>4,398,413</u>	<u>94.8</u>	<u>5,247,892</u>	<u>96.4</u>
Expenditures								
Certificated salaries	2,125,348	46.0	2,138,458	41.6	2,183,242	47.0	2,168,017	39.9
Classified salaries	569,437	12.3	561,743	10.9	610,312	13.1	621,484	11.4
Employee benefits	761,421	16.5	798,486	15.5	824,188	17.8	779,703	14.4
Books and supplies	245,818	5.3	155,943	3.0	216,908	4.6	297,992	5.5
Services and other operating expenses	784,133	17.0	673,684	13.1	652,055	14.1	855,052	15.7
Capital outlay					21,699	0.5	11,330	0.2
Debt service			688,050	13.4	28,050	0.6	14,025	0.3
Other outgo	135,986	2.9	133,802	2.6	104,899	2.3	56,797	1.0
Direct support - indirect costs			(7,205)	(0.1)				
Interfund transfers out							631,153	11.6
Total Expenditures	<u>4,622,143</u>	<u>100.0</u>	<u>5,142,961</u>	<u>100.0</u>	<u>4,641,353</u>	<u>100.0</u>	<u>5,435,553</u>	<u>100.0</u>
Change in fund balance	\$ (175,474)	(3.8)	\$ (66,326)	(1.4)	\$ (242,940)	(5.2)	\$ (187,661)	(3.6)
Ending fund balance	\$ 1,102,801	23.9	\$ 1,278,275	24.9	\$ 1,344,601	29.0	\$ 1,587,541	29.2
Available reserve	\$ 814,376	17.6	\$ 869,613	15.9	\$ 775,108	16.7	\$ 895,334	16.5
Recommended reserve percentage		4.0		4.0		4.0		4.0
Average daily attendance	633		636		614		581	
Total long-term debt	\$ 7,820,224		\$ 7,960,224		\$ 8,796,990 *		\$ 8,498,243	

IMPORTANT NOTES:

Available reserves are those amounts reserved for economic uncertainty and any other remaining unassigned fund balances from the General Fund

Amounts above are those reported as General Fund in the Annual Financial and Budget Report and does not include Special Revenue Funds included in the General Fund of the Governmental Funds financial statements.

2014 Budget is the budget adopted on June 18, 2013

All percentages are of total expenditures

* The amount has been restated to remove the deferred charge on refunding in accordance with GASB Statement No. 65, *Items Previously Reported as Assets and Liabilities*. See Note 1.C.18.

See the accompanying notes to supplementary information

MESA UNION SCHOOL DISTRICT
SCHEDULE OF CHARTER SCHOOLS
For the Fiscal Year Ended June 30, 2013

<u>Charter School</u>	<u>Included in District's Audit Report</u>
Golden Valley Charter School	No
Golden Valley Virtual Charter School	No

See the accompanying notes to supplementary information.

MESA UNION SCHOOL DISTRICT
RECONCILIATION OF ANNUAL FINANCIAL AND BUDGET
REPORT WITH AUDITED FINANCIAL STATEMENTS
For the Fiscal Year Ended June 30, 2013

There were no differences between the fund balances reported on the June 30, 2013 Annual Financial and Budget Report for the governmental funds and the audited financial statements.

See the accompanying notes to supplementary information.

MESA UNION SCHOOL DISTRICT

NOTES TO SUPPLEMENTARY INFORMATION
For the Fiscal Year Ended June 30, 2013

NOTE 1 - PURPOSE OF SCHEDULES:

A. Schedule of Average Daily Attendance (ADA)

Average daily attendance is a measurement of the number of pupils attending classes of the District. The purpose of attendance accounting from a fiscal standpoint is to provide the basis on which apportionments of state funds are made to school districts. This schedule provides information regarding the attendance of students at various grade levels and in different programs.

B. Schedule of Instructional Time

The District has received incentive funding for increasing instructional time as provided by the Incentives for Longer Instructional Day. This schedule presents information on the amount of instructional time offered by the District and whether the District complied with the provisions of Education Code Sections 46200 through 46206.

C. Schedule of Financial Trends and Analysis

The *Standards and Procedures for Audits of California K-12 Local Education Agencies* requires that this report be prepared showing financial trends of the general fund over the past three fiscal years as well as the current year budget. This report is intended to identify if the District has potential fiscal problems and if they have met the recommended available reserve percentages.

D. Schedule of Charter Schools

The *Standards and Procedures for Audits of California K-12 Local Education Agencies* requires that this schedule list all charter schools chartered by the District and inform the users whether or not the charter school information is included in the District's audited financial statements.

E. Reconciliation of Annual Financial and Budget Report with Audited Financial Statements

This schedule provides the information necessary to reconcile the fund balances of all funds as reported on the annual Financial and Budget Report Form to the audited financial statements.

OPTIONAL SUPPLEMENTARY INFORMATION

MESA UNION SCHOOL DISTRICT
NON-MAJOR SPECIAL REVENUE FUND
BALANCE SHEET
June 30, 2013

	Cafeteria Fund
<u>Assets</u>	
Cash in county treasury	\$ 18,119
Cash on hand and in banks	100
Cash collections awaiting deposit	10,425
Accounts receivable:	
Federal and state governments	20,377
Miscellaneous	34
Inventories	6,750
Total Assets	\$ 55,805
 <u>Liabilities and Fund Balance</u>	
Liabilities	
Accounts payable	\$ 2,010
Due to other funds	7,204
Total Liabilities	9,214
 Fund Balance	
Nonspendable	6,750
Restricted	39,841
Total Fund Balance	46,591
Total Liabilities and Fund Balance	\$ 55,805

See the accompanying notes to the optional supplementary information.

MESA UNION SCHOOL DISTRICT
NON-MAJOR SPECIAL REVENUE FUND
STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCE
For the Fiscal Year Ended June 30, 2013

	Cafeteria Fund
Revenues	
Federal sources	\$ 95,674
Other state sources	8,047
Other local sources	65,580
Total Revenues	169,301
 Expenditures	
Pupil services	161,533
General administration	7,204
Total Expenditures	168,737
Net change in fund balance	564
 Fund Balance - Beginning of Year	46,027
 Fund Balance - End of Year	\$ 46,591

See the accompanying notes to the optional supplementary information.

MESA UNION SCHOOL DISTRICT
NON-MAJOR CAPITAL PROJECTS FUNDS
COMBINING BALANCE SHEET
June 30, 2013

	<u>Building Fund</u>	<u>Capital Facilities Fund</u>	<u>County School Facilities Fund</u>	<u>Special Reserve Fund for Capital Outlay Projects</u>	<u>Total (Memorandum Only)</u>
<u>Assets</u>					
Cash in county treasury	\$ 11,176	\$ 28,312	\$ 2	\$ 245	\$ 39,735
Accounts receivable:					
Miscellaneous	10	24			34
Due from other funds		11,186			11,186
Total Assets	<u>\$ 11,186</u>	<u>\$ 39,522</u>	<u>\$ 2</u>	<u>\$ 245</u>	<u>\$ 50,955</u>
<u>Liabilities and Fund Balance</u>					
<u>Liabilities</u>					
Due to other funds	\$ 11,186	\$ -	\$ 2	\$ -	\$ 11,188
Total Liabilities	<u>11,186</u>	<u>-</u>	<u>2</u>	<u>-</u>	<u>11,188</u>
<u>Fund Balance</u>					
Restricted		39,522			39,522
Assigned				245	245
Total Fund Balance	<u>-</u>	<u>39,522</u>	<u>-</u>	<u>245</u>	<u>39,767</u>
Total Liabilities and Fund Balance	<u>\$ 11,186</u>	<u>\$ 39,522</u>	<u>\$ 2</u>	<u>\$ 245</u>	<u>\$ 50,955</u>

See the accompanying notes to the optional supplementary information.

MESA UNION SCHOOL DISTRICT
NON-MAJOR CAPITAL PROJECTS FUNDS
COMBINING STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCE
For the Fiscal Year Ended June 30, 2013

	<u>Building Fund</u>	<u>Capital Facilities Fund</u>	<u>County School Facilities Fund</u>	<u>Special Reserve Fund for Capital Outlay Projects</u>	<u>Total (Memorandum Only)</u>
Revenues					
Other local sources	\$ 2,498	\$ 13,677	\$ -	\$ -	\$ 16,175
Total Revenues	<u>2,498</u>	<u>13,677</u>	<u>-</u>	<u>-</u>	<u>16,175</u>
Expenditures					
General administration		2,606			2,606
Plant services	382,713	9,867			392,580
Total Expenditures	<u>382,713</u>	<u>12,473</u>	<u>-</u>	<u>-</u>	<u>395,186</u>
Excess (deficiency) of revenues over expenditures	<u>(380,215)</u>	<u>1,204</u>	<u>-</u>	<u>-</u>	<u>(379,011)</u>
Other Financing Uses					
Interfund transfers out	(601,153)				(601,153)
Total Other Financing Uses	<u>(601,153)</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(601,153)</u>
Net change in fund balance	(981,368)	1,204	-	-	(980,164)
Fund Balance - Beginning of Year	<u>981,368</u>	<u>38,318</u>	<u>-</u>	<u>245</u>	<u>1,019,931</u>
Fund Balance - End of Year	<u>\$ -</u>	<u>\$ 39,522</u>	<u>\$ -</u>	<u>\$ 245</u>	<u>\$ 39,767</u>

See the accompanying notes to the optional supplementary information.

MESA UNION SCHOOL DISTRICT
NOTES TO OPTIONAL SUPPLEMENTARY INFORMATION
For the Fiscal Year Ended June 30, 2013

NOTE 1 - PURPOSE OF SCHEDULES:

Combining and Individual Fund Financial Statements

Combining and individual fund balance sheets and statements of revenues, expenditures and changes in fund balance have been presented for the non-major funds to provide additional information to the users of these financial statements. These statements have been prepared using the basis of accounting described in the notes to the financial statements.

OTHER INDEPENDENT AUDITOR'S REPORTS



**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL
OVER FINANCIAL REPORTING AND ON COMPLIANCE
AND OTHER MATTERS BASED ON AN AUDIT
OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE
WITH *GOVERNMENT AUDITING STANDARDS***

Board of Education
Mesa Union School District
3901 North Mesa School Road
Somis, CA 93066

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of Mesa Union School District (the District), as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise the District's basic financial statements, and have issued our report thereon dated October 24, 2013.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the District's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we do not express an opinion on the effectiveness of the District's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct misstatements on a timely basis. A material weakness is a deficiency or a combination of deficiencies in internal control such that there is a reasonable possibility that a material misstatement of the financial statements will not be prevented or detected and corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL
OVER FINANCIAL REPORTING AND ON COMPLIANCE
AND OTHER MATTERS BASED ON AN AUDIT
OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE
WITH *GOVERNMENT AUDITING STANDARDS***

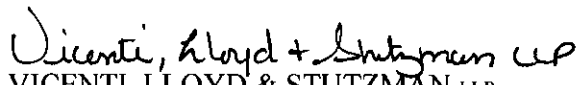
Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the District's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of non-compliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.


VICENTI, LLOYD & STUTZMAN LLP
Glendora, CA
October 24, 2013



INDEPENDENT AUDITOR'S REPORT ON STATE COMPLIANCE

Board of Education
Mesa Union School District
3901 North Mesa School Road
Somis, CA 93066

We have audited the Mesa Union School District's (the District) compliance with the types of compliance requirements described in the *2012-13 Standards and Procedures for Audits of California K-12 Local Education Agencies*, published by the Education Audit Appeals Panel for the year ended June 30, 2013. The District's State compliance requirements are identified in the table below.

Management's Responsibility

Management is responsible for compliance with the State laws and regulations as identified below.

Auditor's Responsibility

Our responsibility is to express an opinion on the District's compliance based on our audit of the types of compliance requirements referred to below. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and the *2012-13 Standards and Procedures for Audits of California K-12 Local Education Agencies*, published by the Education Audit Appeals Panel. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the specific areas listed below has occurred. An audit includes examining, on a test basis, evidence about the District's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our audit provides a reasonable basis for our opinion on State compliance. However, our audit does not provide a legal determination of the District's compliance.

INDEPENDENT AUDITOR'S REPORT ON STATE COMPLIANCE

Compliance Requirements Tested

In connection with the audit referred to above, we selected and tested transactions and records to determine the District's compliance with the laws and regulations applicable to the following items:

<u>Description</u>	<u>Procedures in Audit Guide</u>	<u>Procedures Performed</u>
Attendance accounting:		
Attendance reporting	6	Yes
Teacher Certification and Misassignments	3	Yes
Kindergarten continuance	3	Yes
Continuation education	10	Not applicable
Independent study	23	Not applicable
Instructional time:		
School Districts	6	Yes
County Offices of Education	3	Not applicable
Class size reduction program (including charter schools):		
General requirements	7	Yes
Option 1	3	Yes
Option 2	4	Not applicable
One school serving K-3	4	Not applicable
Instructional materials general requirements	8	Yes
Ratios of administrative employees to teachers	1	Yes
Classroom teacher salaries	1	Yes
Early retirement incentive	4	Not applicable
GANN limit calculation	1	Yes
School Accountability Report Card	3	Yes
Juvenile Court Schools	8	Not applicable
After School Education and Safety Program:		
General requirements	4	Not applicable
After school	5	Not applicable
Before school	6	Not applicable
Charter Schools:		
Contemporaneous records of attendance	1	No ¹
Mode of instruction	1	No ¹
Nonclassroom-based instruction/independent study	15	No ¹
Determination of funding for nonclassroom-based instruction	3	No ¹
Annual instructional minutes – classroom based	4	No ¹

¹ Testing for Charter Schools was done by each school's respective auditor

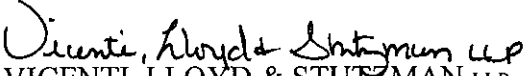
INDEPENDENT AUDITOR'S REPORT ON STATE COMPLIANCE

Opinion on State Compliance

In our opinion, the District complied with the laws and regulations of the state programs referred to above in all material respects for the year ended June 30, 2013.

Purpose of this Report

The purpose of this report on state compliance is solely to describe the results of testing based on the requirements of the *2012-13 Standards and Procedures for Audits of California K-12 Local Education Agencies*, published by the Education Audit Appeals Panel. Accordingly, this report is not suitable for any other purpose.


VICENTI, LLOYD & STUTZMAN LLP
Glendora, CA
October 24, 2013

FINDINGS AND RESPONSES

MESA UNION SCHOOL DISTRICT
SCHEDULE OF FINDINGS AND RESPONSES

June 30, 2013

All audit findings must be identified as one or more of the following eleven categories:

<u>Five Digit Code</u>	<u>Finding Types</u>
10000	Attendance
20000	Inventory of Equipment
30000	Internal Control
40000	State Compliance
41000	CalSTRS
50000	Federal Compliance
60000	Miscellaneous
61000	Classroom Teacher Salaries
70000	Instructional Materials
71000	Teacher Misassignments
72000	School Accountability Report Card

There were no findings related to the basic financial statements or state awards for the fiscal year ended June 30, 2013.

MESA UNION SCHOOL DISTRICT
STATUS OF PRIOR YEAR FINDINGS AND RESPONSES
June 30, 2013

There were no findings related to the basic financial statements or state awards for the fiscal year ended June 30, 2012.

MESA UNION SCHOOL DISTRICT
PROPOSITION 39 GENERAL OBLIGATION BONDS
MEASURE A
PERFORMANCE AUDIT

Fiscal Year Ending June 30, 2013

MESA UNION SCHOOL DISTRICT
PROPOSITION 39 GENERAL OBLIGATION BONDS
MEASURE A
PERFORMANCE AUDIT

June 30, 2013

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MESA UNION SCHOOL DISTRICT
PROPOSITION 39 GENERAL OBLIGATION BONDS
MEASURE A
PERFORMANCE AUDIT

June 30, 2013

BACKGROUND INFORMATION

In November 2000 the voters of the State of California approved Proposition 39 authorizing the issuance of general obligation bonds by California public school district's and community colleges, under certain circumstances and subject to certain conditions. In June 2008, a general obligation bond proposition (Measure A) of the Mesa Union School District was approved by the voters of the District. Measure A authorized the District to issue up to \$4 million of general obligation bonds to finance various capital projects, and related costs, as specified in the bond measure provisions of Measure A.

Pursuant to the requirements of Proposition 39, and related state legislation, the Board of Education of the District established a Citizens' Oversight Committee and appointed its initial members. The principal purpose of the Citizens' Oversight Committee, as set out in state law, is to inform the public as to the expenditures of the proceeds of the bonds issued pursuant to the Measure A bond authorization. The Citizens' Oversight Committee is required to issue at least one report annually as to its activities and findings.

Section 1(b)(3)(C) of Article XIII A of the California Constitution requires the District to conduct an annual independent performance audit to ensure that the proceeds of the bonds deposited into the Measure A Bond Building Fund have been expended only for the authorized bond projects.

MESA UNION SCHOOL DISTRICT
PROPOSITION 39 GENERAL OBLIGATION BONDS
MEASURE A
PERFORMANCE AUDIT

June 30, 2013

OBJECTIVES

The objectives of our Performance Audit were to:

- Determine whether expenditures charged to the Measure A Bond Building Fund, have been made in accordance with the bond project list approved by the voters through the approval of Measure A in June 2008.
- Note any incongruities, system weaknesses, or non-compliance with specific Education Code sections related to bond oversight and provide recommendations for improvement.
- Provide the District Board and the Citizens' Oversight Committee with a performance audit as required under the requirements of the California Constitution and Proposition 39.

SCOPE OF THE AUDIT

The scope of our Performance Audit covered the fiscal period from July 1, 2012 to June 30, 2013. The sample of expenditures tested were selected from all object and project codes associated with the bond projects. The propriety of expenditures for capital projects and maintenance projects funded through other state or local funding sources, other than the proceeds of the bonds, were not included within the scope of our audit. Measure A bond funds were exhausted as of June 30, 2013.

MESA UNION SCHOOL DISTRICT
PROPOSITION 39 GENERAL OBLIGATION BONDS
MEASURE A
PERFORMANCE AUDIT

June 30, 2013

PROCEDURES PERFORMED

We obtained the general ledger and the project expenditure reports prepared by the District for the fiscal year ended June 30, 2013, for the Measure A Bond Building Fund. Within the fiscal year audited, we obtained the actual invoices and other supporting documentation for expenditures to ensure compliance with the requirements of Proposition 39 and Measure A as to the approved bond projects list. We performed the following procedures:

- We reviewed the projects listed to be funded with general obligation bond proceeds as set out in the Measure A election documents.
- We selected a sample of expenditures for the fiscal year ended June 30, 2013, and reviewed supporting documentation to ensure that such funds were properly expended on the authorized bond projects. Our sample included 16 transactions totaling \$367,591. This represents 96% of total expenditures of \$382,713. In addition, we noted the transfer of \$601,153 from the Measure A Bond Building Fund to the General Fund. This transfer was to reimburse the General Fund for interim financing provided by the Certificates of Participation.
- We verified that funds from the Measure A Bond Building Fund were generally expended for the construction, reconstruction, acquisition, furnishing and equipping of District facilities constituting the authorized bond projects and we verified that funds held in the Measure A Bond Building Fund were not used for salaries of school administrators or other operating expenses of the District.
- We reviewed documentation, including the District website, for compliance with Education Code Sections 15278-15282 related to bond oversight.

CONCLUSION

The results of our tests indicated that, in all significant respects, the District has properly accounted for the expenditures of the funds held in the Measure A Bond Building Fund and that such expenditures were made on authorized bond projects. Further, it was noted that the funds held in the Measure A Bond Building Fund and expended by the District were not expended for salaries of school administrators or other operating expenditures.

MESA UNION SCHOOL DISTRICT
PROPOSITION 39 GENERAL OBLIGATION BONDS
MEASURE A
PERFORMANCE AUDIT

SCHEDULE OF FINDINGS AND RESPONSES
June 30, 2013

There were no findings related to the performance audit for the fiscal year ended June 30, 2013.

MESA UNION SCHOOL DISTRICT

**PROPOSITION 39 GENERAL OBLIGATION BONDS
MEASURE A
PERFORMANCE AUDIT**

**STATUS OF PRIOR YEAR FINDINGS
June 30, 2013**

FINDING 11-1 – CITIZENS' BOND OVERSIGHT COMMITTEE

Finding: Section 15282 of the Education Code requires that the Citizens' Bond Oversight Committee (the Committee) consist of at least seven members and be comprised of the following:

- (1) One member shall be active in a business organization representing the business community located within the district.
- (2) One member shall be active in a senior citizens' organization.
- (3) One member shall be active in a bona fide taxpayers' organization.
- (4) For a school district, one member shall be the parent or guardian of a child enrolled in the district.
- (5) For a school district, one member shall be both a parent or guardian of a child enrolled in the district and active in a parent-teacher organization, such as the Parent Teacher Association or school site council.

During our review of the Committee members list, we noted that the Committee has two members that are fulfilling three of the five membership requirements noted above.

Recommendation: The District should take all necessary steps to fill any vacancy of a member position in an effective and timely manner.

Current Status: During the current fiscal year, the District completed all Measure A projects and all funds have been disbursed. Therefore, the District chose not to make any changes to the Committee membership. The current members will remain to finalize reporting to the community before the Committee is dissolved.



INDEPENDENT AUDITOR'S REPORT

The Citizens' Oversight Committee
Mesa Union School District
3901 North Mesa School Road
Somis, CA 93066

We have conducted a performance audit of the Mesa Union School District (the "District"), Measure A General Obligation Bond funds for the year ended June 30, 2013.

We conducted our performance audit in accordance with *Government Auditing Standards* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our conclusion based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Our audit was limited to the objectives listed on page 3 of this report which includes determining the District's compliance with the performance requirements for the Proposition 39 Measure A General Obligation Bonds under the applicable provisions of Section 1(b)(3)(C) of Article XIII A of the California Constitution and Proposition 39 as they apply to the Bonds and the net proceeds thereof. Management is responsible for the District's compliance with those requirements.

Solely to assist us in planning and performing our performance audit, we obtained an understanding of the internal control of the District to determine if internal controls were adequate to help ensure the District's compliance with the requirements of Proposition 39, as specified by Section 1(b)(3)(C) of Article XIII A of the California Constitution. Accordingly, we do not express any assurance on the internal control.

The results of our tests indicated that, in all significant respects, the District expended Measure A General Obligation Bond funds for the year ended June 30, 2013 only for the specific projects developed by the District's Board of Education and approved by the voters, in accordance with the requirements of Proposition 39, as specified by Section 1(b)(3)(C) of Article XIII A of the California Constitution.

Vicenti, Lloyd & Stutzman LLP
VICENTI, LLOYD & STUTZMAN LLP
Glendora, CA
October 24, 2013

Mesa Union School

3901 North Mesa School Road • Somis, Ca 93066 • (805) 485-1411 • Grades TK-8

Ryan Howatt, Principal
rhowatt@mesaschool.org



2012-13 School Accountability Report Card Published During the 2013-14 School Year

Mesa Union School District

3901 North Mesa School Road
Somis, Ca 93066
(805) 485-1411
www.mesaschool.org

District Governing Board

Susan Nemets
Steven Sullivan
Judith Thielemann
Noel Camanag
Rick Murray

District Administration

Michael Babb, Ed.D.
Superintendent

About the SARC

Every school in California is required by state law to publish a School Accountability Report Card (SARC), by February 1 of each year. The SARC contains information about the condition and performance of each California public school. All data are reported for the 2012-13 school-year, unless otherwise indicated. For more information about SARC requirements, see the California Department of Education (CDE) SARC webpage at www.cde.ca.gov/ta/ac/sa/. For additional information about this school, please contact the school administration at (805) 485-1411.

School Description

Mesa Union School has enjoyed a long tradition of excellence where children thrive in a community-focused, small school environment. Students attend Mesa Union from TK-8 and enjoy a rigorous and rewarding academic environment enriched with music, arts, athletics, sciences and special events. Families have many opportunities to participate in the daily life of the school. The school and district mission statement states, "We teach students to create, connect, and collaborate--for life!" As we shift to the Common Core State Standards, this a key phrase for us to keep in mind. School learning is shifting toward more doing, more applying what children have learned at home to what s/he learns in school, and more interacting with teachers and with peers. Twenty-first century learning is an active, social enterprise with ample exposure to science, math and technology, lots of interaction, and a great deal of higher-order thinking. Finally, "for life" means we hope to spark learning that lasts a lifetime.

Our Mission

"We teach students to create, connect and collaborate--for life!"

Our Vision

Collaborating with staff, families and the community, we create a safe and enriching learning environment featuring technology, science and the arts that prepares each Mesa student to thrive academically and socially to meet world-class standards for success in high school, college, and career.

Opportunities for Parental Involvement

Mesa Elementary School encourages family members to be active in their child's education. Nearly 85% of our parents contribute to school activities throughout the school year. Parents can participate in the following programs and activities:

- Parent Faculty Organization (PFO)
- Mesa Education Foundation
- Wellness Committee
- Volunteering in the classroom
- Chaperoning students during field trips
- Assisting with fundraisers that support student learning activities
- Leadership positions on our School Site Council (SSC), Migrant Parents Advisory Committee, and English Learner Advisory Committee (ELAC)

Please call Ryan Howatt, principal, at (805) 485-1411, for details on how to participate in Mesa Union School programs and activities.

Student Enrollment by Grade Level	
Grade Level	Number of Students
Kinder.	76
Gr. 1	75
Gr. 2	73
Gr. 3	76
Gr. 4	73
Gr. 5	74
Gr. 6	74
Gr. 7	72
Gr. 8	70
Total	663

Student Enrollment by Group	
Group	Percent of Total Enrollment
Black or African American	3.2
American Indian or Alaska Native	0.3
Asian	3.3
Filipino	2.6
Hispanic or Latino	54.8
Native Hawaiian/Pacific Islander	0.9
White	31.1
Two or More Races	3.9
Socioeconomically Disadvantaged	38.5
English Learners	20.7
Students with Disabilities	5.1

Average Class Size and Class Size Distribution												
Average Class Size				Number of Classrooms*								
				1-20			21-32			33+		
Year	11	12	13	11	12	13	11	12	13	11	12	13
Kinder.		19.3	23.7		3	1		0	2		0	0
Gr. 1		24.3	23		0	1		3	2		0	0
Gr. 2		21.3	24.7		3	0		0	3		0	0
Gr. 3		20.3	23.3		3	0		0	3		0	0
Gr. 4		30.3	27.7		0	0		3	3		0	0
Gr. 5		29.5	30		0	0		2	2		0	0
4-8	29	33					12	7				
English		30.5	30.7		0	1		4	1		2	4
Math		26.3	27.3		2	3		4	2		2	3
Science		32.8	33.5		0	0		2	1		2	3
SS		32.8	33.5		0	0		2	1		2	3

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

Suspensions and Expulsions			
School	10-11	11-12	12-13
Suspensions Rate	3.63	5.71	3.47
Expulsions Rate	0.17	0.0	0.0
District	10-11	11-12	12-13
Suspensions Rate	3.63	5.71	3.47
Expulsions Rate	0.17	0.0	0.0

* The rate of suspensions and expulsions is calculated by dividing the total number of incidents by the total enrollment (and multiplying by 100).

School Safety Plan

This section provides information about the school's comprehensive safety plan, including the dates on which the safety plan was last reviewed, updated, and discussed with faculty; as well as a brief description of the key elements of the plan.

Through inspections of school facilities, administrators identify and correct potentially unsafe conditions. The Mesa Comprehensive School Safety Plan, directed by the School Safety Committee, includes such elements as procedures and protocols staff may use in event of emergencies. The School Safety Committee, which consists of administrative, certificated and classified staff, meets to address student and employee safety. The School Safety Plan has been reviewed, updated, and discussed with the school faculty on an ongoing basis since June 2006. The revised School Safety Plan was approved by the Mesa Union School District Board in April 2012.

School Facility Conditions and Planned Improvements (School Year 2013-14)

This section provides information from the most recent Facility Inspection Tool (FIT) data (or equivalent), including:

- Description of the safety, cleanliness, and adequacy of the school facility
- Description of any planned or recently completed facility improvements
- The year and month in which the data were collected
- Description of any needed maintenance to ensure good repair

Year and month in which data were collected: December 2013

Mesa Union School has 23 regular classrooms, a science lab, a library, a computer lab, a multipurpose room, a cafeteria, an art room, a physical education room, a speech room and a resource room.

One of Mesa Union School's Core Values is maintaining a safe and healthy learning environment. The oldest buildings, which reflect the rural aesthetic, were built in the 1930s. Site modernization to refurbish all classrooms, bathrooms, and school site expansion was completed in 2005. The Board of Trustees has reviewed the campus facilities and adopted a five-year maintenance plan. This plan, using state-matching funds and monies from a 2002 school bond generously supported by the Mesa community, enabled Mesa Union School to build a Science-Technology Center. Land acquisition, parking lot, and play field construction was completed in 2011.

Staff takes pride in maintaining a clean, aesthetically attractive campus, understanding that a clean and safe environment promotes student learning. Maintenance staff works hard to preserve our beautiful campus, ensuring any needed maintenance is performed promptly to ensure good repair.

School Facility Good Repair Status (School Year 2013-14)

This section provides information from the most recent Facility Inspection Tool (FIT) data (or equivalent), including:

- Determination of repair status for systems listed
- Description of any needed maintenance to ensure good repair
- The Overall Rating (bottom row)

School Facility Good Repair Status				
System Inspected	Repair Status			Repair Needed and Action Taken or Planned
	Good	Fair	Poor	
Systems: Gas Leaks, Mechanical/HVAC, Sewer	[X]	[]	[]	
Interior: Interior Surfaces	[X]	[]	[]	
Cleanliness: Overall Cleanliness, Pest/ Vermin Infestation	[X]	[]	[]	
Electrical: Electrical	[X]	[]	[]	
Restrooms/Fountains: Restrooms, Sinks/ Fountains	[X]	[]	[]	
Safety: Fire Safety, Hazardous Materials	[X]	[]	[]	
Structural: Structural Damage, Roofs	[X]	[]	[]	
External: Playground/School Grounds, Windows/ Doors/Gates/Fences	[X]	[]	[]	
Overall Rating	Exemplary	Good	Fair	Poor
	[]	[X]	[]	[]

Teacher Credentials			
School	10-11	11-12	12-13
Fully Credentialed	28	30	28
Without Full Credential	0	0	0
Teaching Outside Subject Area	0	0	0
Districtwide	10-11	11-12	12-13
Fully Credentialed	♦	♦	28
Without Full Credential	♦	♦	0

Teacher Misassignments and Vacant Teacher Positions at this School			
School	11-12	12-13	13-14
Teachers of English Learners	0	0	0
Total Teacher Misassignments	0	0	0
Vacant Teacher Positions	0	0	0

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

Professional Development

This section provides information on the number of days provided for professional development and continuous professional growth in the most recent three year period.

In 2012-2013, teachers participated in three full days and eight half days of professional learning, primarily geared to the transition to Common Core State Standards. In addition, content specialists from the Ventura County Office of Education coordinated model lessons to help teachers plan support for English learners. All professional learning events and activities aligned to teacher professional development plans outlined in the Mesa Union School Single Plan for Student Achievement. Professional learning focused on support for all students in language arts, mathematics and English language development. Teachers met regularly in collaborative teams to review student achievement data and to make changes in the instructional program. In addition, teachers participated in workshops and conferences.

Core Academic Classes Taught by Highly Qualified Teachers

The Federal Elementary and Secondary Education Act (ESEA), also known as No Child Left Behind (NCLB), requires that core academic subjects be taught by Highly Qualified Teachers, defined as having at least a bachelor's degree, an appropriate California teaching credential, and demonstrated core academic subject area competence. For more information, see the CDE *Improving Teacher and Principal Quality* webpage at: www.cde.ca.gov/nclb/sr/tq/

Percent of Classes In Core Academic Subjects Core Academic Classes Taught by Highly Qualified Teachers		
Location of Classes	Taught by Highly Qualified Teachers	Not Taught by Highly Qualified Teachers
This School	99	1
Districtwide		
All Schools	91	9
High-Poverty Schools	91	9
Low-Poverty Schools		

* High-poverty schools are defined as those schools with student eligibility of approximately 40 percent or more in the free and reduced price meals program. Low-poverty schools are those with student eligibility of approximately 25 percent or less in the free and reduced price meals program.

Academic Counselors and Other Support Staff at this School	
Number of Full-Time Equivalent (FTE)	
Academic Counselor	
Social/Behavioral or Career Development Counselor	.60
Library Media Teacher (Librarian)	
Library Media Services Staff (Paraprofessional)	2.0
Psychologist	.40
Social Worker	
Nurse	.10
Speech/Language/Hearing Specialist	.80
Resource Specialist	
Other	
Average Number of Students per Staff Member	
Academic Counselor	663

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

Types of Services Funded (Fiscal Year 2012-13)

This section provides specific information about the types of programs and services available at the school that support and assists students. For example, this narrative may include information about supplemental educational services related to the school's federal Program Improvement (PI) status.

Staff provides programs and Supplemental Educational Services (SES), using general fund and categorical funding sources including the following:

- Title I, II, III, IV and V
- Peer Assistance and Review (PAR)
- Class Size Reduction
- Migrant Education
- Special Education
- Gifted and Talented Education (GATE)
- Rural Education Achievement Program (REAP)
- Economic Impact Aid

Programs and services that support learning for all children, particularly economically disadvantaged and language minority students, include focused professional development, extended learning time, Supplemental Educational Services (SES), computer-assisted learning, diagnostic assessment and reading intervention. Mesa Union School staff augment the core curriculum with arts and science instruction and academic field trips. Students also enjoy opportunities to participate in a variety of enrichment activities .

Expenditures Per Pupil and School Site Teacher Salaries (Fiscal Year 2011-12)

Level	Expenditures Per Pupil			Average Teacher Salary
	Total	Restricted	Unrestricted	
School Site	\$7,163	\$1,527	\$5,637	\$66,159
District	♦	♦	\$6,355	\$66,159
State	♦	♦	\$5,537	\$57,720
Percent Difference: School Site/District			-11.3	1.7
Percent Difference: School Site/ State			3.3	16.0

* **Supplemental/Restricted** expenditures come from money whose use is controlled by law or by a donor. Money that is designated for specific purposes by the district or governing board is not considered restricted.

* **Basic/Unrestricted expenditures** are from money whose use, except for general guidelines, is not controlled by law or by a donor.

For detailed information on school expenditures for all districts in California, see the CDE Current Expense of Education & Per-pupil Spending webpage at www.cde.ca.gov/ds/fd/ec/. For information on teacher salaries for all districts in California, see the CDE Certificated Salaries & Benefits webpage at www.cde.ca.gov/ds/fd/cs/. To look up expenditures and salaries for a specific school district, see the Ed-Data Web site at: www.ed-data.org.

Teacher and Administrative Salaries (Fiscal Year 2011-12)

Category	District Amount	State Average for Districts In Same Category
Beginning Teacher Salary	\$39,779	\$38,719
Mid-Range Teacher Salary	\$64,348	\$55,637
Highest Teacher Salary	\$76,327	\$70,797
Average Principal Salary (ES)	\$84,298	\$90,284
Average Principal Salary (MS)	\$0	\$94,675
Average Principal Salary (HS)	\$0	\$85,183
Superintendent Salary	\$146,231	\$104,272
Percent of District Budget		
Teacher Salaries	42.0%	35.5%
Administrative Salaries	5.0%	6.5%

* For detailed information on salaries, see the CDE Certificated Salaries & Benefits webpage at www.cde.ca.gov/ds/fd/cs/.

Quality, Currency, Availability of Textbooks and Instructional Materials (School Year 2013-14)

This section describes whether the textbooks and instructional materials used at the school are from the most recent adoption; whether there are sufficient textbooks and instruction materials for each student; and information about the school’s use of any supplemental curriculum or non-adopted textbooks or instructional materials.

Year and month in which data were collected: September 2012

All textbooks are piloted and approved by the Board of Trustees. Texts are selected from state-approved materials and aligned with state standards.

Mesa Union School is fully equipped with adequate textbooks, materials, and supplies to support academic learning goals. All texts are relatively new, and many have Spanish language support materials. Every classroom has an extensive library.

Additionally, a clerk and parent volunteers staff our school library. Elementary program students visit the library and 40-station Technology Lab at least once each week.

All classrooms have Internet-accessible computers connected to the campus server.

Textbooks and Instructional Materials	
Core Curriculum Area	Textbooks and Instructional Materials/Year of Adoption
<p>Reading/Language Arts</p> <p>The textbooks listed are from most recent adoption: Yes</p> <p>Percent of students lacking their own assigned textbook: 0%</p>	<p>(K-5)Pearson/2010 (6-8)Holt/2011</p>
<p>Mathematics</p> <p>The textbooks listed are from most recent adoption: No</p> <p>Percent of students lacking their own assigned textbook: 0%</p>	<p>(K-5)Harcourt/2009 (6-8)Glencoe/2009 (8)McDougal-Littell/2008</p>
<p>Science</p> <p>The textbooks listed are from most recent adoption: No</p> <p>Percent of students lacking their own assigned textbook: 0%</p>	<p>(K-5)McGraw-Hill/2007 (6-8)Glencoe/2007</p>
<p>History-Social Science</p> <p>The textbooks listed are from most recent adoption: No</p> <p>Percent of students lacking their own assigned textbook: 0%</p>	<p>(K-5)Houghton Mifflin/2007 (6-8)Prentice Hall/2007</p>

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

The Standardized Testing and Reporting (STAR) Program consists of several key components, including:

- **California Standards Tests (CSTs)**, which include English-language arts (ELA) and mathematics (Math) in grades two through eleven; science in grades five, eight, and nine through eleven; and history-social science (H-SS) in grades eight, and nine through eleven.
- **California Modified Assessment (CMA)**, an alternate assessment that is based on modified achievement standards in ELA for grades three through eleven; mathematics for grades three through seven, Algebra I, and Geometry; and science in grades five and eight, and Life Science in grade ten. The CMA is designed to assess those students whose disabilities preclude them from achieving grade-level proficiency on an assessment of the California content standards with or without accommodations.
- **California Alternate Performance Assessment (CAPA)**, includes ELA and mathematics in grades two through eleven, and science for grades five, eight, and ten. The CAPA is given to those students with significant cognitive disabilities whose disabilities prevent them from taking either the CSTs with accommodations or modifications or the CMA with accommodations.

The assessments under the STAR Program show how well students are doing in relation to the state content standards. On each of these assessments, student scores are reported as performance levels.

For detailed information regarding the STAR Program results for each grade and performance level, including the Percent of Students not tested, see the CDE STAR Results Web site at star.cde.ca.gov.

STAR Results for All Students - Three-Year Comparison									
Subject	Percent of Students Scoring at Proficient or Advanced								
	School			District			State		
	10-11	11-12	12-13	10-11	11-12	12-13	10-11	11-12	12-13
ELA	66	69	67	66	69	67	54	56	55
Math	70	69	71	60	61	62	49	50	50
Science	79	76	75	71	70	75	57	60	59
H-SS	86	73	64	71	63	64	48	49	49

Internet Access

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

2013 STAR Results by Student Group				
Group	Percent of Students Scoring at Proficient or Advanced			
	ELA	Math	Science	H-SS
All Students in the LEA	67	62	75	64
All Student at the School	67	71	75	64
Male	65	71	79	64
Female	68	70	73	64
Black or African American	55	70		
American Indian or Alaska Native				
Asian	78	85		
Filipino				
Hispanic or Latino	55	61	64	46
Native Hawaiian/Pacific Islander				
White	85	83	94	88
Two or More Races	73	82		
Socioeconomically Disadvantaged	45	53	56	40
English Learners	36	43	43	24
Students with Disabilities	33	42		
Students Receiving Migrant Education Services				

California Physical Fitness Test Results

The California Physical Fitness Test (PFT) is administered to students in grades five, seven, and nine only. This table displays by grade level the Percent of Students meeting the fitness standards for the most recent testing period. For detailed information regarding this test, and comparisons of a school's test results to the district and state, see the CDE PFT webpage at www.cde.ca.gov/ta/tg/pf/.

Grade Level	Percent of Students Meeting Fitness Standards		
	4 of 6	5 of 6	6 of 6
5	21.1	32.4	25.4
7	23.2	26.1	43.5

DataQuest

DataQuest is an online data tool located on the CDE DataQuest webpage at dq.cde.ca.gov/dataquest/ that contains additional information about this school and comparisons of the school to the district, the county, and the state. Specifically, DataQuest is a dynamic system that provides reports for accountability (e.g., state Academic Performance Index [API], federal Adequate Yearly Progress [AYP]), test data, enrollment, high school graduates, dropouts, course enrollments, staffing, and data regarding English learners.

Academic Performance Index

The Academic Performance Index (API) is an annual measure of state academic performance and progress of schools in California. API scores range from 200 to 1,000, with a statewide target of 800. For detailed information about the API, see the CDE API webpage at www.cde.ca.gov/ta/ac/ap/.

API Growth by Student Group – Three-Year Comparison			
Group	Actual API Change		
	10-11	11-12	12-13
All Students at the School	14	-13	6
Black or African American			
American Indian or Alaska Native			
Asian			
Filipino			
Hispanic or Latino	19	-3	11
Native Hawaiian/Pacific Islander			
White	10	-5	2
Two or More Races			
Socioeconomically Disadvantaged	29	-24	20
English Learners	31	-40	8
Students with Disabilities			

Academic Performance Index Ranks - Three-Year Comparison

This table displays the school's statewide and similar schools' API ranks. The **statewide API rank** ranges from 1 to 10. A statewide rank of 1 means that the school has an API score in the lowest ten percent of all schools in the state, while a statewide rank of 10 means that the school has an API score in the highest ten percent of all schools in the state. The **similar schools API rank** reflects how a school compares to 100 statistically matched "similar schools." A similar schools rank of 1 means that the school's academic performance is comparable to the lowest performing ten schools of the 100 similar schools, while a similar schools rank of 10 means that the school's academic performance is better than at least 90 of the 100 similar schools.

Academic Performance Index Ranks - Three-Year Comparison			
API Rank	2010	2011	2012
Statewide	8	8	7
Similar Schools	6	4	5

Federal Intervention Program (School Year 2013-14)

Schools and districts receiving federal Title I funding enter Program Improvement (PI) if they do not make AYP for two consecutive years in the same content area (ELA or mathematics) or on the same indicator (API or graduation rate). After entering PI, schools and districts advance to the next level of intervention with each additional year that they do not make AYP. For detailed information about PI identification, see the CDE PI Status Determinations webpage: www.cde.ca.gov/ta/ac/ay/tidetermine.asp.

Indicator	School	District
Program Improvement Status	In PI	Not In PI
First Year of Program Improvement	2009-2010	
Year in Program Improvement	Year 4	
Number of Schools Currently in Program Improvement	1	
Percent of Schools Currently in Program Improvement	100.0	

API Growth by Student Group - 2013 Growth API Comparison

This table displays, by student group, the number of students included in the API and the 2013 Growth API (API-G) at the school, district, and state level.

Group	School	District	State	
All Students at the School	Students	492	493	4,655,989
	API-G	858	863	790
Black or African American	Students	20	20	296,463
	API-G	830	830	708
American Indian or Alaska Native	Students	2	2	30,394
	API-G			743
Asian	Students	17	17	406,527
	API-G	927	927	906
Filipino	Students	10	10	121,054
	API-G			867
Hispanic or Latino	Students	268	269	2,438,951
	API-G	816	815	744
Native Hawaiian/Pacific Islander	Students	3	3	25,351
	API-G			774
White	Students	161	161	1,200,127
	API-G	932	932	853
Two or More Races	Students	11	11	125,025
	API-G	938	938	824
Socioeconomically Disadvantaged	Students	181	181	2,774,640
	API-G	777	777	743
English Learners	Students	108	108	1,482,316
	API-G	759	759	721
Students with Disabilities	Students	39	40	527,476
	API-G	737	737	615

Adequate Yearly Progress

The federal ESEA requires that all schools and districts meet the following Adequate Yearly Progress (AYP) criteria:

- Participation rate on the state's standards-based assessments in ELA and mathematics
- Percent proficient on the state's standards-based assessments in ELA and mathematics
- API as an additional indicator
- Graduation rate (for secondary schools)

Detailed information about AYP, can be found at the CDE Adequate Yearly Progress (AYP) webpage at www.cde.ca.gov/ta/ac/ay/.

AYP Criteria	School	District
Made AYP Overall	No	No
Met Participation Rate: English-Language Arts	Yes	Yes
Met Participation Rate: Mathematics	Yes	Yes
Met Percent Proficient: English-Language Arts	No	No
Met Percent Proficient: Mathematics	No	No
Met API Criteria	Yes	Yes
Met Graduation Rate (if applicable)	N/A	N/A

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CSBA Sample

Administrative Regulation

Charter School Authorization

AR 0420.4

Philosophy, Goals, Objectives and Comprehensive Plans

***Note: The following administrative regulation is optional. ***

Petition Signatures

A petition for the establishment of a start-up charter school must be signed by either of the following: (Education Code 47605)

1. A number of parents/guardians equivalent to at least one-half of the number of students that the charter school estimates will enroll in the school for its first year of operation
2. A number of teachers equivalent to at least one-half of the total number of teachers that the charter school estimates will be employed at the school during its first year of operation

If the charter petition calls for an existing public school to be converted to a charter school, the petition must be signed by at least 50 percent of the permanent status teachers currently employed at the school. (Education Code 47605)

(cf. 4116 - Permanent/Probationary Status)

In circulating a petition, the petitioners shall include a prominent statement explaining that a parent/guardian's signature means that the parent/guardian is meaningfully interested in having his/her child attend the charter school or, in the case of a teacher's signature, that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition. (Education Code 47605)

Advisory Committee

***Note: The following optional section may be revised to reflect district practice. CSBA's publication Charter Schools: A Manual for Governance Teams suggests that a petition review team is one method that may be used to obtain input on proposed charters. Such a committee might include representatives of the district's human resources, fiscal services, risk management, student services, curriculum, special education, facilities, and other departments. ***

At his/her discretion, the Superintendent or designee may establish a staff advisory committee to evaluate the completeness of a petition or the merits of a proposed educational program and to identify any concerns that should be addressed by the petitioners. The Superintendent or designee shall also consult with legal counsel, as appropriate, regarding compliance of the

charter proposals with legal requirements.

(cf. 2230 - Representative and Deliberative Groups)

Components of Charter Petition

***Note: CSBA's publication *Charter Schools: A Manual for Governance Teams* recommends specific content that might be included in the descriptions of each component listed in items #1-16 below. ***

The charter petition shall include affirmations of the conditions described in Education Code 47605(d) as well as reasonably comprehensive descriptions of: (Education Code 47605, 47611.5)

1. The educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling students to become self-motivated, competent, and lifelong learners.

***Note: Education Code 47605, as amended by AB 97 (Ch. 47, Statutes of 2013), requires the charter petition to include annual goals for all students and for each subgroup of students identified pursuant to Education Code 52052 and specific actions to achieve those goals, similar to the local control and accountability plan that is required for districts and county offices of education pursuant to Education Code 52060-52077. Pursuant to Education Code 52052, as amended by AB 97, a numerically significant subgroup includes ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, and foster youth, when there are at least 30 students in the subgroup (or at least 15 foster youth) in the school. For schools with 11-99 students, numerically significant student subgroups are defined by the Superintendent of Public Instruction with approval by the State Board of Education (SBE). ***

***Note: As amended by AB 97, Education Code 47605 requires that these annual goals be aligned with eight state priorities related to (1) the degree to which teachers are appropriately assigned and fully credentialed, students have sufficient access to standards-based instructional materials, and facilities are maintained in good repair; (2) implementation of and student access to state academic content and performance standards; (3) parent/guardian involvement; (4) student achievement; (5) student engagement; (6) school climate; (7) student access to and enrollment in a broad course of study, including programs and services provided to benefit low-income students, English learners, and/or foster youth (i.e., "unduplicated students" for purposes of the local control funding formula); and (8) student outcomes in the specified course of study. See BP/AR 0460 - Local Control and Accountability Plan. ***

***Note: Unlike districts, charter schools are exempt from the requirements to solicit public comment, hold public hearings, and have their plans approved by the county office of education. ***

***Note: Education Code 47606.5, as added by AB 97, requires the charter school to annually update its goals and the specific actions identified to achieve the goals; see AR/E 0420.41 - Charter School Oversight. ***

The petition shall include a description of annual goals for all students and for each numerically significant subgroup of students identified pursuant to Education Code 52052, including ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, and foster youth. These goals shall be aligned with the state priorities listed in Education Code 52060 that apply to the grade levels served or the nature of the program operated by the charter school. The petition also shall describe specific annual actions to achieve those goals. The petition may identify additional priorities established by the charter school, goals aligned with those priorities, and specific annual actions to achieve those goals.

(cf. 0420.41 - Charter School Oversight)

(cf. 0460 - Local Control and Accountability Plan)

If the proposed school will serve high school students, the petition shall describe the manner in which the charter school will inform parents/guardians about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable, and courses approved by the University of California or the California State University as creditable under the "a-g" admissions criteria may be considered to meet college entrance requirements.

***Note: Education Code 47605 requires that the petition identify student outcomes that the charter school intends to use, including those that address increases in student achievement both schoolwide and for all groups of students served by the charter school, as defined in Education Code 47607. Education Code 47607 defines "all groups of students served by the charter school" to mean all numerically significant subgroups of students served by the charter school, as defined in Education Code 52052. ***

2. The measurable student outcomes identified for use by the charter school. Student outcomes means the extent to which all students of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program, including outcomes that address increases in student academic achievement both schoolwide and for each numerically significant subgroup of students served by the charter school. The student outcomes shall align with the state priorities identified in Education Code 52060 that apply for the grade levels served or the nature of the program operated by the charter school.

***Note: As amended by AB 97 (Ch. 47, Statutes of 2013), Education Code 47605 requires that, to the extent practicable, the methods of measuring student outcomes for state priorities be consistent with the way information is reported on a school accountability report card pursuant to Education Code 33126. ***

3. The method by which student progress in meeting the identified student outcomes is to be

measured. To the extent practicable, the method for measuring student outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

(cf. 0510 - School Accountability Report Card)

4. The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parent/guardian involvement.
5. The qualifications to be met by individuals to be employed by the school.
6. The procedures that the school will follow to ensure the health and safety of students and staff, including the requirement that each school employee furnish the school with a criminal record summary as described in Education Code 44237.
7. The means by which the school will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the district's territorial jurisdiction.
8. Admission requirements, if applicable.
9. The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the Governing Board's satisfaction.
10. The procedures by which students can be suspended or expelled.
11. The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.
12. The public school attendance alternatives for students residing within the district who choose to not attend the charter school.
13. A description of the rights of any district employee upon leaving district employment to work in the charter school and of any rights of return to the district after employment at the charter school.
14. The procedures to be followed by the charter school and the Board to resolve disputes relating to charter provisions.

***Note: Education Code 47605 requires charter petitions to contain the declaration specified in item #15 below regarding responsibilities for collective bargaining. If the charter school is not deemed the public school employer for purposes of collective bargaining under Government Code 3540-3549.3, the district where the charter school is located shall be deemed the public school employer for these purposes, pursuant to Education Code 47611.5. Education Code

47611.5 further provides that, if the charter does not specify that the charter school shall comply with laws and regulations governing tenure or a merit or civil service system, the scope of representation for that charter school shall also include discipline and dismissal of charter school employees. ***

15. A declaration as to whether or not the charter school shall be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining under Government Code 3540-3549.3.

***Note: Education Code 47605 and 5 CCR 11962 require the charter petition to include procedures to be used in the event that the charter school closes for any reason, as provided in item #16 below. Duties of the district pertaining to charter school closures include notification requirements pursuant to Education Code 47604.32 and 5 CCR 11962.1; see BP 0420.41 - Charter School Oversight. ***

16. The procedures to be used if the charter school closes, including, but not limited to: (5 CCR 11962)

- a. Designation of a responsible entity to conduct closure-related activities
- b. Notification to parents/guardians, the Board, the county office of education, the special education local plan area in which the school participates, the retirement systems in which the school's employees participate, and the California Department of Education, providing at least the following information:
 - (1) The effective date of the closure
 - (2) The name(s) and contact information of the person(s) to whom reasonable inquiries may be made regarding the closure
 - (3) The students' districts of residence
 - (4) The manner in which parents/guardians may obtain copies of student records, including specific information on completed courses and credits that meet graduation requirements
- c. Provision of a list of students at each grade level, the classes they have completed, and their districts of residence to the responsible entity designated in accordance with item #16a above
- d. Transfer and maintenance of all student records, all state assessment results, and any special education records to the custody of the responsible entity designated in accordance with item #16a above, except for records and/or assessment results that the charter may require to be transferred to a different entity
- e. Transfer and maintenance of personnel records in accordance with applicable law

f. Completion of an independent final audit within six months after the closure of the school that includes an accounting of all financial assets and liabilities pursuant to 5 CCR 11962 and an assessment of the disposition of any restricted funds received by or due to the school

g. Disposal of any net assets remaining after all liabilities of the school have been paid or otherwise addressed pursuant to 5 CCR 11962

h. Completion and filing of any annual reports required pursuant to Education Code 47604.33

i. Identification of funding for the activities identified in item #16a-h above

***Note: Education Code 47605 requires that petitioners provide to the Governing Board the information listed in items #1-4 below. The Board may require additional information. For example, U.S. Department of Education nonregulatory guidance, The Impact of New Title I Requirements on Charter Schools, suggests that districts may, at their discretion, choose to incorporate in the charter the state's definition of "adequate yearly progress" to assist charter schools in understanding their accountability requirements; see the accompanying Board policy and BP/AR 0520.2 - Title I Program Improvement Schools. ***

***Note: As outlined in CSBA's publication Charter Schools: A Manual for Governance Teams, some districts request a school calendar, information regarding transportation arrangements, staff development plans, assurances that the school will provide appropriate services for English language learners and students with disabilities, or any other information that will assist the Board in understanding the proposal. Districts that wish to require additional information in the charter may list those items below. ***

Charter school petitioners shall provide information to the Board regarding the proposed operation and potential effects of the school, including, but not limited to: (Education Code 47605)

***Note: Education Code 47605 requires that information on school facilities, listed in item #1 below, must specify where the school intends to locate. Unless otherwise exempted, the school must be located within the geographic boundaries of the chartering district; see section "Location of Charter School" below. ***

1. The facilities to be used by the school, including where the school intends to locate

(cf. 7160 - Charter School Facilities)

2. The manner in which administrative services of the school are to be provided

3. Potential civil liability effects, if any, upon the school and district

4. Financial statements that include a proposed first-year operational budget, including start-up costs and cash-flow and financial projections for the first three years of operation

Location of Charter School

***Note: Education Code 47605 and 47605.1 establish geographic and site requirements for charter schools. Pursuant to Education Code 47605, a charter school granted by either the County Board of Education or the SBE following initial denial by the district also must locate within the geographic boundaries of the district that denied the petition. ***

***Note: The Attorney General has opined, in 89 Ops.Cal.Atty.Gen. 166 (2006), that online charter schools are subject to the restrictions and conditions placed upon independent study programs, including the requirement that students reside in the charter school's home county or an adjacent county. ***

Unless otherwise exempted by law, the charter petition shall identify a single charter school that will operate within the geographic boundaries of the district. A charter school may propose to operate at multiple sites within the district as long as each location is identified in the petition. (Education Code 47605, 47605.1)

A charter school that is unable to locate within the district's jurisdictional boundaries may establish one site outside district boundaries but within the county, provided that: (Education Code 47605, 47605.1)

1. The district is notified prior to approval of the petition.
2. The County Superintendent of Schools and Superintendent of Public Instruction are notified before the charter school begins operations.
3. The charter school has attempted to locate a single site or facility to house the entire program but such a facility or site is unavailable in the area in which the school chooses to locate, or the site is needed for temporary use during a construction or expansion project.

A charter school may establish and locate a resource center, meeting space, or other satellite facility in an adjacent county if both of the following conditions are met: (Education Code 47605.1)

1. The facility is used exclusively for the educational support of students who are enrolled in nonclassroom-based independent study of the charter school.
2. The charter school provides its primary educational services in, and a majority of the students it serves are residents of, the county in which the school is authorized.

CSBA Sample

Board Policy

Charter School Oversight

BP 0420.41

Philosophy, Goals, Objectives and Comprehensive Plans

***Note: The following optional policy may be revised to reflect district practice. The Governing Board is obligated to monitor the performance of any charter school it authorizes in order to ensure the school's compliance with legal requirements and progress toward meeting measurable outcomes specified in the charter. Information about the school's performance will be needed when determining whether or not to grant a renewal of the charter or whether a revocation of the charter is warranted; see BP 0420.42 - Charter School Renewal and BP 0420.43 - Charter School Revocation. In addition, pursuant to Education Code 47604, if the district complies with all oversight responsibilities required by law, it will not be liable for the debts or obligations of any charter school that operates as or is operated by a nonprofit public benefit corporation pursuant to Corporations Code 5110-6910. ***

***Note: Pursuant to Education Code 47605, if the State Board of Education (SBE) approves a petition upon appeal after the Board and County Board of Education have denied the petition, the SBE may, by mutual agreement, designate its supervisory and oversight responsibilities to the Board or to any local educational agency in the county in which the charter school is located. ***

The Governing Board recognizes its ongoing responsibility to ensure that any charter school authorized by the Board is successfully fulfilling the terms of its charter and is providing a high-quality educational program for students enrolled in the charter school.

(cf. 0420.4 - Charter School Authorization)

(cf. 0500 - Accountability)

The Superintendent or designee shall identify at least one staff member to serve as a contact for each charter school. (Education Code 47604.32)

***Note: Education Code 47604.32 requires the district to visit each charter school at least once every year. CSBA's publication Charter Schools: A Manual for Governance Teams recommends more frequent visits, perhaps two or three times during the school year, in order to monitor school operations more closely and develop relationships with the staff at the charter school. ***

The Board and Superintendent or designee may inspect or observe any part of the charter school at any time. The Superintendent or designee shall visit each charter school at least annually. (Education Code 47604.32, 47607)

***Note: The following optional paragraph may be revised to reflect district practice. Pursuant

to Education Code 47604, if a charter school operates as or is operated by a nonprofit public benefit corporation, the Board is entitled to a single representative on the board of directors of the nonprofit public benefit corporation. CSBA's publication Charter Schools: A Manual for Governance Teams recommends that the district consult with legal counsel and consider any potential conflict of interest that may arise from having an individual Board member vote as a member of the charter board of directors on issues on which the Board will need to provide oversight. CSBA's manual suggests that an alternative may be for the district to designate its charter school contact appointed pursuant to Education Code 47604.32 to sit on the charter board. ***

Whenever a charter school operates as or is operated by a nonprofit public benefit corporation as authorized by Education Code 47604, the Superintendent shall recommend and the Board shall appoint a district representative, who may be the district's charter school contact, on the corporation's board of directors.

Waivers

***Note: A charter school is not authorized to submit general waiver requests to the SBE on its own behalf. Rather, the district must submit the waiver request for the charter school. A general waiver request form is available on the California Department of Education's (CDE) web site. Exceptions for which the charter school may directly apply for a waiver include a federal waiver of the Carl Perkins Career and Technical Education Act and a specific waiver of instructional time penalties. ***

If the charter school wishes to request a general waiver of any state law or regulation, it shall request that the district submit a general waiver request to the State Board of Education (SBE) on its behalf. Upon approval of the Board, the Superintendent or designee shall apply for the waiver.

(cf. 1431 - Waivers)

Provision of District Services

***Note: The following optional section may be revised to reflect district practice. A charter school may elect to receive its funding directly from the County Superintendent of Schools pursuant to Education Code 47651 and be directly responsible for the provision of payroll, human resources, maintenance and operations, legal services, and other administrative operations. Alternatively, a charter school may receive its funding through the district that granted its charter, as is the case with most "dependent" charter schools. CSBA's publication Charter Schools: A Manual for Governance Teams recommends one or more memoranda of understanding to clarify the financial and operational agreements between the district and the charter school, including any services that will be provided by the district; see BP 0420.4 - Charter School Authorization. ***

The charter school may purchase administrative or other services from the district or any other source. (Education Code 47613)

Whenever the district agrees to provide administrative or support services, the district and charter school shall develop a memorandum of understanding which clarifies the financial and operational agreements between the district and charter school.

At the request of a charter school, the Superintendent or designee shall create and submit any reports required by the State Teachers' Retirement System or Public Employees' Retirement System on behalf of the charter school. The charter school may be charged for the actual costs of the reporting services, but shall not be required to purchase payroll processing services from the district as a condition for creating and submitting these reports. (Education Code 47611.3)

Material Revisions to Charter

Material revisions to a charter may be made only with Board approval. Material revisions shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement for charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

If an approved charter school proposes to expand operations to one or more additional sites within the district's boundaries, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations. The Board shall consider approval of the additional locations at an open meeting. (Education Code 47605)

The Board shall have the authority to determine whether a proposed change in charter school operations constitutes a material revision.

Monitoring Charter School Performance

***Note: The district has a responsibility to ensure that the charter school complies with all applicable legal requirements. Violation of any law may subject the charter school to revocation pursuant to Education Code 47607. See the accompanying Exhibit for a list of legal requirements pertaining to the operation of charter schools. ***

The Superintendent or designee shall monitor the charter school to determine whether it complies with all legal requirements applicable to charter schools, including making all reports required of charter schools in accordance with Education Code 47604.32. Any violations of law shall be reported to the Board.

***Note: Education Code 47605 requires that measurable student outcomes for "all groups of students served by the charter school" be included in the school's charter petition; see AR 0420.4 - Charter School Authorization. Pursuant to Education Code 47607, "all groups of students served by the charter school" means all numerically significant subgroups of students served by the charter school, as defined in Education Code 52052. Education Code 52052, as amended by AB 97 (Ch. 47, Statutes of 2013), provides that a numerically significant subgroup includes ethnic subgroups, socioeconomically disadvantaged students, English learners, students with

disabilities, and foster youth, when there are at least 30 students in the subgroup (or at least 15 foster youth) in the school. For schools with 11-99 students, numerically significant student subgroups are defined by the Superintendent of Public Instruction (SPI) with approval by the SBE. ***

***Note: In addition, Education Code 47605 requires that the charter petition include methods for measuring the charter school's progress toward achieving student outcomes. Although these methods may vary, Education Code 47605 requires that charter schools conduct any statewide assessments applicable to other public schools. At a minimum, the charter school must demonstrate that it is meeting its Academic Performance Index growth targets pursuant to Education Code 52051.5-52052 and, if the school receives federal Title I funding, that it is making "adequate yearly progress" (AYP) as defined by the SBE in accordance with 20 USC 6311. ***

The Board shall monitor each charter school to determine whether it is achieving, both schoolwide and for all groups of students served by the school, the measurable student outcomes set forth in the charter. This determination shall be based on the measures specified in the approved charter and shall include, at a minimum, a consideration of whether the school is meeting its Academic Performance Index growth targets established pursuant to Education Code 52052 and is making "adequate yearly progress" (AYP) pursuant to 20 USC 6311, as applicable.

Note: As amended by AB 97 (Ch. 47, Statutes of 2013), Education Code 47604.32 requires the district to ensure that the charter school submits an annual update of school goals and actions to achieve those goals as required by Education Code 47606.5. Pursuant to Education Code 47606.5, as added by AB 97, this annual update must be developed using the template adopted by the SBE pursuant to Education Code 52064.

The Board shall monitor the fiscal condition of the charter school based on any financial information obtained from the charter school, including, but not limited to, the charter school's preliminary budget; an annual update, aligned to the template adopted by the SBE, of school goals, actions, and related expenditures; first and second interim financial reports; and final unaudited report for the full prior year. (Education Code 47604.32, 47604.33, 47606.5)

***Note: Education Code 47613 authorizes the district to charge the charter school, within specified limits, for the costs of supervisory oversight of the school. As amended by AB 97 (Ch. 47, Statutes of 2013), Education Code 47613 provides that the costs of supervisory oversight include, but are not limited to, costs incurred for technical assistance or intervention pursuant to Education Code 47607.3; see the section "Technical Assistance/Intervention" below. Although no other examples are provided in law, CSBA's publication Charter Schools: A Manual for Governance Teams suggests that supervisory oversight activities also might include site visits, reviews of performance data and financial reports, and legal auditing. The actual provision of administrative or support services would not likely be considered supervisory oversight for purposes of charging supervisory oversight costs to the charter school. ***

The district may charge up to one percent of a charter school's revenue for the actual costs of supervisory oversight of the school. However, if the district is able to provide substantially

rent-free facilities to the charter school, the district may charge actual costs of supervisory oversight up to three percent of the charter school's revenue. (Education Code 47613)

(cf. 7160 - Charter School Facilities)

Technical Assistance/Intervention

Note: Pursuant to 20 USC 6311, if a charter school receiving Title I funds fails to make AYP for two or more consecutive years, the school will be identified for program improvement pursuant to 20 USC 6316; see BP/AR 0520.2 - Title I Program Improvement Schools. U.S. Department of Education nonregulatory guidance, The Impact of the New Title I Requirements on Charter Schools, clarifies that the entity which authorizes the charter is responsible for ensuring that the school complies with accountability provisions.

If a charter school receiving federal Title I funding fails to make AYP, as defined pursuant to 20 USC 6311, for two or more consecutive years, the school shall be identified for program improvement and shall implement improvement strategies in accordance with 20 USC 6316.

(cf. 0520.2 - Title I Program Improvement Schools)

Note: Education Code 47607.3, as added by AB 97 (Ch. 47, Statutes of 2013), requires the provision of technical assistance to a charter school under the circumstances described below.

If, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more student subgroups identified in Education Code 52052, or for all of the student subgroups if the school has fewer than three, in regard to one or more state or school priorities identified in the charter, the district: (Education Code 47607.3)

1. Shall provide technical assistance to the charter school using an evaluation rubric adopted by the SBE pursuant to Education Code 52064.5

2. May request that the Superintendent of Public Instruction (SPI), with SBE approval, assign the California Collaborative for Educational Excellence to provide advice and assistance to the charter school pursuant to Education Code 52074

Note: Education Code 47607 requires the Board to consider specified criteria of academic performance when determining whether to deny a petition for charter renewal or to revoke a charter, with achievement of all student subgroups served by the charter school being the most important factor; see BP 0420.42 - Charter School Renewal and BP 0420.43 - Charter School Revocation. In addition, Education Code 47607.3, as added by AB 97 (Ch. 47, Statutes of 2013), requires the Board to consider revocation of a charter whenever it finds that the charter school failed to implement the recommendations of the California Collaborative for Educational Excellence or continues to demonstrate persistent or acute inadequate performance.

In accordance with law, the Board may deny a charter's renewal petition or may revoke a charter

based on the charter school's poor performance, especially with regards to the academic achievement of all numerically significant subgroups of students served by the charter school.

(cf. 0420.42 - Charter School Renewal)
(cf. 0420.43 - Charter School Revocation)

Complaints

***Note: Pursuant to Education Code 52075, as added by AB 97 (Ch. 47, Statutes of 2013), charter schools are required to establish policies and procedures, on or before June 30, 2014, addressing complaints of noncompliance with Education Code 47606.5 (annual update of school goals, actions, and related expenditures) or 47607.3 (technical assistance or intervention based on the school's failure to improve student outcomes). See AR 1312.3 - Uniform Complaint Procedures for applicable procedures. ***

Each charter school shall maintain processes to enable any person to file a complaint, in accordance with the uniform complaint procedures as specified in 5 CCR 4600-4687, alleging the school's noncompliance with Education Code 47606.5 or 47607.3. (Education Code 52075)

(cf. 1312.3 - Uniform Complaint Procedures)

***Note: Pursuant to Education Code 52075, as added by AB 97 (Ch. 47, Statutes of 2013), a complainant may appeal the charter school's decision to the SPI and will receive a written appeal decision within 60 days of the SPI's receipt of the appeal. ***

A complainant who is not satisfied with the decision may appeal the decision to the SPI. (Education Code 52075)

If the charter school finds merit in the complaint or the SPI finds merit in an appeal, a remedy shall be provided to all affected students and parents/guardians. (Education Code 52075)

School Closure

***Note: The following optional section may be revised to reflect district practice. Pursuant to Education Code 47605, procedures to be followed in the event a charter school ceases operation for any reason must be specified in the charter; see AR 0420.4 - Charter School Authorization. 5 CCR 11962 lists components that must be included in these procedures, including (1) designation of a responsible entity to conduct closure-related activities; (2) notifications to specified persons and entities; (3) provision of information about students' grade level, course completion, and district of residence; (4) transfer and maintenance of student and personnel records; (5) completion of an independent final audit; and (6) disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed. ***

***Note: Depending on the terms of the charter, these duties may be performed by the charter school, the district, or another specified entity. However, Education Code 47604.32 specifies that it is the responsibility of the district to notify the CDE when a charter school ceases

operation for any reason. The CDE's web site also recommends that, in addition to the notifications required by 5 CCR 11962, either the district or the charter school should announce the closure to any school districts that may be responsible for providing education services to the former students of the charter school. ***

***Note: The CDE's web site recommends that charter school closures occur at the end of a school year if it is feasible to maintain a legally compliant program until then. ***

In the event that the Board revokes or denies renewal of a charter or the school closes for any other reason, the Superintendent or designee shall, when applicable in accordance with the charter and/or a memorandum of understanding, provide assistance to facilitate the transfer of the charter school's former students and to finalize financial reporting and close-out.

The Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days, if the charter school will cease operation for any reason.

Such notification shall include, but not be limited to, a description of the circumstances of the closure, the effective date of the closure, and the location of student and personnel records. (Education Code 47604.32; 5 CCR 11962.1)

Legal Reference:

EDUCATION CODE

220 Nondiscrimination

17280-17317 Field Act

17365-17374 Field Act, fitness for occupancy

35330 Field trips and excursions; student fees

38080-38086 School meals

42100 Annual statement of receipts and expenditures

44237 Criminal record summary

44830.1 Certificated employees, conviction of a violent or serious felony

45122.1 Classified employees, conviction of a violent or serious felony

46201 Instructional minutes

47600-47616.7 Charter Schools Act of 1992

47634.2 Nonclassroom-based instruction

47640-47647 Special education funding for charter schools

48000 Minimum age of admission for kindergarten; transitional kindergarten

48010-48011 Minimum age of admission (first grade)

48907 Students' exercise of free expression; rules and regulations

48950 Student speech and other communication

49061 Student records

49110 Authority of issue work permits

49475 Health and safety, concussions and head injuries

51745-51749.3 Independent study

52051.5-52052 Academic performance index, applicability to charter schools

52060-52077 Local control and accountability plans
52075 Uniform complaint procedures
56026 Special education
56145-56146 Special education services in charter schools
60600-60649 Assessment of academic achievement
60850-60859 High school exit examination
CORPORATIONS CODE
5110-6910 Nonprofit public benefit corporations
GOVERNMENT CODE
3540-3549.3 Educational Employment Relations Act
54950-54963 The Ralph M. Brown Act
LABOR CODE
1198.5 Personnel records related to performance and grievance
PENAL CODE
667.5 Definition of violent felony
1192.7 Definition of serious felony
CALIFORNIA CONSTITUTION
Article 9, Section 5 Common school system
CODE OF REGULATIONS, TITLE 5
4600-4687 Uniform complaint procedures
11700.1-11705 Independent study
11960-11969 Charter schools
CODE OF REGULATIONS, TITLE 24
101 et seq. California Building Standards Code
UNITED STATES CODE, TITLE 20
6311 Adequate yearly progress
6319 Qualifications of teachers and paraprofessionals
7223-7225 Charter schools
CODE OF FEDERAL REGULATIONS, TITLE 34
200.1-200.78 Accountability
300.18 Highly qualified special education teachers
COURT DECISIONS
Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986
ATTORNEY GENERAL OPINIONS
89 Ops.Cal.Atty.Gen. 166 (2006)
80 Ops.Cal.Atty.Gen. 52 (1997)
78 Ops.Cal.Atty.Gen. 297 (1995)
CALIFORNIA OFFICE OF ADMINISTRATIVE HEARINGS DECISIONS
Student v. Horizon Instructional Systems Charter School, (2012) OAH Case No. 2011060763

Management Resources:

CSBA PUBLICATIONS

The Role of the Charter School Authorizer, Online Course

Charter Schools: A Manual for Governance Teams, rev. 2009

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Sample Copy of a Memorandum of Understanding

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

Special Education and Charter Schools: Questions and Answers, September 10, 2002

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Charter Schools Program: Title V, Part B of the ESEA, April 2011

The Impact of the New Title I Requirements on Charter Schools, July 2004

WEB SITES

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

California Charter Schools Association: <http://www.calcharters.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/cs>

National Association of Charter School Authorizers: <http://www.qualitycharters.org>

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

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CSBA Sample

Exhibit

Charter School Oversight

E 0420.41

Philosophy, Goals, Objectives and Comprehensive Plans

REQUIREMENTS FOR CHARTER SCHOOLS

***Note: The following Exhibit lists some, but not necessarily all, legal requirements that apply to charter schools. Pursuant to Education Code 47610, charter schools are generally exempt from Education Code provisions governing school districts unless otherwise specified in law. Districts should consult with legal counsel regarding the applicability of state law other than the Education Code to charter schools. ***

Charter schools are generally exempt from provisions of the Education Code unless they are expressly included in the law. However, charter schools are subject to the terms of their charters, any memorandum of understanding with their chartering authority, and other legal requirements including, but not limited to, requirements that each charter school:

1. Comply with the state and federal constitution and applicable federal laws
2. Comply with state laws that apply to governmental agencies in general, such as the Brown Act requirements in Government Code 54950-54963
3. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)
4. Not discriminate against any student on the basis of the characteristics listed in Education Code 220 (Education Code 47605)
5. Not charge tuition (Education Code 47605)

***Note: Education Code 47605 specifically prohibits a charter school from charging tuition, but does not mention fees or other charges. As clarified in the California Department of Education's (CDE) advisory Pupil Fees, Deposits, and Other Charges, charter schools are subject to the California Constitution and therefore the free school guarantee of the California Constitution, Article IX, Section 5, applies to charter schools. Charter schools may only charge fees authorized by those Education Code sections that have been made explicitly applicable to charter schools. For example, charter schools may charge fees for meals and field trips pursuant to Education Code 35330, 38082, and 38084 because those provisions apply to charter schools. However, charter schools may not charge other fees authorized by law for school districts, except to the extent that any such fees do not relate to an activity that is an integral component of public education. ***

6. Not charge student fees for any activity that is an integral component of the educational program, except as authorized by those Education Code provisions that explicitly apply to charter schools
7. Adhere to all laws establishing minimum age for public school attendance (Education Code 47610)
8. Serve students who are California residents and who, if over 19 years of age, are continuously enrolled in a public school and making "satisfactory progress" toward a high school diploma as defined in 5 CCR 11965 (Education Code 47612)

***Note: Education Code 56145 requires charter schools to serve students with disabilities in the same manner as other public schools. Pursuant to Education Code 47646, districts must ensure that each charter school receives an equitable share of state and federal special education funding and/or any necessary special education services provided by the district on behalf of disabled students in the charter school. ***

***Note: If a charter school is operating as a public school of the district for purposes of providing special education, the district retains responsibility and must determine how best to ensure that all special education students receive a free appropriate public education (FAPE). However, the California Office of Administrative Hearings has ruled (Student v. Horizon Instructional Systems Charter School) that a charter school operating as its own local educational agency for purposes of special education, including a charter school offering an independent study program, is solely responsible for providing special education students with FAPE. ***

9. Serve students with disabilities in the same manner as such students are served in other public schools (Education Code 47646, 56145)
10. Admit all students who wish to attend the school, according to the following criteria and procedures:
 - a. Admission to the charter school shall not be determined according to the student's place of residence, or that of his/her parents/guardians, within this state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within the school's former attendance area. (Education Code 47605)

However, if a charter school will be physically located in a public elementary school attendance area in which 50 percent or more of the student enrollment is eligible for free or reduced-price meals, it may also establish an admissions preference for students who are currently enrolled in the public elementary school and for students who reside in the public school attendance area. (Education Code 47605.3)
 - b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance shall be determined by a public random drawing, except that preferences

shall be extended to students currently attending the charter school and students who reside in the district, except as provided for in Education Code 47614.5. (Education Code 47605)

c. Other admissions preferences may be established on an individual school basis as consistent with law.

11. If the school offers a kindergarten program, offer a transitional kindergarten program to eligible students who do not yet meet the age criterion for entry into kindergarten (Education Code 48000)

12. Require its teachers to hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold (Education Code 47605)

***Note: According to U.S. Department of Education (USDOE) nonregulatory guidance, The Impact of the New Title I Requirements on Charter Schools, teachers who teach core academic subjects in charter schools, in addition to meeting state charter school laws regarding teacher qualifications, must meet the requirements for "highly qualified" teachers pursuant to 20 USC 6319; see BP/AR/E 4112.24 - Teacher Qualifications Under the No Child Left Behind Act. 34 CFR 300.18 clarifies that, with regard to special education teachers in a charter school, "highly qualified" means that the teacher meets the certification requirements set forth in the state's charter school law. ***

13. Require its teachers of core academic subjects to satisfy requirements for "highly qualified teachers" as defined by the State Board of Education (SBE) (20 USC 6319; 34 CFR 300.18)

***Note: Education Code 44830.1 and 45122.1 prohibit charter schools from hiring any person who has been convicted of a violent or serious felony as defined in Penal Code 667.5 and 1192.7, unless that person has received a certificate of rehabilitation and a pardon. Schools also may not retain in employment any temporary, substitute, or probationary employee who has been convicted of a violent or serious felony. See AR 4112.5/4312.5 - Criminal Record Check and AR 4212.5 - Criminal Record Check. ***

14. Not hire any person, in either a certificated or classified position, who has been convicted of a violent or serious felony except as otherwise provided by law (Education Code 44830.1, 45122.1)

15. Meet the requirements of Education Code 47611 regarding the State Teachers' Retirement System (Education Code 47610)

16. Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)

***Note: According to USDOE nonregulatory guidance, The Impact of the New Title I Requirements on Charter Schools, charter schools that receive Title I funds and have

paraprofessionals working in programs supported by Title I funds must comply with requirements of 20 USC 6319 regarding paraprofessional qualifications; see BP/AR/E 4222 - Teacher Aides/Paraprofessionals. ***

17. If applicable, meet federal requirements for qualifications of paraprofessionals working in programs supported by Title I funds (20 USC 6319)

18. Meet all statewide standards and conduct the student assessments required by Education Code 60605 and 60851 and any other statewide standards or assessments applicable to noncharter public schools (Education Code 47605, 47612.5)

***Note: Pursuant to Education Code 47612.5, which specifies the minimum number of instructional minutes that must be offered each fiscal year by grade level, any charter school that fails to meet that requirement will have its state apportionment reduced in proportion to the percentage of instructional minutes that the school fails to offer. Education Code 47612.5 and 47612.6 provide that neither the State Board of Education (SBE) nor the Superintendent of Public Instruction (SPI) may waive the required number of instructional minutes but may waive the fiscal penalties under specified conditions. ***

19. Offer at least the number of instructional minutes set forth in Education Code 47612.5 for the grade levels provided by the charter school (Education Code 47612.5)

***Note: Education Code 47612.5 provides that charter schools offering independent study are subject to Education Code 51745-51749.3. Education Code 51745 requires that no course included among the courses required for graduation may be offered solely through independent study. However, pursuant to 5 CCR 11705, a charter school offering grades 9-12 shall be deemed to be an "alternative school" for purposes of independent study and thus, according to the CDE, would comply with this provision because students in such alternative schools are enrolled voluntarily and, if they wished, could attend any other district high school in which the courses were offered via classroom instruction. ***

20. Meet the requirements of Education Code 51745-51749.3 if it provides independent study, except that it may be allowed to offer courses required for graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR 11705)

***Note: Pursuant to Education Code 47634.2 and 5 CCR 11963.2, charter schools offering nonclassroom-based instruction will receive 70 percent of the level of funding to which the charter school would otherwise be entitled, unless the SBE determines that a different percentage is appropriate. ***

21. Identify and report to the Superintendent of Public Instruction (SPI) any portion of its average daily attendance that is generated through nonclassroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education (Education Code 47612.5, 47634.2; 5 CCR 11963.2)

22. On a regular basis, consult with parents/guardians and teachers regarding the school's educational programs (Education Code 47605)

***Note: Education Code 48907 requires charter schools to establish a written "publications code" related to students' rights to freedom of speech and of the press. These written rules and regulations must include reasonable provisions for the time, place, and manner in which free expression may take place within the charter school's jurisdiction. ***

23. Provide students the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications (Education Code 48907, 48950)

24. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)

25. If a student subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the Superintendent of the school district of the student's last known address within 30 days and, upon request, provide that district with a copy of the student's cumulative record, including a transcript of grades or report card, and health information (Education Code 47605)

26. Comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)

a. The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374.

b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government.

27. Promptly respond to all reasonable inquiries from the district, the county office of education, or the SPI, including, but not limited to, inquiries regarding its financial records (Education Code 47604.3)

28. Annually prepare and submit financial reports to the Governing Board and the County Superintendent of Schools in accordance with the following reporting cycle:

a. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement. (Education Code 47604.33)

b. By December 15, an interim financial report for the current fiscal year reflecting changes

through October 31. (Education Code 47604.33)

c. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31. (Education Code 47604.33)

d. By September 15, a final unaudited report for the full prior year. The report submitted to the Board shall include an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year. (Education Code 42100, 47604.33)

e. By December 15, a copy of the charter school's annual, independent financial audit report for the preceding fiscal year, unless the charter school's audit is encompassed in the district's audit. The audit report shall also be submitted to the state Controller and the California Department of Education. (Education Code 47605)

CSBA Sample

Board Policy

Local Control And Accountability Plan

BP 0460

Philosophy, Goals, Objectives and Comprehensive Plans

***Note: The following optional policy reflects Education Code 52060-52077, as added by AB 97 (Ch. 47, Statutes of 2013), which require the Governing Board to adopt a three-year local control and accountability plan (LCAP) by July 1, 2014, and to update the LCAP on or before July 1 of each subsequent year. SB 97 (Ch. 357, Statutes of 2013) subsequently amended some of these provisions. ***

The Governing Board desires to ensure the most effective use of available state funding to improve outcomes for all students. A community-based, comprehensive, data-driven planning process shall be used to identify annual goals and specific actions aligned with state and local priorities and to facilitate continuous improvement of district practices.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

***Note: Pursuant to Education Code 52060, the LCAP must include goals and actions aligned with eight state priorities related to (1) the degree to which teachers are appropriately assigned and fully credentialed, students have sufficient access to standards-based instructional materials, and facilities are maintained in good repair; (2) implementation of and student access to state academic content and performance standards; (3) parent/guardian involvement; (4) student achievement; (5) student engagement; (6) school climate; (7) student access to and enrollment in a broad course of study, including programs and services provided to benefit low-income students, English learners, and/or foster youth (i.e., "unduplicated students" for purposes of the local control funding formula); and (8) student outcomes in the specified course of study. Education Code 52064 requires the State Board of Education (SBE) to provide a template for the LCAP on or before March 31, 2014. See the accompanying administrative regulation for further information about the required content of the LCAP. ***

The Board shall adopt a districtwide local control and accountability plan (LCAP), using the template provided by the State Board of Education, which addresses the state priorities specified in Education Code 52060. The LCAP shall be effective for three years and shall be updated on or before July 1 of each year. (Education Code 52060)

***Note: Education Code 52060 provides that, in addition to addressing the state priorities in the LCAP, the district may establish and address local priorities. The following paragraph may be revised to reflect any local priorities. Examples include priorities for student wellness and other conditions of children, professional development, community involvement, and effective governance and leadership. ***

In addition, the LCAP shall address any local priorities adopted by the Board.

The LCAP shall focus on improving outcomes for all students, particularly those who are "unduplicated students" and other underperforming students.

Unduplicated students include students who are eligible for free or reduced-price meals, English learners, and foster youth and are counted only once for purposes of the local control funding formula. (Education Code 42238.02)

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

***Note: Education Code 52062 requires the district to ensure that the specific actions included in the LCAP or the annual update are consistent with strategies in the single plan for student achievement (SPSA) submitted by each school pursuant to Education Code 64001; see BP/AR 0420 - School Plans/Site Councils for SPSA requirements. In addition, pursuant to Education Code 52064, the SBE is required to take steps to minimize duplication of effort at the local level to the extent possible. The LCAP template developed by the SBE must allow districts to complete a single plan that meets the requirements for the LCAP and the Title I local educational agency plan required by 20 USC 6312 (see BP/AR 6171 - Title I Programs). ***

To minimize duplication of effort and provide clear direction for program implementation, the LCAP and other district and school plans shall be aligned to the extent possible.

(cf. 0400 - Comprehensive Plans)
(cf. 0440 - District Technology Plan)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 5030 - Student Wellness)
(cf. 6171 - Title I Programs)
(cf. 7110 - Facilities Master Plan)

The Superintendent or designee shall review the single plan for student achievement (SPSA) submitted by each district school pursuant to Education Code 64001 to ensure that the specific actions included in the LCAP or the annual update are consistent with strategies included in the SPSA. (Education Code 52062)

(cf. 0420 - School Plans/Site Councils)

***Note: Pursuant to Education Code 52075, the district is required to establish policies and procedures, on or before June 30, 2014, implementing uniform complaint procedures for complaints that the district has not complied with LCAP requirements; see AR 1312.3 - Uniform Complaint Procedures. ***

Any complaint that the district has not complied with legal requirements pertaining to the LCAP

may be filed pursuant to AR 1312.3 - Uniform Complaint Procedures. (Education Code 52075)

(cf. 1312.3 - Uniform Complaint Procedures)

Plan Development

The Superintendent or designee shall gather data and information needed for effective and meaningful plan development and present it to the Board and community. Such data and information shall include, but not be limited to, data regarding the numbers of students in various student subgroups, disaggregated data on student achievement levels, and information about current programs and expenditures.

***Note: Education Code 52060, as amended by SB 97 (Ch. 357, Statutes of 2013), requires consultation on plan development with all of the following groups. The law does not specify a timeline or method for such consultation. Examples of consultation may include the establishment of an advisory committee consisting of representatives of all the specified groups, solicitation of feedback from the groups after a draft plan is available, discussion of the LCAP at staff meetings, and communication with parent organizations, student councils, school site councils, or other established committees or organizations. The Board may delegate responsibility for arranging meetings and other input opportunities to the Superintendent or designee. The district may expand the following paragraph to reflect district practice. ***

The Board shall consult with teachers, principals, administrators, other school personnel, employee bargaining units, parents/guardians, and students in developing the LCAP.
(Education Code 52060)

(cf. 1220 - Citizen Advisory Committees)
(cf. 4140/4240/4340 - Bargaining Units)
(cf. 4143/4243 - Negotiations/Consultation)
(cf. 6020 - Parent Involvement)

Public Review and Input

***Note: Pursuant to Education Code 52063, the Board is required to establish a parent advisory committee that includes parents/guardians of unduplicated students. In addition, if district enrollment includes at least 15 percent English learners and at least 50 students who are English learners, the Board is required to establish an English learner parent advisory committee.

***Note: The district may use existing parent advisory committees for these purposes if the committee composition complies with Education Code 52063. However, the district should consider whether such opportunities need to be expanded to achieve significant levels of stakeholder involvement in the planning process as intended by the law. ***

The Board shall establish the following committee(s) to review and comment on the LCAP:
(Education Code 52063)

1. A parent advisory committee including at least one parent/guardian of unduplicated students as defined above

***Note: Item #2 may be deleted if district enrollment does not include at least 15 percent English learners and at least 50 students who are English learners. ***

2. An English learner parent advisory committee whenever district enrollment includes at least 15 percent English learners and at least 50 students who are English learners

The Superintendent or designee shall present the LCAP or the annual update to the committee(s) before it is submitted to the Board for adoption, and shall respond in writing to comments received from the committee(s). (Education Code 52062)

***Note: Education Code 52062 requires notification to the public of the opportunity to submit written comments on the proposed LCAP, including notification in the primary language of parents/guardians when required by Education Code 48985. Pursuant to Education Code 48985, whenever 15 percent or more of the students in a school speak a single primary language other than English, notifications sent to parents/guardians of such students must be written in the primary language as well as in English; see BP 5145.6 - Parental Notifications. ***

The Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP or the annual update to the LCAP. The notification shall be provided using the most efficient method of notification possible, which may not necessarily include producing printed notices or sending notices by mail. All written notifications related to the LCAP or the annual update shall be provided in the primary language of parents/guardians when required by Education Code 48985. (Education Code 52062)

***Note: Pursuant to Education Code 42127, as amended by AB 97 (Ch. 47, Statutes of 2013) and SB 97 (Ch. 357, Statutes of 2013), for the 2014-15 fiscal year and each fiscal year thereafter, the Board must not adopt a district budget until the LCAP or an annual update to the LCAP is in place for the budget year; see BP 3100 - Budget. The budget must include the expenditures necessary to implement the plan that is effective during the subsequent fiscal year. If it does not, the County Superintendent of Schools must disapprove the district's budget. ***

The Board shall hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the LCAP or the annual update. The public hearing shall be held at the same meeting as the public hearing required prior to the adoption of the district budget in accordance with Education Code 42127 and AR 3100 - Budget. (Education Code 42127, 52062)

(cf. 3100 - Budget)

(cf. 3460 - Financial Reports and Accountability)

(cf. 9320 - Meetings and Notices)

Adoption of the Plan

Prior to adopting the district budget, but at the same public meeting, the Board shall adopt the LCAP or the annual update. This meeting shall be held after the public hearing described above, but not on the same day as the hearing. (Education Code 52062)

The Board may adopt revisions to the LCAP at any time during the period in which the plan is in effect, provided the Board follows the process to adopt the LCAP pursuant to Education Code 52062 and the revisions are adopted in a public meeting. (Education Code 52062)

Submission of Plan to County Superintendent of Schools

***Note: Education Code 52070 requires the district to submit the LCAP and the annual update to the County Superintendent. The County Superintendent may seek written clarification of the contents of the plan and may submit recommendations for amendments, in accordance with the timelines specified in law as provided below. He/she is required to approve the LCAP or the annual update on or before October 8 if he/she determines that (1) the LCAP adheres to the SBE template; (2) the district budget includes expenditures sufficient to implement the specific actions and strategies in the LCAP; and (3) as amended by SB 97 (Ch. 357, Statutes of 2013), the LCAP or annual update adheres to supplemental and concentration grant expenditure requirements specified in Education Code 42238.07 for unduplicated students. ***

***Note: Pursuant to Education Code 52064, the district is not required to submit the LCAP or annual update to the SBE unless otherwise required by federal law. ***

Not later than five days after adoption of the LCAP or the annual update to the LCAP, the Board shall file the LCAP or the annual update with the County Superintendent of Schools. (Education Code 52070)

If the County Superintendent sends, by August 15, a written request for clarification of the contents of the LCAP or the annual update, the Board shall respond in writing within 15 days of the request. If the County Superintendent then submits recommendations for amendments to the LCAP within 15 days of receiving the Board's response, the Board shall consider those recommendations in a public meeting within 15 days of receiving the recommendations. (Education Code 52070)

Monitoring Progress

***Note: The following optional paragraph may be revised to reflect the district's timeline for reviewing evaluations of the progress and effectiveness of strategies included in the LCAP. Such reports should be provided to the Board in sufficient time to allow for any necessary changes in the annual update to the LCAP by July 1 of each year, as required by Education Code 52060-52061. ***

***Note: Pursuant to Education Code 52064.5, the SBE is required to adopt evaluation rubrics by October 1, 2015, to assist districts in evaluating their strengths, weaknesses, and areas that

require improvement. The rubrics will include all of the state priorities described in Education Code 52060 and the SBE standards for district and school performance and expectations for improvement in regard to those state priorities. ***

The Superintendent or designee shall report to the Board, at least annually in accordance with the timeline and indicators established by him/her and the Board, regarding the district's progress toward attaining each goal identified in the LCAP. Evaluation data shall be used to recommend any necessary revisions to the LCAP.

(cf. 0500 - Accountability)

Technical Assistance/Intervention

***Note: Pursuant to Education Code 52071, the Board may, at its discretion and at the district's expense, request technical assistance as described in items #1-3 below. In addition, the County Superintendent is required to provide such technical assistance whenever he/she does not approve the district's LCAP or annual update to the LCAP and/or the district fails to improve student achievement across more than one state priority described in Education Code 52060, as determined using the SBE evaluation rubric. ***

When it is in the best interest of the district, the Board may submit a request to the County Superintendent for technical assistance, including, but not limited to: (Education Code 52071)

1. Assistance in the identification of district strengths and weaknesses in regard to state priorities and review of effective, evidence-based programs that apply to the district's goals
2. Assistance from an academic expert, team of academic experts, or another district in the county in identifying and implementing effective programs to improve the outcomes for student subgroups
3. Advice and assistance from the California Collaborative for Educational Excellence established pursuant to Education Code 52074

In the event that the County Superintendent requires the district to receive technical assistance pursuant to Education Code 52071, the Board shall review all recommendations received from the County Superintendent or other advisor and shall consider revisions to the LCAP as appropriate in accordance with the process specified in Education Code 52062.

***Note: Education Code 52072 provides that the Superintendent of Public Instruction (SPI), with approval of the SBE, may intervene when a district meets both of the following criteria: (1) the district did not improve the outcomes for three or more student subgroups identified pursuant to Education Code 52052, or all of the student subgroups if the district has fewer than three subgroups, in regard to more than one state or local priority in three out of four consecutive school years; and (2) the California Collaborative for Educational Excellence (CCEE) has provided advice and assistance to the district and submits a finding that the district failed or is unable to implement the CCEE's recommendations or that the district's inadequate performance

is so persistent or acute as to require intervention. For any district identified as needing intervention, the SPI or an academic trustee appointed by the SPI may, with approval of the SBE, take one or more of the actions listed in items #1-3 below. ***

If the Superintendent of Public Instruction (SPI) identifies the district as needing intervention pursuant to Education Code 52072, the district shall cooperate with any action taken by the SPI or any academic advisor appointed by the SPI, which may include one or more of the following:

1. Revision of the district's LCAP
2. Revision of the district's budget in accordance with changes in the LCAP
3. A determination to stay or rescind any district action that would prevent the district from improving outcomes for all student subgroups, provided that action is not required by a collective bargaining agreement

Legal Reference:

EDUCATION CODE

17002 State School Building Lease-Purchase Law, including definition of good repair

41020 Audits

42127 Public hearing on budget adoption

42238.01-42238.07 Local control funding formula

44258.9 County superintendent review of teacher assignment

48985 Parental notices in languages other than English

51210 Course of study for grades 1-6

51220 Course of study for grades 7-12

52052 Academic Performance Index; numerically significant student subgroups

52060-52077 Local control and accountability plan

52302 Regional occupational centers and programs

52372.5 Linked learning pilot program

54692 Partnership academies

60119 Sufficiency of textbooks and instructional materials; hearing and resolution

60605.8 California Assessment of Academic Achievement; Academic Content Standards Commission

60811.3 Assessment of language development

64001 Single plan for student achievement

99300-99301 Early Assessment Program

UNITED STATES CODE, TITLE 20

6312 Local educational agency plan

6826 Title III funds, local plans

Management Resources:

CSBA PUBLICATIONS

Impact of Local Control Funding Formula on Board Policies, November 2013

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

WEB SITES

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

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

CSBA Sample

Administrative Regulation

Local Control And Accountability Plan

AR 0460

Philosophy, Goals, Objectives and Comprehensive Plans

***Note: Education Code 52060-52077, as added by AB 97 (Ch. 47, Statutes of 2013), requires the Governing Board to adopt a three-year local control and accountability plan (LCAP) by July 1, 2014, and to update the LCAP on or before July 1 of each subsequent year. ***

Content of the Plan

***Note: Education Code 52060 requires that the LCAP include annual goals, aligned with specified state priorities, to be achieved for all students and for each numerically significant subgroup as defined in Education Code 52052. Pursuant to Education Code 52052, a numerically significant subgroup includes ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, and foster youth, when there are at least 30 students in the subgroup (or at least 15 foster youth) in the school or district. For schools or districts with 11-99 students, numerically significant student subgroups are defined by the Superintendent of Public Instruction (SPI) with approval by the State Board of Education (SBE). ***

***Note: In addition, several state priorities address programs and services for "unduplicated students." For purposes of supplemental and concentration grants allocated through the local control funding formula, "unduplicated students" are defined by Education Code 42238.02 as students eligible for free or reduced-price meals, English learners, and foster youth; see the accompanying Board policy. ***

The district's local control and accountability plan (LCAP) shall include, for the district and each district school: (Education Code 52060)

1. A description of the annual goals established for all students and for each numerically significant subgroup as defined in Education Code 52052, including ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, and foster youth. The LCAP shall identify goals for each of the following state priorities:

a. The degree to which district teachers are appropriately assigned in accordance with Education Code 44258.9 and fully credentialed in the subject areas and for the students they are teaching; every district student has sufficient access to standards-aligned instructional materials as determined pursuant to Education Code 60119; and school facilities are maintained in good repair as specified in Education Code 17002

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 3517 - Facilities Inspection)
(cf. 4112.2 - Certification)
(cf. 4113 - Assignment)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

b. Implementation of the academic content and performance standards adopted by the State Board of Education (SBE), including how the programs and services will enable English learners to access the Common Core State Standards and the English language development standards for purposes of gaining academic content knowledge and English language proficiency

(cf. 6011 - Academic Standards)
(cf. 6174 - Education for English Language Learners)

c. Parent/guardian involvement, including efforts the district makes to seek parent/guardian input in district and school site decision making and how the district will promote parent/guardian participation in programs for unduplicated students, as defined in Education Code 42238.02 and Board policy

(cf. 3553 - Free and Reduced Price Meals)
(cf. 6020 - Parent Involvement)
(cf. 6159 - Individualized Education Program)
(cf. 6173.1 - Education for Foster Youth)

d. Student achievement, as measured by all of the following as applicable:

(1) Statewide assessments of student achievement

(2) Academic Performance Index

(3) The percentage of students who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University, or career technical education sequences or programs of study that satisfy specified requirements and align with SBE-approved career technical education standards and frameworks, including, but not limited to, those described in Education Code 52302, 52372.5, or 54692

(4) The percentage of English learners who make progress toward English proficiency as measured by the SBE-certified assessment of English proficiency

(5) The English learner reclassification rate

(6) The percentage of students who have passed an advanced placement examination with a score of 3 or higher

(7) The percentage of students who participate in and demonstrate college preparedness in the Early Assessment Program pursuant to Education Code 99300-99301

- (cf. 0500 - Accountability)
- (cf. 6141.5 - Advanced Placement)
- (cf. 6162.5 - Student Assessment)
- (cf. 6162.51 - Standardized Testing and Reporting Program)
- (cf. 6178 - Career Technical Education)

e. Student engagement, as measured by school attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, and high school graduation rates, as applicable

- (cf. 6146.1 - High School Graduation Requirements)
- (cf. 5113.1 - Chronic Absence and Truancy)
- (cf. 5147 - Dropout Prevention)
- (cf. 5149 - At-Risk Students)

f. School climate, as measured by student suspension and expulsion rates and other local measures, including surveys of students, parents/guardians, and teachers on the sense of safety and school connectedness, as applicable

- (cf. 5137 - Positive School Climate)
- (cf. 5144 - Discipline)
- (cf. 5144.1 - Suspension and Expulsion/Due Process)
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

g. The extent to which students have access to and are enrolled in a broad course of study that includes all of the subject areas described in Education Code 51210 and 51220, as applicable, including the programs and services developed and provided to unduplicated students and students with disabilities, and the programs and services that are provided to benefit these students as a result of supplemental and concentration grant funding pursuant to Education Code 42238.02 and 42238.03

- (cf. 6143 - Courses of Study)

h. Student outcomes, if available, in the subject areas described in Education Code 51210 and 51220, as applicable

***Note: In addition to goals aligned with the state priorities described in item #1 above, Education Code 52060 provides that the LCAP may include goals for local priorities established by the Board; see the accompanying Board policy. Optional item #2 below may be revised to reflect local priorities. ***

2. Any goals identified for any local priorities established by the Board.

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

***Note: Education Code 52060 requires that the LCAP include a description of specific

actions the district will take each year to achieve the identified goals. As amended by SB 97 (Ch. 357, Statutes of 2013), Education Code 52060 provides that these actions must not supersede the provisions of existing collective bargaining agreements. ***

3. A description of the specific actions the district will take during each year of the LCAP to achieve the identified goals, including the enumeration of any specific actions necessary for that year to correct any deficiencies in regard to the state and local priorities specified in items #1-2 above. Such actions shall not supersede provisions of existing collective bargaining agreements within the district.

***Note: Pursuant to Education Code 52060, in developing goals and actions for the LCAP, the Board may consider qualitative information, including, but not limited to, the results of school quality reviews conducted pursuant to Education Code 52052. Education Code 52052, as amended by AB 97 (Ch. 47, Statutes of 2013), authorizes the SPI, with approval of the SBE and conditional upon an appropriation in the state budget, to develop and implement a program of school quality reviews that features locally convened panels to visit schools, observe teachers, interview students, and examine student work. ***

For purposes of the descriptions required by items #1-3 above, the Board may consider qualitative information, including, but not limited to, findings that result from any school quality reviews conducted pursuant to Education Code 52052 or any other reviews. (Education Code 52060)

For any local priorities addressed in the LCAP, the Board and Superintendent or designee shall identify the method for measuring the district's progress toward achieving those goals. (Education Code 52060)

To the extent practicable, data reported in the LCAP shall be reported in a manner consistent with how information is reported on a school accountability report card. (Education Code 52060)

(cf. 0510 - School Accountability Report Card)

Annual Updates

***Note: Pursuant to Education Code 52061, the district is required to update the LCAP on or before July 1, 2015, and each year thereafter. ***

On or before July 1 of each year, the LCAP shall be updated using the template developed by the SBE and shall include all of the following: (Education Code 52061)

1. A review of any changes in the applicability of the goals described in the existing LCAP pursuant to the section "Content of the Plan" above
2. A review of the progress toward the goals included in the existing LCAP, an assessment of the effectiveness of the specific actions described in the existing LCAP toward achieving the

goals, and a description of changes to the specific actions the district will make as a result of the review and assessment

***Note: Pursuant to Education Code 52061, as amended by SB 97 (Ch. 357, Statutes of 2013), the annual update to the LCAP must include expenditures for specific actions included in the LCAP and expenditures serving unduplicated students. The expenditures specified in items #3-4 below must be classified in accordance with the California School Accounting Manual. ***

3. A listing and description of the expenditures for the fiscal year implementing the specific actions included in the LCAP and the changes to the specific actions made as a result of the reviews and assessment required by items #1-2 above

4. A listing and description of expenditures for the fiscal year that will serve unduplicated students and students redesignated as fluent English proficient

Availability of the Plan

***Note: Education Code 52065 requires the district to post its LCAP and annual update or revisions to the LCAP on the district web site. In addition, the County Superintendent of Schools is required to post all district LCAPs, or links to those plans, on the county office of education web site and to transmit all such plans to the SPI, who will then post links to all plans on the California Department of Education web site. ***

The Superintendent or designee shall post the LCAP and any updates or revisions to the LCAP on the district's web site. (Education Code 52065)

(cf. 1113 - District and School Web Sites)

CSBA Sample

Board Policy

Accountability

BP 0500

Philosophy, Goals, Objectives and Comprehensive Plans

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

The Governing Board recognizes its responsibility to ensure accountability to the public for the performance of district schools. The Board shall regularly review the effectiveness of the district's programs, personnel, and fiscal operations, with a focus on the district's effectiveness in improving student achievement. The Board shall establish appropriate processes and measures to monitor results and to evaluate progress toward accomplishing the district's vision and goals.

- (cf. 0000 - Vision)
- (cf. 0200 - Goals for the School District)
- (cf. 2140 - Evaluation of the Superintendent)
- (cf. 3460 - Financial Accountability and Reports)
- (cf. 4115 - Evaluation/Supervision)
- (cf. 4215 - Evaluation/Supervision)
- (cf. 4315 - Evaluation/Supervision)
- (cf. 6011 - Academic Standards)
- (cf. 6141 - Curriculum Development and Evaluation)
- (cf. 6190 - Evaluation of the Instructional Program)
- (cf. 9400 - Board Self-Evaluation)

***Note: California's accountability system is based on both state and federal requirements, including the calculation of an Academic Performance Index (API) pursuant to Education Code 52052-52052.1 and a determination as to whether schools and districts make "adequate yearly progress" (AYP) pursuant to 20 USC 6311. Both the API and AYP incorporate multiple measures, including, but not limited to, student performance on statewide assessments. However, as amended by AB 484 (Ch. 489, Statutes of 2013), Education Code 52052 authorizes the State Board of Education to suspend the API in the 2013-14 and 2014-15 school years while the state assessment system is transitioning from the Standardized Testing and Reporting program to the California Measurement of Academic Performance and Progress. ***

Indicators of district progress in improving student achievement shall include, but are not limited to, the state Academic Performance Index (API) and the measures of "adequate yearly progress" (AYP) required under the federal accountability system.

- (cf. 6162.5 - Student Assessment)
- (cf. 6162.51 - Standardized Testing and Reporting Program)
- (cf. 6162.52 - High School Exit Examination)

Alternative schools serving high-risk student populations, including continuation high schools, opportunity schools, and community day schools, shall be subject to an alternative accountability system established by the Superintendent of Public Instruction. (Education Code 52052)

***Note: Education Code 52052 requires that schools and districts demonstrate comparable improvement in academic achievement by all numerically significant student subgroups, as defined below. AB 97 (Ch. 47, Statutes of 2013) amended Education Code 52052 to add foster youth to the list of student subgroups and to change the definition of "numerically significant."

The district and each district school shall demonstrate comparable improvement in academic achievement, as measured by the API, for all numerically significant student subgroups. Numerically significant subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, and foster youth, when the subgroup consists of at least 30 students with a valid test score or 15 foster youth. (Education Code 52052)

***Note: The following optional paragraph may be revised to reflect district practice. AB 97 (Ch. 47, Statutes of 2013) repealed Education Code 52056, which had required an annual discussion of the results of each school's API ranking at a regularly scheduled Governing Board meeting. Nevertheless, reporting to the public and receiving input from the public are key components of accountability. ***

***Note: Education Code 52060, as added by AB 97 and amended by SB 97 (Ch. 357, Statutes of 2013), requires that the district consult with parents/guardians, students, teachers, principals, administrators, other school personnel, and employee bargaining units in the development of the district's local control and accountability plan (LCAP); see BP 0460 - Local Control and Accountability Plan. ***

The Superintendent shall provide regular reports to the Board and the public regarding district and school performance. Opportunities for feedback from students, parents/guardians, staff, and community members shall be made available as part of any review and evaluation of district programs and operations and as part of the development or annual update of the local control and accountability plan (LCAP).

(cf. 0460 - Local Control and Accountability Plan)
(cf. 0510 - School Accountability Report Card)
(cf. 1100 - Communication with the Public)
(cf. 1112 - Media Relations)
(cf. 1220 - Citizen Advisory Committees)
(cf. 6020 - Parent Involvement)

***Note: Schools are subject to intervention and support based on their API and their ability to meet growth targets established by the State Board of Education; see BP 0520.4 - Quality Education Investment Schools. In addition, a school or district that receives federal Title I funds

may be identified for program improvement if it does not meet AYP criteria for two consecutive years within specific areas; see BP/AR 0520.2 - Title I Program Improvement Schools and BP/AR 0520.3 - Title I Program Improvement Districts. ***

***Note: Pursuant to Education Code 52071, as added by AB 97 (Ch. 47, Statutes of 2013), a district will receive technical assistance whenever the County Superintendent of Schools does not approve the district's LCAP or annual update to the LCAP, the district fails to improve student achievement across more than one state priority identified in Education Code 52060, or the district requests technical assistance. AB 97 also added Education Code 52072 which provides that, under specified conditions, the Superintendent of Public Instruction may intervene to revise the district's LCAP or budget and/or to stay or rescind any district action that is preventing the district from improving outcomes for all student subgroups and is not required by a collective bargaining agreement. See BP/AR 0460 - Local Control and Accountability Plan.

Evaluation results may be used as a basis for revising district or school goals, updating the LCAP or other comprehensive plans, identifying and developing strategies to address disparities in achievement among student subgroups, implementing programmatic changes, determining the need for additional support and assistance, awarding incentives or rewards, and establishing other performance-based consequences.

(cf. 0400 - Comprehensive Plans)
(cf. 0420 - School Plans/Site Councils)
(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 0520.3 - Title I Program Improvement Districts)
(cf. 0520.4 - Quality Education Investment Schools)
(cf. 4141/4241 - Collective Bargaining Agreement)

Legal Reference:

EDUCATION CODE

33127-33129 Standards and criteria for fiscal accountability
33400-33407 California Department of Education evaluation of district programs
44660-44665 Evaluation of certificated employees
51041 Evaluation of the educational program
52052-52052.1 Academic Performance Index
52055.57-52055.59 Districts identified or at risk of identification for program improvement
52060-52077 Local control and accountability plan

CODE OF REGULATIONS, TITLE 5

1068-1074 Alternative schools accountability model, assessments
15440-15463 Standards and criteria for fiscal accountability

UNITED STATES CODE, TITLE 20

6311 Accountability, adequate yearly progress
6312 Local educational agency plan
6316 School and district improvement

CODE OF FEDERAL REGULATIONS, TITLE 34

200.13-200.20 Adequate yearly progress

200.30-200.53 Program improvement

Management Resources:

WEB SITES

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

California Department of Education, Accountability: <http://www.cde.ca.gov/ta/ac>

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

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CSBA Sample

Board Policy

Budget

BP 3100

Business and Noninstructional Operations

The Governing Board 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.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 0400 - Comprehensive Plans)

(cf. 3000 - Concepts and Roles)

(cf. 3300 - Expenditures and Purchases)

(cf. 3460 - Financial Reports and Accountability)

(cf. 9000 - Role of the Board)

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

***Note: Pursuant to Education Code 42127, as amended by AB 97 (Ch. 47, Statutes of 2013), prior to adopting the district budget for the 2014-15 fiscal year, the Governing Board must adopt a local control and accountability plan (LCAP). Each fiscal year thereafter, the Board must not adopt the district budget until it has an approved LCAP or update to the LCAP that is effective for the budget year. Education Code 52062, added by AB 97, requires that the LCAP or annual update be adopted at the same public meeting during which the Board adopts the budget. See BP/AR 0460 - Local Control and Accountability Plan. ***

The Board 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)

(cf. 0460 - Local Control and Accountability Plan)

Budget Development and Adoption Process

***Note: Education Code 42127 gives districts a choice of budget adoption methods. Under

the single budget adoption process (Education Code 42127(i)), the Board must adopt and submit, by July 1, a "final" budget which subsequently may be amended within 45 days after the state budget is adopted and when necessary in response to disapproval of the budget by the County Superintendent of Schools. Under the dual budget adoption process (Education Code 42127(e) and (g)), the budget that the Board adopts by July 1 serves as a "tentative" budget. By September 8, the Board must submit a revised final budget which responds to the County Superintendent's recommendations and reflects changes in projected income or expenditures after July 1. ***

***Note: Education Code 42127 requires districts using the single budget adoption process to notify the County Superintendent of that decision by October 31 of the preceding calendar year. However, according to the California Department of Education's (CDE) budget calendar, this notification should be provided to the County Superintendent along with the unaudited actual data report (see AR 3460 - Financial Reports and Accountability) which may be required sooner than October 31. ***

OPTION 1: (Single Budget 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. (Education Code 42127)

OPTION 2: (Dual Budget Adoption Process)

The Superintendent or designee shall establish an annual budget development process and calendar in accordance with the dual budget adoption process described in Education Code 42127(e) and (g).

***Note: The remainder of this section applies to districts that selected either Option 1 or 2 above. ***

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

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

***Note: Education Code 42103 and 42127 require a public hearing prior to adoption of the budget and, in the case of the dual budget adoption process, a second public hearing prior to revising the budget; see the accompanying administrative regulation. ***

The Board 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.

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

***Note: Education Code 42126 requires the district's final budget to be submitted to the County Superintendent in a format prescribed by the Superintendent of Public Instruction. The CDE requires districts to use the Standardized Account Code Structure; see the accompanying administrative regulation. At its discretion, the district may use a different format for communicating the budget to the Board, staff, and public but, according to the CDE, the budget that the Board formally adopts must be in the format that will be submitted to the County Superintendent. ***

The budget that is formally adopted by the Board 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, staff, and public.

Budget Advisory Committee

***Note: The following optional section is for use by districts that choose to establish a budget advisory committee to provide input during the budget development process. The committee may be appointed by the Superintendent or designee (Option 1), by the Board (Option 2), or may be a Board subcommittee composed exclusively of Board members (Option 3). Committees established by Board action are subject to the Brown Act; see BP/AR 1220 - Citizen Advisory Committees. Districts should delete or modify the following options as appropriate. See the accompanying administrative regulation for optional language regarding the committee's composition and duties. ***

***Note: This committee is different from the budget review committee that is required in the event that the County Superintendent disapproves the district's budget; see the accompanying administrative regulation. ***

OPTION 1: The Superintendent or designee may appoint a budget advisory committee composed of staff, Board representatives, and/or members of the community.

OPTION 2: The Board may appoint a budget advisory committee composed of staff, Board representatives, and/or members of the community.

OPTION 3: The Board may establish a budget subcommittee composed exclusively of Board members.

***Note: The following paragraph is for use by districts that selected either Option 1, 2, or 3 above. ***

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 or the Superintendent or designee.

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

Budget Criteria and Standards

***Note: Education Code 33129 requires the district to develop its budget and manage its expenditures in keeping with criteria and standards adopted by the State Board of Education (SBE) pursuant to Education Code 33127. These criteria and standards are delineated in Education Code 33128 and 5 CCR 15440-15451. ***

***Note: Pursuant to Education Code 33128.3, by the 2013-14 fiscal year, districts are required to restore their reserve for economic uncertainty to the level specified in 5 CCR 15450. The CDE's New Requirements for Reporting Fund Balance in Governmental Funds suggests that districts may find it prudent to maintain reserves above the minimum required level; see the section "Fund Balance" below. ***

***Note: AB 97 (Ch. 47, Statutes of 2013) amended Education Code 33127 to require the SBE to revise the state standards and criteria, on or before January 1, 2014, to reflect the requirements of the LCAP pursuant to Education Code 52060-52077. The updated standards and criteria will be applicable to district budgets starting in the 2014-15 school year. ***

The Superintendent or designee shall develop a district budget in accordance with criteria and standards adopted by the State Board of Education (SBE). (Education Code 33127, 33128, 33128.3, 33129; 5 CCR 15440-15451)

***Note: Education Code 42238.02 and 42238.03, as added by AB 97 (Ch. 47, Statutes of 2013), provide supplemental and concentration grants within the local control funding formula for some districts based on the number and concentration of unduplicated counts of students who are eligible for free or reduced-price meals, English learners, and foster youth. Pursuant to Education Code 42238.07, as added by AB 97, the SBE is required to adopt regulations on or before January 31, 2014, governing the expenditure of supplemental and concentration grant funds and requiring districts to increase or improve services for targeted student groups in proportion to the increase in funds through these grants. ***

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 schoolwide 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. (Education Code 42238.07)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6174 - Education for English Language Learners)

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

(cf. 2210 - Administrative Discretion Regarding Board Policy)

(cf. 3110 - Transfer of Funds)

Fund Balance

***Note: The following optional section should be revised to reflect district practice. Governmental Accounting Standards Board (GASB) Statement 54 addresses the way fund balances (i.e., the gross differences between assets and liabilities reflected on the balance sheet) in governmental funds are reported in external financial reports. Fund balances must be classified as nonspendable, restricted, committed, assigned, and unassigned in accordance with GASB 54 definitions; also see AR 3460 - Financial Reports and Accountability. Pursuant to GASB 54, the Board has sole authority to specify purposes of funds classified as "committed" and also must express, or delegate the authority to express, intended purposes of resources that result in the "assigned" fund balance. The Board may modify the following section to reflect its fund balance policy or may adopt a formal resolution containing the required components. ***

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.
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.

***Note: The remainder of this section is optional. Although not required by GASB 54, the Government Finance Officers Association (GFOA) recommends that public agencies adopt a minimum fund balance policy that establishes an appropriate level of unrestricted fund balance that will be maintained in the general fund. The GFOA's Best Practice: Appropriate Level of Unrestricted Fund Balance in the General Fund describes a variety of factors that should be considered when developing a minimum fund balance policy, such as the predictability of its revenue and volatility of its expenditures, perceived exposure to significant one-time outlays, potential drain upon the general fund from other funds as well as the availability of resources in other funds, liquidity of resources, and portion of unrestricted fund balance already committed or assigned for a specific purpose. According to the GFOA, a public agency may deem it appropriate to exclude committed and assigned resources and focus on unassigned fund balance rather than unrestricted fund balance. ***

***Note: The CDE's New Requirements for Reporting Fund Balance in Governmental Funds suggests that a district's fund balance policy should not be limited to the reserve for economic uncertainty and that many districts find it prudent to maintain reserves above the minimum level specified in 5 CCR 15450. The following optional paragraph is based on sample language for non-basic aid districts provided on the CDE's web site and should be revised to reflect district practice. Basic aid districts may choose to adopt the CDE's recommendation that basic aid districts maintain a minimum unassigned fund balance of not less than 15 percent of budgeted general fund expenditures and other financing uses as a reserve for economic uncertainties. ***

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.

***Note: The GFOA recommends that the minimum fund policy address both the circumstances under which the unrestricted fund balance can be spent down and the procedure for replenishing deficiencies. The district may revise the following optional paragraph to specify the rate at which the district will attempt to recover the fund balance (e.g., the Board shall develop a plan to recover the fund balance at a rate of at least one percent each year). ***

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.

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

***Note: The following two optional paragraphs are for use by districts that provide "other postemployment benefits" (OPEBs) (i.e., medical, dental, vision, hearing, life insurance, long-term care, long-term disability, and other nonpension benefits to retired employees or Board members) and should be revised to reflect district practice; see BP/AR 4154/4254/4354 - Health and Welfare Benefits and BB 9250 - Remuneration, Reimbursement and Other Benefits. CSBA recommends that districts adopt a specific funding strategy for addressing their OPEB obligations. The district may pay the premiums as they fall due ("pay-as-you-go"), but in such a case the district would then accrue a deficit with respect to future retirees which can be expected to grow as a result of an increasing retiree population and increases in benefit costs. Therefore, it is recommended that the district prefund the debt to the extent possible using a method and level to be determined by the Board. For example, the district may contribute a set amount or percentage of the actuarially determined "annual required contributions" to an irrevocable trust or designated fund each year. ***

***Note: Regardless of the funding strategy used by the district, GASB Statement 45 requires the district to report the annual expense of OPEBs and, to the extent that the OPEBs are not prefunded, to report them as a liability on the district's financial statements; see AR 3460 - Financial Reports and Accountability. ***

***Note: CSBA's GASB 45 Solutions program provides access to qualified actuaries and consultants and a GASB 45-compliant trust to prefund future obligations. See CSBA's web site for further information. ***

The Board 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 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 on the estimated accrued but unfunded cost of OPEBs, the Board 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)

***Note: The following optional paragraph is for use by districts that are self-insured for workers' compensation claims, either individually or as part of a joint powers agency. See AR 3460 - Financial Reports and Accountability for provisions related to reporting the estimated accrued but unfunded cost of workers' compensation claims based on an actuarial report. ***

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

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

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 approval as necessary 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.

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>

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>

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CSBA Sample

Administrative Regulation

Budget

AR 3100
Business and Noninstructional Operations

Budget Advisory Committee

***Note: The following optional section is for use by districts that have established a budget advisory committee and have selected either Option 1 or 2 in the "Budget Advisory Committee" section of the accompanying Board policy. ***

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

1. Governing Board members, provided that less than a majority of the Board serves on the committee

(cf. 9140 - Board Representatives)

2. District and school site administrators

3. Representatives of bargaining units

4. Certificated and/or classified staff

5. Parents/guardians

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

7. Students

(cf. 1220 - Citizen Advisory Committees)

(cf. 2230 - Representative and Deliberative Groups)

(cf. 9130 - Board Committees)

***Note: The remainder of this section details the duties of the budget advisory committee and is for use by districts that selected either Option 1, 2, or 3 in the "Budget Advisory Committee" section of the accompanying Board policy. ***

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

1. Making recommendations regarding budget priorities

2. Recommending cost reduction strategies, such as identifying services that may be reduced, made more efficient, or discontinued
3. Reviewing the clarity and effectiveness of budget documents and communications
4. Presenting progress reports on the committee's work and a final report of recommendations to the Superintendent or designee and to the Board

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

(cf. 3350 - Travel Expenses)

Initial Budget Adoption

***Note: Under the authority granted by Education Code 42126, the Superintendent of Public Instruction (SPI) has established a requirement that district budgets be reported using the standardized account code structure (SACS) software. SACS ensures that districts meet state and federal reporting guidelines and comply with generally accepted accounting principles prescribed by the Governmental Accounting Standards Board (GASB). The California Department of Education's (CDE) California School Accounting Manual provides guidance regarding coding of revenues and expenditures. ***

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

***Note: Pursuant to Education Code 52062, as added by AB 97 (Ch. 47, Statutes of 2013), the public hearing on the budget described below must be at the same meeting as the public hearing on the local control and accountability plan (LCAP); see BP 0460 - Local Control and Accountability Plan. ***

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. (Education Code 42103, 42127, 52062)

(cf. 0460 - Local Control and Accountability Plan)
(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)

***Note: Pursuant to Education Code 42103, the County Superintendent of Schools must publish the location, dates, and times at which the district's proposed budget may be inspected, as well as the location, date, and time of the public hearing described above. This notice must be published in a newspaper of general circulation 10-45 days before the hearing. The following paragraph is optional. ***

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. (Education Code 42103)

(cf. 9323 - Meeting Conduct)

***Note: Pursuant to Education Code 42127, as amended by AB 97 (Ch. 47, Statutes of 2013), prior to adopting the district budget for the 2014-15 fiscal year, the Governing Board must adopt the LCAP. Each fiscal year thereafter, the Board must not adopt the district budget until it has an approved LCAP or update to the LCAP that is in effect for the budget year. Education Code 52062, added by AB 97, requires that the LCAP or annual update be adopted at the same public meeting during which the Board adopts the budget. See BP/AR 0460 - Local Control and Accountability Plan. ***

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. (Education Code 52062)

***Note: Education Code 42127 requires the district to file the adopted budget with the County Superintendent as described below. If the district fails to submit a budget, the County Superintendent will, at district expense, develop a budget by September 15 and transmit that budget to the Board. ***

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. (Education Code 42127)

(cf. 1340 - Access to District Records)

Revised Budget

***Note: Pursuant to Education Code 42127, as amended by AB 97 (Ch. 47, Statutes of 2013), it is the County Superintendent's responsibility to determine whether the district's adopted budget complies with state standards and criteria, will allow the district to meet its current and future financial obligations, and includes the expenditures necessary to implement the LCAP or the annual update to the LCAP. Education Code 42127 also requires the County Superintendent to consider other studies, reports, evaluations, or audits that may indicate that the district is in fiscal distress; see the Fiscal Crisis and Management Assistance Team's (FCMAT) Fiscal Oversight Guide and BP 3460 - Financial Reports and Accountability. ***

***Note: On or before August 15, the County Superintendent will approve, conditionally approve, or disapprove the district's adopted budget and report to the Board and the SPI regarding the fiscal solvency of a district with a disapproved budget, as required by Education Code 1240 and 42127. If disapproved or conditionally approved, the County Superintendent must provide the Board with recommendations regarding revision of the budget and the reasons for those recommendations. The County Superintendent also may assign a fiscal advisor or may appoint a committee to review his/her recommendations. ***

***Note: The district should select the appropriate option below reflecting the budget adoption process selected by the Board; see the accompanying Board policy. Districts using the single budget adoption process pursuant to Education Code 42127(i) (Option 1) must respond to a disapproved budget on or before September 8. Districts using the dual budget adoption process pursuant to Education Code 42127(e) and (g) (Option 2) must hold a second public hearing prior to adopting a revised budget on or before September 8. For districts using the dual budget adoption process, the requirement to adopt a revised budget applies regardless of whether the initial budget was approved or disapproved by the County Superintendent. ***

OPTION 1: (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. (Education Code 42127)

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

OPTION 2: (Dual Budget Adoption Process)

On or before September 8, the Board shall adopt and file a revised budget with the County Superintendent which reflects: (Education Code 42127)

1. Changes in projected income or expenditures subsequent to July 1
2. Any response to the County Superintendent's recommendations on the initial budget

Before revising the budget, the Board shall hold a second public hearing regarding the proposed revisions in accordance with Education Code 42103. In addition, if the initial budget was disapproved by the County Superintendent, the public hearing shall include a review by the Board and the County Superintendent of the disapproval and the County Superintendent's recommendations. (Education Code 42127)

The revised budget and supporting data shall be maintained and made available for public review. (Education Code 42127)

Budget Review Committee for Disapproved Budgets

***Note: The following optional section applies to all districts. With either budget adoption process, Education Code 42127 requires the County Superintendent to approve or disapprove the district's revised budget by October 8. If the County Superintendent disapproves the revised budget, he/she is required by Education Code 42127 and 42127.1 to call for the formation of a budget review committee unless the Board and the County Superintendent agree to waive the committee requirement and the CDE agrees to the waiver. See BP 1431 - Waivers. The formation, convening procedures, and timelines of the budget review committee are set forth in Education Code 42127.1-42127.3. ***

***Note: As amended by SB 97 (Ch. 357, Statutes of 2013), Education Code 42127 provides that, beginning in the 2014-15 fiscal year, the County Superintendent cannot call for the formation of a budget review committee if his/her sole reason for disapproving the district's budget is that he/she has not approved the district's LCAP or the annual update to the LCAP. ***

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. (Education Code 42127)

***Note: Pursuant to Education Code 42127.2, if the Board fails to select the budget review committee from a list of candidates provided by the SPI within five working days of receiving the list, as provided in item #1 below, the SPI will select and convene the committee within 10 working days from the date the Board received the candidate list. ***

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

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

***Note: Pursuant to Education Code 42127.2, the budget review committee is required to submit, by October 31, its recommendation as to whether the district's budget should be

approved or disapproved and, if the recommendation is for disapproval, its recommended revisions to the budget. ***

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. (Education Code 42127.3)

If the SPI disapproves the district budget after reviewing the committee's report and the district's response, the Board shall consult with the County Superintendent as he/she develops and adopts, by 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. (Education Code 42127.3)

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

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CSBA Sample

Board Policy

Transfer Of Funds

BP 3110

Business and Noninstructional Operations

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

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

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3100 - Budget)

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

(cf. 3460 - Financial Reports and Accountability)

***Note: Education Code 42600 requires the district to expend funds in accordance with the classification of expenditures included in its adopted budget. However, other provisions of state law provide exceptions under which money may be transferred from one fund or account to another, as reflected in items #1-5 below. ***

***Note: AB 97 (Ch. 47, Statutes of 2013) repealed Education Code 17583 which provided a process for the transfer of excess local funds in the deferred maintenance fund to any other expenditure classifications whenever state funds for deferred maintenance are insufficient to fully match local funds. ***

***Note: AB 97 also repealed Education Code 42605, which provided temporary flexibility for specified "Tier 3" categorical programs, and redirects the funding for those categorical programs into the local control funding formula (LCFF) (Education Code 42238.01-42238.07). The supplemental and concentration grant portions of the LCFF may be used for any schoolwide or districtwide educational purpose in accordance with state regulations to be adopted by January 31, 2014, with the goal of increasing or improving services for students who are eligible for free and reduced-price meals, English learners, and foster youth; see BP/AR 0460 - Local Control and Accountability Plan and BP/AR 3100 - Budget. ***

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

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

1. At any time, adopt a written resolution providing for transfers from the designated fund

balance or the unappropriated fund balance to any expenditure classification or between classifications. The resolution shall be filed with the County Superintendent of Schools and the county auditor. (Education Code 42600)

2. Direct the temporary transfer of monies held in any district fund or account to another fund or account as necessary for the payment of obligations. Such borrowing shall occur only when the fund or account receiving the money will earn sufficient income during the current fiscal year to repay the amount transferred. No more than 75 percent of the maximum amount held in any fund or account during the current fiscal year may be transferred. Amounts transferred shall be repaid in the same fiscal year, or in the following fiscal year if the transfer takes place within the final 120 calendar days of a fiscal year. (Education Code 42603)

***Note: Pursuant to Education Code 42601, the Governing Board may identify and request that the County Superintendent of Schools make transfers at the close of a school year in order to permit the payment of district obligations, as provided in item #3 below. For elementary school districts with average daily attendance (ADA) of 900 or less, high school districts with ADA of 300 or less, or unified districts with ADA of 1,500 or less, the County Superintendent may identify and make the transfers, with the consent of the Board. ***

3. At the close of a school year, request that the County Superintendent make transfers between the designated fund balance or the unappropriated fund balance and any expenditure classification(s), or balance any expenditure classifications of the district budget as necessary for the payment of obligations incurred during that school year. (Education Code 42601)

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

5. Transfer monies between other funds or accounts when authorized by law.

Legal Reference:

EDUCATION CODE

78 Definition, governing board

5200 Districts governed by boards of education

16095 Transfer of district funds to district state school building fund

41301 Section A state school fund allocation schedule

42125 Designated and unappropriated fund balances

42238-42251 Apportionments to districts, especially:

42238.01-42238.07 Local control funding formula

42600 District budget limitation on expenditure
42601 Transfers between funds to permit payment of obligations at close of year
42603 Transfer of monies held in any fund or account to another fund; repayment
42840-42843 Special reserve fund
52616.4 Expenditures from adult education fund

Management Resources:

WEB SITES

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

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

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

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CSBA Sample

Board Policy

Concepts And Roles

BP 6000

Instruction

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

The Governing Board desires to provide a comprehensive, research-based curriculum that motivates every student to succeed. The district's educational program shall provide students with opportunities to attain the skills, knowledge, and abilities they need to be successful in school and develop to their full potential.

(cf. 9000 - Role of the Board)

Strategies for improving the educational program shall take into consideration the needs of individual students and subpopulations of students. Students who are failing or at risk of failing to meet academic standards shall be provided with alternative programs and/or supplemental assistance designed to raise achievement.

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 0520.3 - Title I Program Improvement Districts)

(cf. 6158 - Independent Study)

(cf. 6159 - Individualized Education Program)

(cf. 6164.5 - Student Success Teams)

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

(cf. 6172 - Gifted and Talented Student Program)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6174 - Education for English Language Learners)

(cf. 6175 - Migrant Education Program)

(cf. 6176 - Weekend/Saturday Classes)

(cf. 6177 - Summer School)

(cf. 6179 - Supplemental Instruction)

(cf. 6181 - Alternative Schools/Programs of Choice)

(cf. 6183 - Home and Hospital Instruction)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

Inasmuch as parents/guardians are critical partners in their children's education, parents/guardians shall be provided with opportunities to be meaningfully involved both in support of their children's education program at school and with learning at home.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)

The Board shall:

1. Establish standards of student achievement for core subjects at each grade level that are aligned with the district's vision for student learning, the specific needs and strengths of the students, the expectations of parents/guardians and the community, and available resources

(cf. 0100 - Philosophy)
(cf. 0200 - Goals for the School District)
(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 6011 - Academic Standards)

2. Establish graduation requirements

(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

3. Ensure that a process is in place, involving teachers, administrators, students, and parents/guardians, for the development and review of the district's curriculum

(cf. 6141 - Curriculum Development and Evaluation)

4. Adopt the district curriculum and courses of study to be offered

(cf. 6143 - Courses of Study)

5. Adopt textbooks and other instructional materials

(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 6161 - Equipment, Books and Materials)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)

6. Support the professional staff's implementation of the curriculum by providing consistent policy direction, allocating resources based on educational program priorities, ensuring that collective bargaining agreements do not constrain the district's ability to achieve curricular goals, recognizing staff accomplishments, and including reasonable annual goals related to student learning in the Superintendent evaluation process

(cf. 2140 - Evaluation of the Superintendent)
(cf. 3100 - Budget)
(cf. 4143/4243 - Negotiations/Consultation)
(cf. 9310 - Board Policies)

7. Provide a continuing program of professional development to keep instructional staff, administrators, and Board members updated about current issues and research pertaining to curriculum, instructional strategies, and student assessment

- (cf. 4131 - Staff Development)
- (cf. 4222 - Teacher Aides/Paraprofessionals)
- (cf. 4331 - Staff Development)
- (cf. 9240 - Board Development)

8. Review and evaluate the educational program on the basis of state and federal accountability measures, disaggregated student achievement data, and other indicators and ensure that evaluation results are used to improve programs, curriculum, and/or instructional practices as necessary to enhance student achievement

- (cf. 0500 - Accountability)
- (cf. 6162.5 - Student Assessment)
- (cf. 6162.51 - Standardized Testing and Reporting Program)
- (cf. 6162.52 - High School Exit Examination)
- (cf. 6190 - Evaluation of the Instructional Program)

9. Communicate clear information about district instructional goals, programs, and progress in student achievement to the community and media

- (cf. 0510 - School Accountability Report Card)
- (cf. 1100 - Communication with the Public)
- (cf. 1112 - Media Relations)

The Superintendent or designee shall:

1. Review research related to curriculum issues
2. Select and/or develop curricula for recommendation to the Board in accordance with the district's curriculum development and review process
3. Ensure the articulation of the curriculum between grade levels and with postsecondary education and the workplace

with high school district

(cf. 1700 - Relations between Private Industry and the Schools)

4. Determine the general methods of instruction to be used
5. Assign instructors and schedule classes for all curricular offerings

- (cf. 4113 - Assignment)
- (cf. 6112 - School Day)
- (cf. 6117 - Year-Round Schedules)

6. Recommend instructional materials to the Board and direct the purchase of approved materials and equipment

(cf. 3310 - Expenditures and Purchases)

7. Evaluate and report to the Board on student achievement as demonstrated through testing and other types of appraisal, and recommend necessary changes in curriculum, programs, and instruction as indicated by student performance data

Comparability in Instruction

***Note: The following section is optional. 5 CCR 4424 requires districts to demonstrate comparability of services as a condition of receiving grants for compensatory education programs. In addition, 20 USC 6321 mandates districts receiving Title I funds to have policy on comparability in instruction; see BP/AR 6171 - Title I Programs for language fulfilling this mandate. ***

The district shall provide comparable educational opportunities for all students. Instruction in the core curriculum shall be in no way diminished when students receive supplementary services funded by special governmental programs. Services funded by any categorical program shall supplement, not supplant, the district-provided core curriculum and any services which may be provided by other categorical programs.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 6171 - Title I Programs)

Legal Reference:

EDUCATION CODE

51000-51007 Legislative intent, educational program

CODE OF REGULATIONS, TITLE 5

3940 Maintenance of effort

4424 Comparability of services

UNITED STATES CODE, TITLE 20

6321 Fiscal requirements/comparability of services

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Leadership: Curriculum, 1996

WEB SITES

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

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

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CSBA Sample

Board Policy

School Day

BP 6112

Instruction

Note: The following optional policy may be revised to reflect district practice. California law specifies the minimum length of the school day for elementary and secondary schools; see the accompanying administrative regulation.

Note: The Governing Board may extend the school day under the incentive funding offered pursuant to Education Code 46200-46205 and in accordance with collective bargaining agreements. Education Code 46201.2 provides that, between the 2009-10 and 2014-15 school years, any district receiving this incentive funding may reduce the school year by up to five instructional days or the equivalent number of instructional minutes without incurring financial penalties; also see BP 6111 - School Calendar.

The Governing Board shall fix the length of the school day subject to the provisions of law.
(Education Code 46100)

(cf. 6111 - School Calendar)

The length of the school day shall apply equally to students with disabilities unless otherwise specified in the student's individualized education program or Section 504 plan.

(cf. 6159 - Individualized Education Program)

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

Note: The following optional paragraph is for use by districts that maintain elementary schools and may be modified to reflect district practice. Pursuant to Education Code 33350, the California Department of Education encourages districts to provide daily recess periods for elementary students, featuring time for unstructured but supervised play. The Superintendent of Public Instruction's Task Force on Obesity, Type 2 Diabetes, and Cardiovascular Disease recommends that students in grades K-6 be provided with recess or other physical activity breaks at least once per 120 minutes of instruction. The National Association for Sport and Physical Education recommends daily recess breaks of at least 20 minutes each day.

The schedule for elementary schools shall include at least one daily period of recess of at least 20 minutes in length in order to provide students with unstructured but supervised opportunities for physical activity.

(cf. 5030 - Student Wellness)

(cf. 6142.7 - Physical Education and Activity)

Note: The remainder of this policy applies to districts that maintain secondary schools and may be modified to reflect district practice.

In establishing the daily instructional schedule for each secondary school, the Superintendent or designee shall give consideration to course requirements and curricular demands, availability of school facilities, and applicable legal requirements.

The Board encourages flexibility in scheduling so as to provide longer time blocks or class periods when appropriate and desirable to support student learning, provide more intensive study of core academic subjects or extended exploration of complex topics, and reduce transition time between classes.

Prior to implementing a block schedule program in which secondary students attend class for fewer school days, the Board shall consult with the certificated and classified employees of the school in a good faith effort to reach agreement and shall also consult with parents/guardians of the students who would be affected by the change and the community at large. Such consultation shall include at least one public hearing for which the Board has given adequate notice to the employees and to the parents/guardians of affected students. (Education Code 46162)

(cf. 9320 - Meetings and Notices)

Legal Reference:

EDUCATION CODE

- 8970-8974 Early primary program, including extended-day kindergarten
- 37202 Equal time in all schools
- 37670 Year-round schools
- 46010 Total days of attendance
- 46100 Length of school day
- 46110-46119 Kindergarten and elementary schools, day of attendance
- 46140-46147 Junior high school and high school, day of attendance
- 46160-46162 Alternative schedule - junior high and high school
- 46170 Continuation schools, minimum day
- 46180 Opportunity schools, minimum day
- 46190-46192 Adult education classes, day of attendance
- 46200-46206 Incentives for longer instructional day and year
- 48200 Compulsory attendance for minimum school day
- 48663 Community day school, minimum school day
- 48800-48802 Concurrent enrollment in community college
- 51222 Physical education, instructional minutes
- 51760-51769.5 Work experience education
- 52325 Regional occupational center, minimum day

Management Resources:

NATIONAL ASSOCIATION FOR SPORT AND PHYSICAL EDUCATION POSITION STATEMENTS

Recess for Elementary School Students, 2006

STATE BOARD OF EDUCATION POLICY STATEMENTS

99-03 Physical Education (PE) Requirements for Block Schedules, July 2006

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Extending Learning Time for Disadvantaged Students, August 1995

WEST ED PUBLICATIONS

Full-Day Kindergarten: Expanding Learning Opportunities, Policy Brief, April 2005

WEB SITES

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

National Association for Sport and Physical Education: <http://www.aahperd.org/naspe>

State Board of Education: <http://www.cde.ca.gov/re/lr/wr/waiverpolicies.asp>

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

WestEd: <http://www.wested.org>

School Day

Note: The following optional administrative regulation specifies minimum and maximum school days for each grade level as provided by law. The district may revise this regulation to reflect district practice.

Note: Pursuant to Education Code 46114, the minimum school day in grades K-8 may be computed by determining the average number of minutes over 10 consecutive school days (i.e., the number of minutes of attendance in any 10 consecutive school days, divided by 10). Education Code 46142 authorizes the minimum school day in junior high and high schools to be computed by averaging the number of minutes over two consecutive school days. The district will be in compliance if the average is at least the minimum day required by law, even if the number of minutes in any one school day is less than the minimum required school day specified below. However, Education Code 46114 and 46142 provide that no single school day may be less than 60 minutes for kindergarten, 170 minutes for grades 1-3, or 180 minutes for grades 4-12.

Kindergarten

***Note: The following section is for use by districts that maintain kindergarten classes. Education Code 46117 establishes a minimum school day of three hours (180 minutes) for kindergarten students as provided below. However, pursuant to Education Code 46119, if a district has less than a total of 40 kindergarten students, the Governing Board may apply to the Superintendent of Public Instruction to maintain two kindergarten classes of 150 minutes each, including recesses, taught on the same day by the same teacher.

Except as otherwise provided by law, the average school day established for kindergarten students shall be at least three hours, including recesses but excluding noon intermissions, but no longer than four hours, excluding recesses. (Education Code 46111, 46114, 46115, 46117)

Note: The following paragraph is optional. Although Education Code 46111 provides that recess shall be excluded from determining the maximum school day, it is the interpretation of the California Department of Education that recess time may be counted as instructional minutes, at the district's discretion, if teacher supervision occurs.

Recess may be counted as instructional minutes for purposes of determining the maximum school day if teacher supervision occurs.

Note: The following optional paragraph is for use by districts that maintain multitrack year-round schools pursuant to Education Code 37670(a).

In any multitrack year-round school operating pursuant to Education Code 37670(a), the kindergarten school day may be up to 265 minutes, excluding recesses. (Education Code 46111)

(cf. 6117 - Year-Round Schedules)

Note: The following optional paragraph is for use by districts that have established an early primary program pursuant to Education Code 8970-8974 in order to provide an integrated, experiential, and developmentally appropriate educational program with specified components for students in prekindergarten through grade 3. Education Code 8973 provides that the kindergarten school day in such programs may exceed four hours under the conditions described below, although districts do not receive additional apportionment funds.

In any district school operating an early primary program pursuant to Education Code 8970-8974, the kindergarten school day may exceed four hours, excluding recess, if both of the following conditions are met: (Education Code 8973)

1. The Governing Board has declared that the extended-day kindergarten program does not exceed the length of the primary school day.
2. The extended-day kindergarten program includes ample opportunity for both active and quiet activities within an integrated, experiential, and developmentally appropriate educational program.

Grades 1-8

Note: The following section is for use by districts that maintain any of grades 1-8 and should be modified to reflect the grade levels offered by the district.

Except as otherwise provided by law, the school day for elementary and middle school students shall be:

1. At least 230 minutes for students in grades 1-3, unless the Board has prescribed a shorter school day because of lack of school facilities requiring double sessions, in which case the minimum school day shall be 200 minutes. (Education Code 46112, 46142)
2. At least 240 minutes for students in grades 4-8 (Education Code 46113, 46142)

In determining the number of minutes for purposes of compliance with the minimum school day for students in grades 1-8, both noon intermissions and recesses shall be excluded. (Education Code 46115)

Grades 9-12

Note: The following section is for use by districts that maintain any of grades 9-12 and may be modified to reflect the grade levels offered by the district.

The school day for students in grades 9-12 shall be at least 240 minutes. (Education Code 46141, 46142)

Note: The following list should be revised to reflect programs offered by the district.

However, the school day may be less than 240 minutes when authorized by law. Programs that have a minimum school day of 180 minutes include, but are not necessarily limited to:

1. Continuation high school or classes (Education Code 46141, 46170)

(cf. 6184 - Continuation Education)

2. Opportunity school or classes (Education Code 46141, 46180)

3. Regional occupational center (Education Code 46141, 52325)

(cf. 6178.2 - Regional Occupational Center/Program)

4. Work experience education program approved pursuant to Education Code 51760-51769.5 (Education Code 46141, 46144)

A student in grade 12 who is enrolled in work experience education and is in his/her last semester or quarter before graduation may be permitted to attend school for less than 180 minutes per school day if he/she would complete all requirements for graduation, except physical education courses, in less than 180 minutes each day. (Education Code 46147)

(cf. 6178.1 - Work-Based Learning)

5. Concurrent enrollment in a community college pursuant to Education Code 48800-48802 or, for students in grades 11-12, part-time enrollment in classes of the California State University or University of California, provided academic credit will be awarded upon satisfactory completion of enrolled courses (Education Code 46146)

(cf. 6172.1 - Concurrent Enrollment in College Classes)

Note: SB 1316 (Ch. 67, 2012) amended Education Code 46141 and added Education Code 46146.5 to exempt early college high schools and middle college high schools from the 240-minute minimum school day requirement under the circumstances described in item #6 below.

6. An early college high school or middle college high school, provided the students are enrolled in community college or college classes in accordance with item #5 above (Education Code 46141, 46146.5)

7. Special day or Saturday vocational training program conducted under a federally approved plan for career technical education (Education Code 46141, 46144)

(cf. 6178 - Career Technical Education)

8. Adult education classes (Education Code 46190)

(cf. 6200 - Adult Education)

Note: The following optional paragraph is for use by districts that operate an evening high school pursuant to Education Code 51720-51724.

For an evening high school operated pursuant to Education Code 51720-51724, the number of days, specific days of the week, and number of hours during which the program shall be in session shall be determined by the Board. (Education Code 46141, 51721)

Students in grade 12 shall be enrolled in at least five courses each semester or the equivalent number of courses each quarter. This requirement shall not apply to students enrolled in regional occupational centers or programs, courses at accredited postsecondary institutions, independent study, special education programs in which the student's individualized education program establishes a different number of courses, continuation education classes, work experience education programs, or any other course of study authorized by the Board that is equivalent to the approved high school course of study. (Education Code 46145)

(cf. 6158 - Independent Study)

(cf. 6159 - Individualized Education Program)

Alternative Block Schedule for Secondary Schools

Note: The following optional section is for use by districts that choose to create a block schedule pursuant to Education Code 46160-46162; see the accompanying Board policy. In establishing a block schedule, the district should be aware of state law (Education Code 51222) that requires secondary students to attend physical education courses for at least 400 minutes each 10 school days; see AR 6142.7 - Physical Education and Activity. Although the daily alternating block schedule, often referred to as the A/B block schedule, does fulfill the requirement for physical education minutes, other block schedules do not and thus require a waiver from the State Board of Education (SBE). See SBE Waiver Policy #99-03 for waiver criteria.

In order to establish a block or other alternative schedule or to accommodate career technical education and regional occupational center/program courses, the district may authorize students to attend fewer than the total number of days in which school is in session provided that students attend classes for at least 1,200 minutes during any five school day period or 2,400 minutes during any 10 school day period. (Education Code 46160)

CSBA Sample

Board Policy

Year-Round Schedules

BP 6117

Instruction

Note: The following optional policy is for use by districts that operate or are considering the establishment of a year-round calendar in one or more schools, as authorized by Education Code 37610. Like schools on traditional calendar, year-round schools can have 180 days of instruction. However, they maintain a different pattern of instruction and vacations than schools on traditional calendar. While traditional calendar schools have nine months of instruction and three months of vacation during the summer, year-round schools operate on shorter blocks of time for instruction and vacation, such as 60 days of instruction followed by 20 days of vacation. Some year-round schools operate a "multitrack" plan as defined in Education Code 17017.7. Such a program is designed to increase the enrollment capacity of the school by dividing the student body and staff into groups or tracks (usually three to five groups) and rotating attendance so that, at any time during the school year, at least one group or track is on vacation while the other groups are attending school.

Note: Pursuant to Education Code 37693, the multitrack year-round program whereby a school operates on a three-track year-round calendar, with each track offering as few as 163 days of instruction per school year (Concept 6 program), has been eliminated.

The Governing Board believes that a year-round school schedule could benefit the district and its students by providing continuous instruction and reducing learning loss in students over extended vacations, allowing timely interventions to improve academic achievement, and alleviating overcrowding in schools through efficient use of school facilities. The Board shall consider the feasibility of establishing year-round schedules based on current and projected enrollments, facilities needs, and instructional needs.

(cf. 6111 - School Calendar)

(cf. 7110 - Facilities Master Plan)

Before approving a year-round program in any district school, the Board shall consult in good faith, in an effort to reach agreement with certificated and classified employees of the school, parents/guardians of students who would be affected by the change, and the community at large. Such consultation shall include at least one public hearing. (Education Code 37616)

(cf. 0420 - School Plans/Site Councils)

(cf. 4143/4243 - Negotiations/Consultation)

(cf. 9320 - Meetings and Notices)

When the Board is considering a year-round schedule for any school, the Superintendent or

designee shall submit to the Board a comprehensive proposal that, at a minimum, shall address the schedule to be operated, the number of tracks the school will have, any needed facilities modifications, a communications system for notifying off-track families of school activities and developments, and how the ethnic and socioeconomic composition of the school will be maintained within each track.

If the Board determines to operate a year-round program in a manner that would require any student to enroll, the Superintendent or designee shall publish, not later than November 1 of the school year preceding the commencement of the program, notice of the district's intention to operate the program. Such notice shall be published in a newspaper of general circulation within the district, or if there is no such newspaper, then in any newspaper of general circulation that is regularly circulated in the district. The notice shall be published once each week for three successive weeks or, if the newspaper is regularly published once a week or more often, at least three times with at least five days intervening between the respective publication dates not counting the publication dates. (Education Code 37611)

(cf. 5116.1 - Intradistrict Open Enrollment)

Note: Pursuant to Education Code 37612, after the district has published the above notice, residents may request that the school not establish such a schedule by presenting a petition to the County Superintendent of Schools. This petition must be signed by at least 25 percent of the registered voters of the district and be submitted no later than December 10 of the year in which the notice is given. If the County Superintendent finds the petition to be sufficient as required by law, he/she will order a proposition to be placed upon the ballot of the appropriate election as provided in Education Code 37613. Irrespective of whether or not a petition is presented, the Board may request that an election be called and conducted.

On the Board's order, or upon a sufficient petition by the public to the County Superintendent of Schools after the above notice of intention is given by the district, an election shall be called to determine whether to permit a year-round program to be operated. (Education Code 37612)

Note: Education Code 37620 and 41420 establish 175 days of instruction as the minimum requirement to receive full average daily attendance reimbursement. Districts have the ability to increase to 180 days of instruction with longer day or year incentives pursuant to Education Code 46200-46206. The following paragraph provides for 180 days of instruction. Districts that provide fewer than 180 days should modify the following paragraph accordingly.

Each year-round school shall offer 180 days of instruction per school year, except for any school year in which the district and employee organization(s) agree to have fewer days of instruction pursuant to the authorization in Education Code 46201.2. (Education Code 37620)

(cf. 1431 - Waivers)

(cf. 6112 - School Day)

Each school operating on a year-round schedule shall be closed for all students and employees on regular school holidays. (Education Code 37619)

(cf. 6115 - Ceremonies and Observances)

The Superintendent or designee shall annually submit a report to the Board regarding each district school operating a year-round schedule. The report shall include results of the school's academic assessments and how they compare with those of other schools, necessary facilities maintenance or repairs, and costs incurred or saved on account of operating a year-round schedule at the school.

(cf. 0500 - Accountability)

(cf. 0510 - School Accountability Report Card)

(cf. 3460 - Financial Reports and Accountability)

(cf. 3517 - Facilities Inspection)

Assignment to Year-Round Tracks

The Superintendent or designee shall establish an unbiased process for determining assignment of students to tracks based on the following criteria:

1. Students of the same family shall be placed in the same group or track unless one or more of such students are enrolled in a special education class or unless the parent/guardian requests that the students be placed in different groups. (Education Code 37617)

Note: Item #2 below lists optional criteria for assigning students to tracks and may be revised to reflect district practice.

2. Assignment based on ability level shall be minimized except when necessary to accommodate special education needs or other specialized programs.

(cf. 6159 - Individualized Education Program)

(cf. 6172 - Gifted and Talented Student Program)

After assignment based on the above priorities, remaining students shall be chosen on a lottery basis when the number of students requesting a particular track exceeds spaces available. Second preferences shall be accommodated to the extent possible.

The Superintendent or designee shall give parents/guardians adequate notice regarding their child's schedule.

Note: The following paragraph is optional and may be modified to reflect district practice. In its Year-Round Education Program Guide, the California Department of Education lists an appeal process among track assignment considerations for implementing a year-round educational program.

Any parent/guardian who is dissatisfied with the track assignment of his/her child may appeal the assignment to the Superintendent or designee within five business days, stating why a different

track is more appropriate for his/her child. The Superintendent or designee shall respond to the parent/guardian within five business days. The Superintendent's decision shall be final.

Once students are assigned to a track, priority shall be placed on keeping students on the same track each year unless the parent/guardian requests a change.

Legal Reference:

EDUCATION CODE

17017.5 Approval of applications; year-round education program

17017.6 Substantial enrollment, high school districts

17017.7 Priority for funding new construction

17071.40 Exemption from increase in school building capacity

17088.3 Qualifications for lease; submission of year-round multitrack educational program study

37202 Equity length of term, exceptions

37220-37223 Saturdays and holidays

37600-37644 Continuous school programs

37670-37672 Multi-track year round scheduling

41420 Minimum number of instructional days per year

42250.1 Funding for air conditioning

46200-46206 Incentives for longer instructional day and year

CODE OF REGULATIONS, TITLE 5

855 Testing period

884 Primary language testing period

14030 School housing standards for multitrack programs

Management Resources:

WEB SITES

California Department of Education, Multitrack Year-Round Education:

<http://www.cde.ca.gov/ls/fa/yr>

National Association for Year-Round Education: <http://www.nayre.org>

CSBA Sample

Board Policy

Environmental Education

BP 6142.5

Instruction

Note: Pursuant to Public Resources Code 71300-71305, the California Office of Education and the Environment, within the California Department of Resources, Recycling, and Recovery (CalRecycle), has developed a model curriculum based on environmental education principles which will be incorporated into the state's criteria for textbook adoption and, pursuant to Education Code 33541, into the science curriculum framework adopted by the State Board of Education.

Note: The following optional policy is consistent with the state's education principles for the environment and may be revised to reflect district practice.

The Governing Board recognizes that schools play a crucial role in educating students about the importance of the environment and in preparing them to be stewards of natural resources. The Board believes that students should value the environment, respect all life forms, understand the basic ecological principles which support the planet, and live an ecologically responsible life-style.

(cf. 6000 - Concepts and Roles)

(cf. 6142.3 - Civic Education)

Note: Education Code 51210 requires the adopted course of study for grades 1-6 to include instruction on the relations of persons to their human and natural environment, the wise use of natural resources, and science instruction on the place of humans in the ecological systems. In grades 7-12, Education Code 51220 requires study of the relations of persons to their human and natural environment and science instruction that emphasizes the place of humans in ecological systems. See AR 6143 - Courses of Study.

The Superintendent or designee shall develop an environmental education program that is aligned with state academic standards and curriculum frameworks. The Superintendent or designee shall determine how the district's environmental education program will be integrated into the district's science curriculum and other subjects and courses in which the concepts may be explicitly and systematically taught.

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6142.93 - Science Instruction)

(cf. 6143 - Courses of Study)

The goal of the district's environmental education program shall be to provide students with an understanding of the interactions and interdependence of human societies and natural systems, people's dependence and influence on natural systems, the ways that natural systems change and how people can benefit and influence that change, the fact that there are no boundaries to prevent matter from flowing between systems, and the fact that decisions affecting resources and natural systems are complex and involve many factors.

Note: Pursuant to Public Resources Code 71300 and 71304, the California Office of Education and the Environment has developed environmental education resources, including model programs and successful strategies, to help districts coordinate best practices for environment-based education and environmental science and technology. Further information can be found on the CalRecycle's web site.

The district's program shall emphasize a coordination of instructional resources with active student participation in onsite resource conservation and management programs and the promotion of service learning partnerships.

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

(cf. 3511 - Energy and Water Management)

(cf. 3511.1 - Integrated Waste Management)

(cf. 3514 - Environmental Safety)

(cf. 5030 - Student Wellness)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6153 - School-Sponsored Trips)

Legal Reference:

EDUCATION CODE

8700-8707 Environmental education

8720-8723 Conservation education service

8760-8773 Outdoor science, conservation, and forestry

33541 Science requirements

37222.11 John Muir; recognition of his contributions

51210 Areas of study, grades 1-6

51220 Areas of study, grades 7-12

51795-51797 School instructional gardens

60041 Ecological systems and their protection

PUBLIC RESOURCES CODE

71300-71305 Statewide environmental education

Management Resources:

WEB SITES

California Environmental Protection Agency, Education and the Environment Initiative:

<http://www.calepa.ca.gov/Education/EEI>

California Department of Education, Environmental Education:

<http://www.cde.ca.gov/pd/ca/sc/oeaintrod.asp>

California Department of Resources, Recycling and Recovery, Education and Assistance:

<http://www.calrecycle.ca.gov/Education>

California Regional Environmental Education Community: <http://www.creec.org>

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CSBA Sample

Board Policy

Visual And Performing Arts Education

BP 6142.6

Instruction

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect these requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also, see BP 2210-Administrative Discretion Regarding Board Policy.

Note: The following optional policy may be revised to reflect district practice. Education Code 51210 and 51220 require that visual and performing arts be included in the course of study offered in grades 1-6 and 7-12, respectively; see AR 6143 - Courses of Study. In addition, Education Code 51225.3 requires completion of one course in visual or performing arts, foreign language, or American Sign Language for high school graduation; see BP 6146.1 - High School Graduation Requirements.

The Governing Board believes that visual and performing arts are essential to a well-rounded educational program and should be an integral part of the course of study offered to students at all grade levels. The district's arts education program shall provide opportunities for appreciation, creation, and performance of the arts.

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

Note: The State Board of Education (SBE) adopted content standards for visual and performing arts in 2001 and the Visual and Performing Arts Framework for California Public Schools, Kindergarten Through Grade Twelve in 2004. These materials provide standards for dance, music, theatre, and visual arts at each grade level for grades K-8 and as a cluster for grades 9-12.

The Board shall adopt academic standards for dance, music, theatre, and visual arts that describe the skills, knowledge, and abilities that students shall be expected to possess at each grade level. The district's standards shall meet or exceed state content standards for each of these disciplines.

(cf. 6011 - Academic Standards)

The Superintendent or designee shall develop a sequential curriculum for dance, music, theatre, and visual arts which is consistent with the state curriculum framework and includes the following strands:

1. Artistic perception: processing, analyzing, and responding to sensory information through the use of language and skills unique to each arts discipline
2. Creative expression: composing, arranging, and performing a work and using a variety of means to communicate meaning and intent in one's own original works
3. Historical and cultural context: understanding the historical contributions and cultural dimensions of an arts discipline
4. Aesthetic valuing: analyzing and critically assessing works of dance, music, theatre, and visual arts
5. Connections, relations, and applications: connecting, comparing, and applying what is learned in one arts discipline to learning in the other arts, other subject areas, and careers

(cf. 6141 - Curriculum Development and Evaluation)

Note: If the district wants to use state instructional materials allowances to purchase instructional materials for visual and performing arts in grades K-8, Education Code 60200 requires that the Governing Board select materials from among those approved by the SBE. For grades 9-12, Education Code 60400 and 60411 authorize the Board to select district materials that meet criteria specified in law. See BP/AR 6161.11 - Selection and Evaluation of Instructional Materials.

The Board shall adopt standards-based instructional materials for visual and performing arts in accordance with applicable law, Board policy, and administrative regulation. In addition, the Board encourages teachers to incorporate a variety of media and technologies into lessons, presentations, and explorations in each of the arts disciplines.

- (cf. 0400 - District Technology Plan)
- (cf. 1312.2 - Complaints Concerning Instructional Materials)
- (cf. 6161 - Equipment, Books and Materials)
- (cf. 6161.1 - Selection and Evaluation of Instructional Materials)
- (cf. 6161.11 - Supplementary Instructional Materials)
- (cf. 6161.3 - Toxic Art Materials)
- (cf. 6162.6 - Use of Copyrighted Materials)
- (cf. 6163.1 - Library Media Centers)

***Note: Education Code 99200-99205 establish The California Arts Project (TCAP), a

statewide professional development project in the visual and performing arts. Professional development resources also may be located at one of four professional arts teacher associations: the California Dance Education Association, the California Association for Music Education, the California Educational Theatre Association, and the California Art Education Association.***

The Superintendent or designee shall provide a standards-based professional development program designed to increase teachers' knowledge of and ability to teach the arts and to implement adopted instructional materials.

(cf. 4131 - Staff Development)

The Superintendent or designee shall encourage, as a supplement to teacher instruction, the integration of community arts resources into the educational program. Such resources may include opportunities for students to attend musical and theatrical performances, observe the works of accomplished artists, and work directly with artists-in-residence and volunteers. In addition, the Superintendent or designee may collaborate with community organizations to share resources and seek grant opportunities.

(cf. 1230 - School-Connected Organizations)

(cf. 1240 - Volunteer Assistance)

(cf. 1260 - Educational Foundation)

(cf. 1700 - Relations between Private Industry and the Schools)

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 6020 - Parent Involvement)

(cf. 6153 - School-Sponsored Trips)

The Superintendent or designee shall regularly evaluate and report to the Board regarding the implementation of arts education at each grade level and program effectiveness in enabling students to meet academic standards.

(cf. 0500 - Accountability)

Arts and Music Block Grants

Note: The 2007 State Budget trailer bill, uncodified SB 77 (Ch. 171, Statutes of 2007), appropriates arts and music block grants to districts to be used to supplement existing resources for art and music education in grades K-12. The funds, and any carry-over funds from the previous year, may be used for (1) hiring of additional staff; (2) purchase of new materials, books, supplies, and equipment; and (3) implementing or increasing staff development opportunities. As of 2007-08, the Board is required to distribute the funds to all school sites on the basis of an equal amount per student or the minimum school site allocation specified in SB 77, whichever is greatest. However, a district may elect to retain funds for districtwide endeavors that support these purposes on behalf of all of its schools (e.g., to hire teachers or a district coordinator for visual and performing arts; provide districtwide professional development; bulk purchase supplies, books, and equipment), if the Board adopts a resolution at a public meeting as provided below.

Note: By February 2, 2008, as a condition of receipt of funds, the Board must provide a summary report to the California Department of Education (CDE) of how these funds are expended or are proposed to be expended and the number of students and grade levels served. The CDE will provide a template to assist districts in making this report.

Any state funding received through arts and music block grants shall be used only for hiring additional staff, purchasing new materials, books, supplies, and equipment, and/or implementing or increasing staff development opportunities as needed to support standards-aligned arts and music instruction. (SB 77, Item 6110-265-0001, Statutes of 2007)

The Board shall distribute block grant funds to all district schools on the basis of an equal amount per student or the minimum school site allocation specified in the state budget, whichever is greatest. (SB 77, Item 6110-265-0001, Statutes of 2007)

However, the Board may allocate block grant funds for districtwide expenditures that support program purposes on behalf of all district schools. If the Board elects to do so, it shall adopt a resolution at a public meeting which specifies how the funds will be allocated among schools and for districtwide purposes and the reasons for those allocations. Prior to the public meeting, the Board shall inform school site councils, schoolwide advisory groups, or school support groups, as applicable, of the content of the proposed resolution and of the time and location where the resolution is proposed to be adopted. (SB 77, Item 6110-265-0001, Statutes of 2007)

(cf. 1220 - Citizen Advisory Committees)
(cf. 9320 - Meetings and Notices)

Legal Reference:

EDUCATION CODE

8820-8830 Arts Work Visual and Performing Arts Educational Program

8950-8957 California summer school of the arts

32060-32066 Toxic art supplies

35330 Field trips

51210 Course of study, grades 1-6

51220 Course of study, grades 7-12

51225.3 Graduation requirements

58800-58805 Specialized secondary programs

60200-60206 Instructional materials, elementary schools

60400-60411 Instructional materials, high schools

99200-99206 Subject matter projects

UNCODIFIED STATUTE

SB 77, Ch. 171, Statutes of 2007, Item 6110-265-0001 Arts and music block grant

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Leadership: Curriculum Development, 1996

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Visual and Performing Arts Framework for California Public Schools: Kindergarten through Grade 12, 2004

Visual and Performing Arts Content Standards, January 2001

Arts Education Program Toolkit: A Visual and Performing Arts Program Assessment Process, 2001

WEB SITES:

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

Arts Education Partnership: <http://aep-arts.org>

California Alliance for Arts Education: <http://www.artsed411.org>

California Arts Council: <http://www.cac.ca.gov>

California Art Education Association: <http://www.caea-arteducation.org>

California Association for Music Education: <http://www.calmusiced.com>

California Dance Education Association: <http://www.cdeadance.org>

California Department of Education, Visual and Performing Arts: <http://www.cde.ca.gov/ci/vp>

California Educational Theatre Association: http://www.cetoweb.org/ceta_pages

The California Arts Project: <http://csmp.ucop.edu/teap>

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CSBA Sample

Board Policy

Comprehensive Health Education

BP 6142.8
Instruction

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

The Governing Board believes that health education should foster the knowledge, skills, and attitudes that students need in order to lead healthy lives and avoid high-risk behaviors. The district's health education program shall be part of a coordinated school health system which supports the well-being of students and is linked to district and community services and resources.

(cf. 1020 - Youth Services)
(cf. 3513.3 - Tobacco-Free Schools)
(cf. 3514 - Environmental Safety)
(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3554 - Other Food Sales)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.63 - Steroids)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.23 - Asthma Management)
(cf. 5141.3 - Health Examinations)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5141.6 - School Health Services)
(cf. 5141.7 - Sun Safety)
(cf. 5142 - Safety)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6164.2 - Guidance/Counseling Services)

Note: The federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (42 USC 1751 Note) requires each district participating in the National School Lunch program (42 USC 1751-1769) or any program in the Child Nutrition Act of 1966, including the School Breakfast Program (42 USC 1771-1791), to adopt a districtwide school wellness policy which includes goals for nutrition education and physical education. See BP 5030 - Student Wellness for language fulfilling this mandate.

Goals for the district's health education program shall be designed to promote student wellness and shall include, but not be limited to, goals for nutrition education and physical activity.

(cf. 0200 - Goals for the School District)

(cf. 5030 - Student Wellness)
(cf. 6142.7 - Physical Education)

Note: The following optional paragraph should be revised as necessary to reflect grade levels offered by the district. Education Code 51210 requires that the adopted course of study for grades 1-6 include instruction in health, including instruction in the principles and practices of individual, family, and community health.

Note: Education Code 51202 requires that certain health-related topics be addressed at the appropriate elementary and secondary grade levels and in appropriate subject areas, as determined by the district. Education Code 51934 requires that students be provided HIV/AIDS prevention instruction at least once in middle school or junior high school and at least once in high school. See AR 6143 - Courses of Study and BP/AR 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction.

Note: In March 2008, the State Board of Education adopted voluntary content standards for health education as required by Education Code 51210.8; see the accompanying administrative regulation. The state's Health Framework for California Public Schools, provides nonprescriptive guidance on the scope and sequence of the health curriculum.

The district shall provide a planned, sequential, research-based, and developmentally appropriate health education curriculum for students in grades K-12 which is aligned with the state's content standards and curriculum framework. The Superintendent or designee shall determine the grade levels and subject areas in which health-related topics will be addressed, in accordance with law, Board policy, and administrative regulation.

(cf. 6011 - Academic Standards)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)
(cf. 6143 - Courses of Study)

Note: The following optional paragraph may be revised to reflect district practice. Education Code 51890 defines a "comprehensive health education program" as one that includes community participation in the classroom. Education Code 51891 defines "community participation" as including participation by parents/guardians, practicing health care and public safety personnel, and public and private health care and service agencies in the planning, implementation, and evaluation of the program.

As appropriate, the Superintendent or designee shall involve school administrators, teachers, school nurses, health professionals representing various fields of health care, parents/guardians, community-based organizations, and other community members in the development, implementation, and evaluation of the district's health education program. Health and safety professionals may be invited to provide related instruction in the classroom, school assemblies, and other instructional settings.

(cf. 1220 - Citizen Advisory Committees)

(cf. 1240 - Volunteer Assistance)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 1700 - Relations Between Private Industry and the Schools)
(cf. 6020 - Parent Involvement)
(cf. 6145.8 - Assemblies and Special Events)
(cf. 6162.8 - Research)

The Superintendent or designee shall provide professional development as needed to ensure that health education teachers are knowledgeable about academic content standards and effective instructional methodologies.

(cf. 4131 - Staff Development)

Note: The following optional paragraph should be revised to reflect indicators agreed upon by the Governing Board and Superintendent for evaluating the district's health education program.

The Superintendent or designee shall provide periodic reports to the Board regarding the implementation and effectiveness of the district's health education program which may include, but not be limited to, a description of the district's program and the extent to which it is aligned with the state's content standards and curriculum framework, the amount of time allotted for health instruction at each grade level, and student achievement of district standards for health education.

(cf. 0500 - Accountability)
(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:

EDUCATION CODE

8850.5 Family relationships and parenting education
35183.5 Sun protection
49413 First aid training
49430-49436 Pupil Nutrition, Health and Achievement Act of 2001
49490-49494 School breakfast and lunch programs
49500-49505 School meals
51202 Instruction in personal and public health and safety
51203 Instruction on alcohol, narcotics and dangerous drugs
51210 Areas of study
51210.8 State content standards for health education
51220.5 Parenting skills; areas of instruction
51260-51269 Drug education
51513 Personal beliefs
51880-51881.5 Health education, legislative findings and intent
51890-51891 Comprehensive health education programs

51913 District health education plan
51920 Inservice training, health education
51930-51939 Comprehensive sexual health and HIV/AIDS prevention education
CALIFORNIA CODE OF REGULATIONS, TITLE 5
11800-11801 District health education plan

Management Resources:

CSBA PUBLICATIONS

Asthma Management in the Schools, Policy Brief, March 2008
Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007
Physical Education and California Schools, Policy Brief, rev. October 2007
Promoting Oral Health for California's Students: New Roles, New Opportunities for Schools, Policy Brief, March 2007
Sun Safety in Schools, Policy Brief, July 2006
Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006
AMERICAN ASSOCIATION FOR HEALTH EDUCATION PUBLICATIONS
National Health Education Standards: Achieving Excellence, 2007
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve, 2008
Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003

WEB SITES

CSBA: <http://www.csba.org>
American Association for Health Education: <http://www.aahperd.org>
American School Health Association: <http://www.ashaweb.org>
California Association of School Health Educators: <http://www.cashe.org>
California Department of Education, Health Education: <http://www.cde.ca.gov/ci/he>
California Department of Public Health: <http://www.cdph.ca.gov>
California Healthy Kids Resource Center: <http://www.californiahealthykids.org>
California Subject Matter Project, Physical Education-Health Project:
<http://csmp.ucop.edu/cpehp>
Center for Injury Prevention Policy and Practice: <http://www.cipp.org>
Centers for Disease Control and Prevention: <http://www.cdc.gov>
National Center for Health Education: <http://www.nche.org>
National Hearing Conservation Association: <http://www.hearingconservation.org>

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CSBA Sample

Administrative Regulation

Comprehensive Health Education

AR 6142.8
Instruction

Content of Instruction

Note: Items #1-6 below reflect six content areas delineated in the voluntary content standards for health education adopted by the State Board of Education in March 2008. The district may revise the following list to reflect the topics to be addressed in the district's program.

The district's health education program shall include instruction at the appropriate grade levels in the following content areas:

1. Alcohol, tobacco, and other drugs

(cf. 3513.3 - Tobacco-Free Schools)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.63 - Steroids)

2. Human growth, development, and sexual health

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Education)

Note: The optional paragraph under item #3 below includes examples of topics that are addressed in the state content standards within the content area of injury prevention and safety. In addition, pursuant to Education Code 51940, districts may, on a voluntary basis, use curricula distributed by the California Healthy Kids Resource Center that focuses on prevention of brain and spinal cord injuries.

3. Injury prevention and safety

Instruction related to injury prevention and safety may include, but is not limited to, first aid, protective equipment such as helmets, prevention of brain and spinal cord injuries, violence prevention, topics related to bullying and harassment, and Internet safety.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3543 - Transportation Safety and Emergencies)
(cf. 5131 - Conduct)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5142 - Safety)

(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)
(cf. 6163.4 - Student Use of Technology)

4. Mental, emotional, and social health

(cf. 5137 - Positive School Climate)
(cf. 5141.52 - Suicide Prevention)
(cf. 5149 - At-Risk Students)

5. Nutrition and physical activity

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 5030 - Student Wellness)
(cf. 6142.7 - Physical Education)

Note: The optional paragraph under item #6 below includes examples of topics that are addressed in the state content standards within the content area of personal and community health.

6. Personal and community health

Instruction in personal and community health may include, but is not limited to, oral health, personal hygiene, sun safety, hearing protection, transmission of germs and communicable diseases, symptoms of common health problems and chronic diseases such as asthma and diabetes, emergency procedures, and the effect of behavior on the environment.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.23 - Asthma Management)
(cf. 5141.7 - Sun Safety)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6142.5 - Environmental Education)

Note: Items #1-6 below combine eight "overarching standards" described in the state content standards as essential concepts and skills to be taught to students.

Within each of the above content areas, instruction shall be designed to assist students in developing:

1. An understanding of essential concepts related to enhancing health
2. The ability to analyze internal and external influences that affect health

3. The ability to access and analyze health information, products, and services

(cf. 5141.6 - School Health Services)

4. The ability to use interpersonal communication skills, decision-making skills, and goal-setting skills to enhance health

5. The ability to practice behaviors that reduce risk and promote health

6. The ability to promote and support personal, family, and community health

Exemption from Health Instruction

Note: Pursuant to Education Code 51513, districts may not administer exams, surveys, or questionnaires containing questions about a student's or his/her family's personal beliefs or practices in sex, family life, morality, and religion unless the student's parent/guardian has provided prior written consent. See AR 5022 - Student and Family Privacy Rights.

Upon written request from a parent/guardian, a student shall be excused from any part of health instruction that conflicts with his/her religious training and beliefs, including personal moral convictions. (Education Code 51240)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5022 - Student and Family Privacy Rights)

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

(cf. 6145.8 - Assemblies and Special Events)

Students so excused shall be given an alternative educational activity.

Involvement of Health Professionals

Health care professionals, health care service plans, health care providers, and other entities participating in a voluntary initiative with the district are prohibited from communicating about a product or service in a way that is intended to encourage persons to purchase or use the product or service. However, the following activities may be allowed: (Education Code 51890)

1. Health care or health education information provided in a brochure or pamphlet that contains the logo or name of a health care service plan or health care organization, if provided in coordination with the voluntary initiative

2. Outreach, application assistance, and enrollment activities relating to federal, state, or county-sponsored health care insurance programs

(cf. 1325 - Advertising and Promotion)

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CSBA Sample

Board Policy

Controversial Issues

BP 6144

Instruction

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

The Governing Board recognizes that the district's educational program may sometimes include instruction related to controversial issues that may arouse strong reactions based on personal values and beliefs, political philosophy, culture, religion, or other influences. Instruction concerning such topics shall be relevant to the adopted course of study and curricular goals and should be designed to develop students' critical thinking skills, ability to discriminate between fact and opinion, respect for others, and understanding and tolerance of diverse points of view.

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)
(cf. 6142.3 - Civic Education)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6142.94 - History-Social Science Instruction)
(cf. 6143 - Courses of Study)

Note: District criteria for determining the appropriateness of supplementary instructional materials and/or circumstances under which materials should be submitted to the principal or other designee for review prior to their use (e.g., when materials relate to controversial issues or are presented in a controversial manner or context, such as when materials contain nudity, sexual content, graphic violence, or extensive profanity) are addressed in BP 6161.11 - Supplementary Instructional Materials.

The Board expects administrators and teachers to exercise professional judgment when deciding whether or not a particular issue is suitable for study or discussion. They shall consult with the Superintendent or designee as necessary to determine the appropriateness of the subject matter, guest speakers, and/or related instructional materials or resources.

(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)

When providing instruction related to a controversial issue, the following guidelines shall apply:

1. The topic shall be suitable to the age and maturity of the students.
2. Instruction shall be presented in a balanced manner, addressing all sides of the issue without

bias or prejudice and without promoting any particular point of view.

3. The teacher may express a personal opinion provided he/she identifies it as a personal opinion and clarifies that he/she is not speaking on behalf of the school or district. The teacher shall not express an opinion for the purpose of persuading students to his/her point of view.

4. No student's viewpoint shall be suppressed, provided such expression is not malicious or abusive toward others. Students shall be assured of their right to form and express an opinion without jeopardizing their relationship with the teacher or school.

(cf. 5022 - Student and Family Privacy Rights)
(cf. 5145.2 - Freedom of Speech/Expression)
(cf. 6145.5 - Student Organizations and Equal Access)

5. Students shall be informed of conduct expected during such instruction and the importance of being courteous and respectful of the opinions of others.

(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5137 - Positive School Climate)

6. Adequate factual information shall be provided to help students objectively analyze and evaluate the issue and draw their own conclusions.

7. The instruction shall not reflect adversely upon persons because of their race, ethnicity, national origin, sex, sexual orientation, gender identity or expression, disability, religion, or any other basis prohibited by law.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

8. The subject matter of the instruction shall not otherwise be prohibited by state or federal law.

When a guest speaker is invited to make a presentation related to a controversial issue, the Board requires that he/she be notified of this policy and the expectations and goals regarding the instruction. If the guest speaker is presenting only one point of view on an issue, the teacher shall be responsible for ensuring that students also receive information on opposing viewpoints.

(cf. 6145.8 - Assemblies and Special Events)

***Note: Pursuant to Education Code 51938, districts must notify parents/guardians of any sexual health and HIV/AIDS prevention instruction and of the opportunity to request that their child not receive the instruction; see BP/AR 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction. The following optional paragraph provides that, at the discretion of the teacher or other designated staff, parents/guardians may be notified and asked to give consent for their

child's participation in instruction related to other controversial issues.***

When required by law or otherwise deemed appropriate by the teacher or administrator, parents/guardians shall be notified prior to instruction related to any controversial issue and parent/guardian consent shall be obtained for student participation. Students whose parents/guardians decline such instruction may be offered the option to participate in an alternative activity of similar value.

A student or parent/guardian with concerns regarding instruction about controversial issues shall be directed to appropriate district complaint procedures.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

Legal Reference:

EDUCATION CODE

220 Prohibition of discrimination

51500 Prohibited instruction or activity

51510 Prohibited study or supplemental materials

51511 Religious matters properly included in courses of study

51530 Prohibition and definition regarding advocating or teaching communism with intent to indoctrinate

51933 Sex education courses

51938 Right of parent/guardian to excuse child from sexual health instruction

60040 Portrayal of cultural and racial diversity

60044 Prohibited instructional materials

60045 Criteria for instructional materials

CSBA Sample

Board Policy

Elementary/Middle School Graduation Requirements

BP 6146.5

Instruction

***Note: Pursuant to Education Code 51400, districts maintaining an elementary school may confer diplomas of graduation from the elementary school and from special day and evening classes of elementary grades. The following policy is for use by districts that choose to confer such diplomas. This sample policy has been expanded to include graduation from middle schools; districts that do not maintain middle schools should revise the policy accordingly. For policy on graduation ceremonies, see BP 5127 - Graduation Ceremonies and Activities. ***

In order to recognize successful completion of elementary and middle school education, the Governing Board shall confer diplomas of ~~graduation from elementary and middle schools and from special day and evening classes of elementary and middle grades.~~^{promotion}

(cf. 5127 - Graduation Ceremonies and Activities)

***Note: SB 2X (Ch. 1, First Extraordinary Session, Statutes of 1999) repealed Education Code 51215-51218 which required districts to develop standards of proficiency and to assess progress toward those standards at specified grade levels. Therefore, elementary graduation should be based on completion of the prescribed course of study pursuant to Education Code 51402 (see BP/AR 6143 - Courses of Study) as well as district criteria for promotion described in Education Code 48070.5. Education Code 48070.5 requires that districts identify students who should be retained at the end of grades 2, 3, 4, the intermediate grades and the middle grades as identified in BP/AR 5123 - Promotion/Acceleration/Retention. ***

***Note: In addition, Education Code 51400 provides that elementary school diplomas may be awarded by examination. However, pursuant to Education Code 51401, any school accredited by the County Board of Education may issue diplomas without examination. If the district requires a proficiency examination for promotion from elementary or middle schools, the following paragraphs should be revised accordingly. ***

Diplomas shall be awarded only to students who have completed the course of study prescribed by law and the district. (Education Code 51402)

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

In addition, students shall meet district requirements for promotion based on grades, assessments or other indicators as specified in Board policy and administrative regulation.

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 6162.5 - Student Assessment)

Elementary Programs in Adult Schools

Note: The following section is for use by districts that maintain an adult school offering an elementary program.

The Board shall prescribe requirements for eighth-grade graduation from an adult school.
(Education Code 52510)

Note: Education Code 52508 authorizes districts to award diplomas or certificates to adults and eligible minors enrolled in adult schools upon satisfactory completion of a prescribed course of study in an elementary school program. See AR 6200 - Adult Education. The following paragraph is optional.

The Board shall award diplomas or certificates to adults and eligible minors enrolled in adult schools upon satisfactory completion of a prescribed course of study in an elementary school program.

(cf. 6200 - Adult Education)

Legal Reference:

EDUCATION CODE

48070-48070.5 Promotion and retention

51400-51403 Elementary school diplomas

52507-52510 Requirements for eighth grade graduation (adult school)

60641-60647 Standardized Testing and Reporting Program

60648 Minimum performance levels

(5/85 12/89) 3/00

Class Assignment

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

The Governing Board believes students should be assigned to classes and/or grouped in a manner that provides the most effective learning environment for all students.

When assigning students to specific classes, the principal or designee may consider the following criteria:

1. Staff recommendation, including, but not limited to, the recommendations of teachers and counselors
2. Skills and classroom management style of individual teachers
3. Student skill level as indicated by achievement and testing data

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6162.51 - Standardized Testing and Reporting Program)

4. Balance of high, medium, and low academic achievers
5. Student interests, readiness, behavior, and motivation
6. Student/teacher ratios and, if relevant, class size reduction considerations

(cf. 6151 - Class Size)

The principal or designee may accept from parents/guardians any information which would be helpful in making placement decisions. However, a parent/guardian who provides such information shall be informed that a request for a specific teacher shall be one of many factors which may be taken into account when determining his/her child's placement.

During the school year, the principal or designee may make any adjustments in class placement which he/she considers beneficial to the student or the educational program.

Legal Reference:

EDUCATION CODE

35020 Duties of employees fixed by governing board

35160 Authority of the board

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Elementary Makes the Grade!, 2000

WEB SITES

California Department of Education, Curriculum and Instruction: <http://www.cde.ca.gov/ci>

National Association for the Education of Young Children: <http://www.naeyc.org>

(6/87 10/95) 7/06

CSBA Sample

Board Policy

Procedural Safeguards And Complaints For Special Education

BP 6159.1

Instruction

Note: The following mandated policy and mandated administrative regulation reflect the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482), implementing federal regulations (34 CFR 300.1-300.818, as amended by 73 Fed. Reg. 231), and conforming state legislation. Note that in cases where state law provides greater protections to students, state law supersedes federal law.

Note: Education Code 56195.8 mandates all entities providing special education to adopt policy on procedural safeguards and Education Code 56500.1 requires entities providing special education to establish and maintain all procedural safeguards granted by federal law. For California law related to due process rights and due process hearing rights and procedures, see Education Code 56501-56509 and 5 CCR 3082. For federal due process procedure requirements, see 34 CFR 300.500-300.520.

Note: This policy and accompanying administrative regulation should be revised for consistency with the policy and regulations of the special education local plan area (SELPA) in which the district participates.

The Governing Board desires to protect the rights of students with disabilities in accordance with the procedural safeguards set forth in state and federal law. Parents/guardians shall receive written notice of their rights in accordance with law, Board policy, and administrative regulation.

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

(cf. 5145.6 - Parental Notifications)

(cf. 6159 - Individualized Education Program)

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

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

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

Note: Education Code 56195.8 authorizes the policy to include provisions for involving district Board members in any due process hearing procedure activities. The following optional paragraph designates the Superintendent or designee as the district representative at the hearing.

The Superintendent or designee shall represent the district in any due process hearing conducted with regard to district students and shall inform the Board about the result of the hearing.

***Note: A compliance complaint, which can be made by anyone, is an allegation of a violation of state or federal law. A complainant may also file such complaints directly with the California Department of Education. These compliance complaints are different from the due process complaint detailed in the accompanying administrative regulation, which is a legal document that must be filed in order to initiate a due process hearing. ***

The Superintendent or designee shall address a complaint concerning compliance with state or federal law regarding special education in accordance with the district's uniform complaint procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

56000 Education for individuals with disabilities

56001 Provision of the special education programs

56020-56035 Definitions

56195.7 Written agreements

56195.8 Adoption of policies for programs and services

56300-56385 Identification and referral, assessment

56440-56447.1 Programs for individuals between the ages of three and five years

56500-56509 Procedural safeguards, including due process rights

56600-56606 Evaluation, audits and information

CODE OF REGULATIONS, TITLE 5

3000-3100 Regulations governing special education

4600-4671 Uniform complaint procedures

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act

UNITED STATES CODE, TITLE 42

11434 Homeless assistance

CODE OF FEDERAL REGULATIONS, TITLE 34

99.10-99.22 Inspection, review and procedures for amending education records

104.36 Procedural safeguards

300.1-300.818 Assistance to states for the education of students with disabilities, especially:

300.500-300.520 Procedural safeguards and due process for parents and students

COURT DECISIONS

Winkelman v. Parma City School District, (2007) 550 U.S. 516

Management Resources:

FEDERAL REGISTER

Final Regulations, December 1, 2008, Vol. 73, No. 231, pages 73006-73029

WEB SITES

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

U.S. Department of Education, Office of Special Education Programs:

<http://www.ed.gov/about/offices/list/osers/osep>

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CSBA Sample

Administrative Regulation

Procedural Safeguards And Complaints For Special Education

AR 6159.1 Instruction

Note: The following mandated administrative regulation reflects the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482), implementing federal regulations (34 CFR 300.1-300.818, as amended by 73 Fed. Reg. 231), and conforming state legislation. Note that in cases where state law provides greater protections to students, state law supersedes federal law.

***Note: Both federal and state law give parents/guardians the right to due process and require the district to provide procedural safeguards, as specified below. Education Code 56501 extends these rights to the student only if he/she is an emancipated minor or a ward or dependent of the court with no available parent/guardian or surrogate parent. See AR 6159.3 - Appointment of Surrogate Parent for Special Education Students. As part of these rights, districts must provide two different notices, the prior written notice and the procedural safeguards notice, to parents/guardians at specified times detailed below. ***

Prior Written Notice

Note: Pursuant to 20 USC 1415(b)(1), districts are mandated to adopt procedures relative to the prior written notice as specified in 20 USC 1415(c)(1) and listed below.

The Superintendent or designee shall send to the parents/guardians of any student with disabilities a prior written notice within a reasonable time: (20 USC 1415(c); 34 CFR 300.102, 300.300, 300.503; Education Code 56500.4, 56500.5)

1. Before the district initially refers the student for assessment
2. Before the district proposes to initiate or change the student's identification, assessment, educational placement, or the provision of a free appropriate public education (FAPE) to the student
3. Before the district refuses to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student
4. Before the student graduates from high school with a regular diploma thus resulting in a change in placement

***Note: As amended by 73 Fed. Reg. 231, 34 CFR 300.300 states that a parent/guardian may revoke consent for the continued provision of special education and related services to his/her

child at any time. Upon receipt of this written revocation, 34 CFR 300.300 requires the district to provide prior written notice and, within a reasonable period of time, discontinue all services to the student. See AR 6159 - Individualized Education Program.***

4. 5. Upon receipt of the parent/guardian's written revocation of consent for the continued provision of special education and related services to his/her child

This notice shall include: (20 USC 1415(c); 34 CFR 300.503; Education Code 56500.4)

1. A description of the action proposed or refused by the district
2. An explanation as to why the district proposes or refuses to take the action
3. A description of each assessment procedure, test, record, or report the district used as a basis for the proposed or refused action
4. A statement that the parents/guardians of the student have protection under procedural safeguards and, if this notice is not an initial referral for assessment, the means by which a copy of the description of procedural safeguards can be obtained
5. Sources for parents/guardians to obtain assistance in understanding these provisions
6. A description of any other options that the individualized education program (IEP) team considered and why those options were rejected

(cf. 6159 - Individualized Education Program)

7. A description of any other factors relevant to the district's proposal or refusal

(cf. 5145.6 - Parental Notifications)

Procedural Safeguards Notice

***Note: 20 USC 1415(d)(1), 34 CFR 300.504, and Education Code 56501 specify that the procedural safeguards notice must be given to parents/guardians once per school year and upon the occurrence of any of the events specified below. A sample procedural safeguards notice is available on the California Department of Education's (CDE) web site. ***

A procedural safeguards notice shall be made available to parents/guardians of students with disabilities once each school year and: (20 USC 1415(d)(1); 34 CFR 300.504; Education Code 56301)

1. Upon initial referral or parent/guardian request for assessment
2. Upon receipt of the first state compliance complaint in a school year

(cf. 1312.3 - Uniform Complaint Procedures)

3. Upon receipt of the first due process hearing request in a school year
4. In accordance with the discipline procedures pursuant to 34 CFR 300.530(h), when a decision is made to remove a student because of a violation of a code of conduct constituting a change of placement

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

5. Upon request by a parent/guardian

Note: 34 CFR 300.504 requires the procedural safeguards notice to include a full explanation of the safeguards available to parents/guardians under the laws listed below, including 34 CFR 300.300 regarding parent/guardian consent. 73 Fed. Reg. 231 amended 34 CFR 300.300 to authorize a parent/guardian to revoke consent to his/her child's continued receipt of special education and related services; thus, the procedural safeguards notice must include a full explanation of that right to revocation.

The procedural safeguards notice shall include a full explanation of all of the procedural safeguards available under 34 CFR 300.148, 300.151-300.153, 300.300, 300.502-300.503, 300.505-300.518, 300.520, 300.530-300.536, and 300.610-300.625 relating to: (20 USC 1415(d)(2); 34 CFR 300.504; Education Code 56301)

1. Independent educational evaluation

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

2. Prior written notice
3. Parental consent, including a parent/guardian's right to revoke consent, in writing, to his/her child's continued receipt of special education and related services
4. Access to educational records

(cf. 5125 - Student Records)

5. Opportunity to present complaints and resolve complaints through the due process complaint and state compliance complaint procedures, including the time period in which to file a complaint, the opportunity for the district to resolve the complaint, and the difference between a due process complaint and the state compliance complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures
6. The availability of mediation

7. The student's placement during the pendency of any due process complaint
8. Procedures for students who are subject to placement in an interim alternative educational setting
9. Requirements for unilateral placement by parents/guardians of students in private schools at public expense
10. Hearings on due process complaints, including requirements for disclosure of assessment results and recommendations
11. State-level appeals
12. Civil actions, including the time period in which to file those actions
13. Attorney's fees

Note: In addition to the requirements of federal law listed in items #1-13 above, Education Code 56321 requires that the procedural safeguards notice contain the additional information specified below. Education Code 56321 also requires that the notice be attached to any assessment plan which is developed whenever an assessment is to be conducted for the development or revision of the IEP.

Note: As added by AB 2555 (Ch. 245, Statutes of 2008), Education Code 56321.6 requires that the procedural safeguards notice also include information regarding the state special schools for students who are deaf or blind, as specified below.

This notice shall also include the rights and procedures contained in Education Code 56500-56509, including information on the procedures for requesting an informal meeting, prehearing mediation conference, mediation conference, or due process hearing; the timelines for completing each process; whether the process is optional; the type of representative who may be invited to participate; the right of the parent/guardian and/or the district to electronically record the proceedings of IEP meetings in accordance with Education Code 56341; and information regarding the state special schools for students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind. (Education Code 56321, 56321.5, 56321.6)

A copy of this notice shall be attached to the student's assessment plan and referred to at each IEP meeting. (Education Code 56321, 56321.5)

Format of Parent/Guardian Notices

***Note: 20 USC 1415(b) mandates that districts adopt procedures to ensure that the parent/guardian notice is in the native language of the parent/guardian, unless it is clearly not feasible to do so. 34 CFR 300.29 defines "native language" as the language normally used by the individual and, for a child, the language regularly used in the home environment. Pursuant to 34 CFR 300.503 and 300.504, the notice must be in an "understandable language" as specified

below.***

The parents/guardians of a student with a disability shall be provided written notice of their rights in a language easily understood by the general public and in their native language or other mode of communication used by them, unless to do so is clearly not feasible. (34 CFR 300.503; Education Code 56341, 56506)

If the native language or other mode of communication of the parent/guardian is not a written language, the district shall take steps to ensure that: (34 CFR 300.503)

1. The notice is translated orally or by other means to the parent/guardian in his/her native language or other mode of communication.
2. The parent/guardian understands the contents of the notice.
3. There is written evidence that items #1 and #2 have been satisfied.

The district may place a copy of the procedural safeguards notice on the district's web site. (20 USC 1415(d))

Note: The following optional paragraph is for use by districts that wish to grant parents/guardians the option to receive notices electronically pursuant to 34 CFR 300.505.

A parent/guardian of a student with disabilities may elect to receive the prior written notice or procedural safeguards notice by an electronic mail communication. (34 CFR 300.505)

Due Process Complaints

Note: In California, due process hearings required by federal law are held only at the state level. Related rights and procedures are set forth in Education Code 56501-56506 and 5 CCR 3080-3089. Note that in cases where state law provides greater protection, state law supersedes federal law. 20 USC 1415(f)(3)(C) and Education Code 56505, effective October 9, 2006, specify that a due process complaint must be filed within two years of the date that the parent/guardian or district knew or should have known about the situation that forms the basis of the complaint. Both federal law (34 CFR 300.507 and 300.511) and state law (Education Code 56505) provide exceptions to that filing timeline and allow parents/guardians to file a complaint past the two-year deadline if the district has made specific misrepresentations or withheld information.

***Note: When a parent/guardian has revoked consent for the continued provision of special education services to his/her child, 34 CFR 300.300, as amended by 73 Fed. Reg. 231, specifies that a district may not use the due process hearing procedures to obtain an agreement or a ruling to require that services be provided. In the Analysis of Comments and Changes, 73 Fed. Reg. 231, page 73016, the U.S. Department of Education clarifies that this revocation of consent to discontinue services is different from a discontinuation of services based on the determination that the student is no longer a child with a disability. If a district believes that a student is no

longer a child with a disability, then 34 CFR 300.305 requires the district to evaluate the child before making such a determination. If the parent/guardian disagrees with the eligibility determination, then he/she may challenge the decision using the due process procedures.***

Note: 20 USC 1415(b) mandates that the district adopt procedures regarding a party's right to initiate a due process hearing concerning the issues specified in items #1-4 below.

A parent/guardian and/or the district may initiate due process hearing procedures whenever: (20 USC 1415(b); Education Code 56501)

1. There is a proposal to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student.
2. There is a refusal to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student.
3. The parent/guardian refuses to consent to an assessment of his/her child.
4. There is a disagreement between a parent/guardian and the district regarding the availability of a program appropriate for the student, including the question of financial responsibility, as specified in 34 CFR 300.148.

Note: Pursuant to 20 USC 1415(b) and 34 CFR 300.508, the district is mandated to adopt procedures (1) requiring either party (the district or the parent/guardian) or their attorney to provide a due process complaint notice to the other party and (2) requiring that the party may not have a due process hearing until that complaint notice has been filed. The CDE has developed model forms to assist parties in filing a complaint and due process complaint notice.

Prior to having a due process hearing, the party requesting the hearing, or the party's attorney, shall provide the opposing party a due process complaint, which shall remain confidential, specifying: (20 USC 1415(b); 34 CFR 300.508; Education Code 56502)

1. The student's name
2. The student's address or, in the case of a student identified as homeless pursuant to 42 USC 11434, available contact information for that student

(cf. 6173 - Education for Homeless Children)

3. The name of the school the student attends
4. A description of the nature of the student's problem relating to the proposed or refused initiation or change, including facts relating to the problem
5. A proposed resolution to the problem to the extent known and available to the complaining party at the time

Parties filing a due process complaint shall file their request with the Superintendent of Public Instruction or designated contracted agency. (Education Code 56502)

District's Response to Due Process Complaints

Note: 20 USC 1415(c)(1), 34 CFR 300.508, and Education Code 56502 require the district to provide the following notice upon receipt of the due process complaint.

If the district has sent prior written notice to the parent/guardian regarding the subject matter of the parent/guardian's due process complaint, the district shall, within 10 days of receipt of the complaint, send a response specifically addressing the issues in the complaint. (20 USC 1415(c)(1); 34 CFR 300.508)

If the district has not sent a prior written notice to the parent/guardian regarding the subject matter contained in the parent/guardian's due process complaint, the district shall send a response to the parent/guardian within 10 days of receipt of the complaint containing: (20 USC 1415(c)(1); 34 CFR 300.508):

1. An explanation of why the district proposed or refused to take the action raised in the complaint
2. A description of other options that the IEP team considered and the reasons that those options were rejected
3. A description of each evaluation procedure, assessment, record, or report the district used as the basis for the proposed or refused action
4. A description of the factors that are relevant to the district's proposal or refusal

Upon the filing of a due process complaint by either party or upon request of the parent/guardian, the district shall inform the parent/guardian of any free or low-cost legal and other relevant services available in the area. (34 CFR 300.507)

Informal Process/Pre-Hearing Mediation Conference

Note: As an alternative to a due process hearing, Education Code 56500.3 provides that the parties may voluntarily participate in a mediation process conducted by a person under contract with the CDE. In addition, Education Code 56502 authorizes an informal meeting process conducted at the local level, as described in the following paragraph.

Prior to or upon initiating a due process hearing, the Superintendent or designee and a parent/guardian may, if the party initiating the hearing so chooses, agree to meet informally to resolve any issue(s) relating to the identification, assessment, education and placement, or provision of FAPE for a student with disabilities. The Superintendent or designee shall have the authority to resolve the issue(s). In addition, either party may file a request with the

Superintendent of Public Instruction for a mediation conference to be conducted by a person under contract with the California Department of Education. (Education Code 56502)

If resolution is reached that resolves the due process issue(s), the parties shall enter into a legally binding agreement that satisfies the requirements of Education Code 56500.3. (Education Code 56500.3)

Attorneys may attend or otherwise participate only in those mediation conferences that are scheduled after the filing of a request for due process hearing. (Education Code 56500.3, 56501)

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Nonpublic, Nonsectarian School And Agency Services For Special Education

***Note: Education Code 56195.8 mandates any entity providing special education to adopt a policy related to its authority to enter into a contract with a nonpublic, nonsectarian school or agency for the provision of education and/or special services to students with disabilities when no appropriate public education program is available to meet the students' special education needs.

Note: The following policy and accompanying regulation should be revised to comply with the policies and regulations of the Special Education Local Plan Area in which the district operates.

The Governing Board recognizes its responsibility to provide all district students, including students with disabilities, a free appropriate public education in accordance with law. When the district is unable to provide direct special education and/or related services to students with disabilities, the Board may enter into a contract with a nonpublic, nonsectarian school or agency to meet the students' needs.

(cf. 0430 - Comprehensive Local Plan for Special Education)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 3541.2 - Transportation for Students with Disabilities)
(cf. 4112.23 - Special Education Staff)
(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)

In selecting nonpublic, nonsectarian schools or agencies with which the district may contract for the placement of any district student with disabilities, the Superintendent or designee shall follow the procedures specified in law and accompanying administrative regulation.

Prior to entering into a contract to place any student in a nonpublic, nonsectarian school or agency, the Superintendent or designee shall verify that the school or agency is certified to provide special education and related services to individuals with disabilities in accordance with Education Code 56366. In addition, the Superintendent or designee shall monitor, on an ongoing basis, the certification of any nonpublic, nonsectarian school with which the district has a contract to ensure that the school or agency's certification has not expired.

Note: Education Code 56195.8 mandates that the policy adopted by the entity providing special education include the following paragraph. Education Code 56342.1, as amended by SB 121 (Ch. 571, Statutes of 2012), prohibits a student's referral to, or placement in, a nonpublic, nonsectarian school unless the student's individualized education program team specifies that the placement is appropriate.

No district student shall be placed in a nonpublic, nonsectarian school or agency unless the student's individualized education program (IEP) team has determined that an appropriate public education alternative does not exist and that the nonpublic, nonsectarian school or agency placement is appropriate for the student. In accordance with law, any student with disabilities

placed in a nonpublic, nonsectarian school or agency shall have all the rights and protections to which students with disabilities are generally entitled, including, but not limited to, the procedural safeguards, due process rights, and periodic review of his/her IEP. (Education Code 56195.8, 56342.1)

(cf. 6159 - Individualized Education Program)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

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

During the period when any student with disabilities is placed in a nonpublic, nonsectarian school or agency, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in his/her IEP.

Note: The following optional paragraph may be modified to reflect district practice.

The Superintendent or designee shall notify the Board prior to approving an out-of-state placement for any district student.

In accordance with Education Code 56366.2, the Superintendent or designee may apply to the Superintendent of Public Instruction to waive any of the requirements of Education Code 56365, 56366, 56366.3, and 56366.6.

(cf. 1431 - Waivers)

Legal Reference:

EDUCATION CODE

56034-56035 Definitions of nonpublic, nonsectarian school and agency

56042 Placement not to be recommended by attorney with conflict of interest

56101 Waivers

56163 Certification

56168 Responsibility for education of student in hospital or health facility school

56195.8 Adoption of policies

56342.1 Individualized education program; placement

56360-56369 Implementation of special education

56711 Computation of state aid

56740-56743 Apportionments and reports

56760 Annual budget plan; service proportions

56775.5 Reimbursement of assessment and identification costs

FAMILY CODE

7911-7912 Interstate compact on placement of children

GOVERNMENT CODE

7570-7588 Interagency responsibilities for providing services to children with disabilities, especially:

7572.55 Seriously emotionally disturbed child; out-of-state placement

WELFARE AND INSTITUTIONS CODE

362.2 Out-of-home placement for IEP

727.1 Out-of-state placement of wards of court

CODE OF REGULATIONS, TITLE 5

3001 Definitions

3060-3070 Nonpublic, nonsectarian school and agency services

UNITED STATES CODE, TITLE 20

1400-1487 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.129-300.148 Children with disabilities in private schools

COURT DECISIONS

Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

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

U.S. Department of Education, Office of Special Education and Rehabilitative

Services: <http://www.ed.gov/about/offices/list/osers>

Nonpublic, Nonsectarian School And Agency Services For Special Education

Note: The following administrative regulation is optional and may be revised to reflect district practice. It contains procedures for implementing policy mandated for entities that contract with nonpublic, nonsectarian schools or agencies for the provision of special education services to students with disabilities when no appropriate public education program is available to meet those students' special education needs.

Master Contract

Note: Education Code 56366 and 56366.3 detail the provisions that must be included in a master contract with nonpublic, nonsectarian schools or agencies for the purpose of special education services.

Every master contract with a nonpublic, nonsectarian school or agency shall be made on forms provided by the California Department of Education and shall include an individual services agreement negotiated for each student.

Each master contract shall specify the general administrative and financial agreements for providing the special education and designated instruction and services, including student-teacher ratios, as well as transportation if specified in a student's individualized education program (IEP). The administrative provisions of the contract shall include procedures for recordkeeping and documentation, and the maintenance of school records by the district to ensure that appropriate high school graduation credit is received by any participating student. The contract may allow for partial or full-time attendance at the nonpublic, nonsectarian school. (Education Code 56366)

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 3580 - District Records)

(cf. 5125 - Student Records)

(cf. 6146.1 - High School Graduation Requirements)

Note: The nonpublic school or agency must be certified as meeting state standards pursuant to Education Code 56366. Contracts may be terminated for cause with 20 days' notice; however, the availability of a public education program initiated during the period of the contract cannot give cause for termination unless the parent/guardian agrees to transfer the student to the program.

The master contract shall include a description of the process to be utilized by the district to oversee and evaluate placements in nonpublic, nonsectarian schools. This description shall include a method for evaluating whether each student is making appropriate educational progress. (Education Code 56366)

With mutual agreement of the district and a nonpublic, nonsectarian school or agency, changes may be made to the administrative and financial agreements in the master contract at any time,

provided the change does not alter a student's educational instruction, services, or placement as outlined in his/her individual services agreement. (Education Code 56366)

Placement and Services

Note: In addition to the master contract with a nonpublic, nonsectarian school or agency, Education Code 56366 requires that an individual services agreement as specified in the following section be in place for any student with a disability to be served by any such nonpublic school or agency. Education Code 56342.1, as amended by SB 121 (Ch. 571, Statutes of 2012), prohibits a student's referral to, or placement in, a nonpublic, nonsectarian school unless the student's individualized education program team specifies that the placement is appropriate.

The Superintendent or designee shall develop an individual services agreement for each student to be placed in a nonpublic, nonsectarian school or agency based on the student's IEP. Each individual services agreement shall specify the length of time authorized in the student's IEP for the nonpublic, nonsectarian school services, not to exceed one year. Changes in a student's educational instruction, services, or placement shall be made only on the basis of revisions to the student's IEP. (Education Code 56366)

(cf. 6159 - Individualized Education Program)

The IEP team of a student placed in a nonpublic, nonsectarian school or agency shall annually review the student's IEP. The student's IEP and individual services agreement shall specify the review schedules. (5 CCR 3069)

Note: The following paragraph is for use by elementary school districts.

Prior to the annual review of a student's IEP, the Superintendent or designee shall notify any high school district to which the student may transfer of the student's enrollment in a nonpublic, nonsectarian school or agency. (5 CCR 3069)

When a special education student meets the district requirements for completion of prescribed course of study as designated in the student's IEP, the district shall award the student a ~~diploma of graduation~~ (5 CCR 3070)

certificate of completion.

(cf. 6146.4 - Differential Graduation and Competency Standards for Individuals with Exceptional Needs)

Out-of-State Placements

Note: Government Code 7572.55 and Welfare and Institutions Code 362.2 and 727.1 address the out-of-state placement of children who are seriously emotionally disturbed and/or wards of the court. Such placements may be made only after in-state alternatives have been considered and found not to meet the child's needs.

Before contracting with a nonpublic, nonsectarian school or agency outside California, the Superintendent or designee shall document the district's efforts to find an appropriate program offered by a nonpublic, nonsectarian school or agency within California. (Education Code 56365)

Within 15 days of any decision for an out-of-state placement, the student's IEP team shall submit to the Superintendent of Public Instruction a report with information about the services provided by the out-of-state program, the related costs, and the district's efforts to locate an appropriate public school or nonpublic, nonsectarian school or agency within California. (Education Code 56365)

If the district decides to place a student with a nonpublic, nonsectarian school or agency outside the state, the district shall indicate the anticipated date of the student's return to a placement within California and shall document efforts during the previous year to return the student to California. (Education Code 56365)

(6/95 6/99) 4/13

CSBA Sample

Board Policy

Selection And Evaluation Of Instructional Materials

BP 6161.1

Instruction

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also see BP 2210 - Administrative Discretion Regarding Board Policy.

Note: Pursuant to Education Code 60200 and 60400, the Governing Board is responsible for the adoption of textbooks and other instructional materials, as defined in Education Code 60010, for use in district schools. See the accompanying administrative regulation for required and optional criteria for the selection of instructional materials. See BP 6161.11 - Supplementary Instructional Materials and BP/AR 6163.1 - Library Media Centers for selection processes regarding supplementary materials.

The Governing Board desires that district instructional materials, as a whole, present a broad spectrum of knowledge and viewpoints, reflect society's diversity, and enhance the use of multiple teaching strategies and technologies. The Board shall adopt instructional materials based on a determination that such materials are an effective learning resource to help students achieve grade-level competency and that the materials meet criteria specified in law. Textbooks, technology-based materials, and other educational materials shall be aligned with academic content standards and the district's curriculum to ensure that they effectively support the district's adopted courses of study.

- (cf. 0440 - District Technology Plan)
- (cf. 6000 - Concepts and Roles)
- (cf. 6011 - Academic Standards)
- (cf. 6141 - Curriculum Development and Evaluation)
- (cf. 6143 - Courses of Study)
- (cf. 6146.1 - High School Graduation Requirements)
- (cf. 6161.11 - Supplementary Instructional Materials)
- (cf. 6162.5 - Student Assessment)
- (cf. 6163.1 - Library Media Centers)

Note: The following paragraph is for use by districts that maintain any of grades K-8 and may be revised to reflect grade levels offered by the district. Pursuant to Education Code 60200, the State Board of Education (SBE) is required to adopt basic instructional materials in specified subjects that districts may select for use in grades K-8. AB 1246 (Ch. 668, Statutes of 2012) amended Education Code 60200, 60203, 60207, and 60209 to revise the process and timelines used by the state to adopt such materials.

Note: AB 1246 also added Education Code 60210, which authorizes the Board to select materials that have not been approved by the SBE, provided they are aligned with state academic content standards or Common Core Standards. In addition, if the district uses materials not adopted by the SBE, the majority of participants in the review process must be teachers assigned to the subject area or grade level for which the materials will be used; see section below entitled "Review Process."

The Board shall select instructional materials for use in grades K-8 that have been approved by the State Board of Education (SBE) or have otherwise been determined to be aligned with the state academic content standards adopted pursuant to Education Code 60605 or the Common Core Standards adopted pursuant to Education Code 60605.8. (Education Code 60200, 60210)

Note: The following paragraph is for use by districts that maintain high schools.

The Board shall adopt instructional materials for grades 9-12 upon determining that the materials meet the criteria specified in law and administrative regulation. (Education Code 60400)

Note: The following optional paragraph is consistent with priorities established in Education Code 60119 to ensure that each student is provided with sufficient standards-aligned instructional materials in four core curriculum areas: English/language arts, mathematics, science, and history-social science. The Instructional Materials Funding Realignment Program (Education Code 60420-60424), which had provided a block grant for instructional materials with a priority on materials that are aligned to state standards in those core courses, was repealed by AB 1246 (Ch. 668, Statutes of 2012).

The Board's priority in the selection of instructional materials is to ensure that all students are provided with standards-aligned instructional materials in the core curriculum areas of English/language arts, mathematics, science, and history-social science.

Review Process

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

The Superintendent or designee shall establish a process by which instructional materials shall be reviewed for recommendation to the Board. Toward that end, he/she may establish an instructional materials review committee to evaluate and recommend instructional materials.

(cf. 1220 - Citizen Advisory Committees)

Note: Pursuant to Education Code 60002, the Board must provide for "substantial" teacher involvement in the selection of instructional materials and must promote the involvement of parents/guardians and other members of the community in the selection of instructional materials. The Education Code does not define "substantial."

The review process shall involve teachers in a substantial manner and shall encourage the participation of parents/guardians and community members. (Education Code 60002)

In addition, the instructional materials review committee may include administrators, other staff who have subject-matter expertise, and students, as appropriate.

Note: The following paragraph is for use by districts that maintain any of grades K-8. Education Code 60210, as added by AB 1246 (Ch. 668, Statutes of 2012), adds the following requirement for the review of K-8 materials that have not been adopted by the SBE.

If the district chooses to use instructional materials for grades K-8 that have not been adopted by the SBE, the Superintendent or designee shall ensure that a majority of the participants in the district's review process are classroom teachers who are assigned to the subject area or grade level of the materials. (Education Code 60210)

Individuals who participate in the selection or review of instructional materials shall not have a conflict of interest, as defined in administrative regulation, in the materials being reviewed.

(cf. 9270 - Conflict of Interest)

The committee shall review instructional materials using criteria provided in law and administrative regulation, and shall provide the Board with documentation supporting its recommendations.

All recommended instructional materials shall be available for public inspection at the district office.

(cf. 5020 - Parent Rights and Responsibilities)

Note: SBE Policy on Guidelines for Piloting Textbooks and Instructional Materials provides a sample process for piloting instructional materials that addresses the selection of materials to pilot, a chronology of the process, and additional considerations, such as conflict of interest, contacts with publishers, and consideration of standards maps.

The district may pilot instructional materials, using a representative sample of classrooms for a specified period of time during a school year, in order to determine how well the materials support the district's curricular goals and academic standards. Feedback from teachers piloting the materials shall be made available to the Board before the materials are adopted.

Public Hearing on Sufficiency of Instructional Materials

Note: As a condition of receiving funds for instructional materials from any state source, Education Code 60119 requires the Board to annually hold a public hearing to determine whether each student in the district has sufficient standards-aligned textbooks or instructional materials in English/language arts, mathematics, science, and history-social science that are consistent with the content and cycles of the curriculum framework adopted by the SBE.

Note: Education Code 1240 requires the County Superintendent of Schools to review the textbooks or instructional materials of schools ranked in deciles 1-3 of the Academic Performance Index (API). If the County Superintendent determines that a school does not have sufficient materials, he/she must prepare a report outlining the noncompliance and give the district a chance to remedy the deficiency. If the deficiency is not remedied by the second month of the school year, the County Superintendent may request that the California Department of Education (CDE) purchase textbooks or materials for the district, and the cost must be repaid by the district. The CDE will issue a public statement at an SBE meeting indicating the district's failure to provide instructional materials.

The Board shall annually conduct one or more public hearings on the sufficiency of the district's textbooks and other instructional materials. (Education Code 60119)

Note: Education Code 60119 specifies that the hearing must be held within eight weeks of the beginning of the school year. Option 1 is for use by districts without any schools on a multitrack year-round calendar. Option 2 is for use by districts with schools on a multitrack year-round calendar.

OPTION 1: The hearing shall be held on or before the end of the eighth week from the first day students attend school for that year. (Education Code 60119)

OPTION 2: The hearing shall be held on or before the end of the eighth week from the first day of the school year of any district school that operates on a multitrack year-round calendar that begins its school year in August or September. (Education Code 60119)

Note: The remainder of this policy applies to all districts.

The Board encourages participation by parents/guardians, teachers, interested community members, and bargaining unit leaders at the hearing. Ten days prior to the hearing, the Superintendent or designee shall post a notice in three public places within the district containing the time, place, and purpose of the hearing. The hearing shall not take place during or immediately following school hours. (Education Code 60119)

(cf. 9322 - Agenda/Meeting Materials)

***Note: Education Code 60119 requires the Board to adopt a resolution indicating whether or not each student in each school has sufficient standards-aligned textbooks or instructional materials. AB 1246 (Ch. 668, Statutes of 2012) amended Education Code 60119 to provide that the materials may be aligned to either state content standards adopted pursuant to Education

Code 60605 or Common Core Standards adopted pursuant to Education Code 60605.8. See the accompanying Exhibit for a sample resolution.***

Note: Pursuant to Education Code 60119, the determination of the sufficiency of textbooks or instructional materials for mathematics, science, history-social science, and English/language arts is a condition for receipt of state instructional materials funding. The Board must also make a written determination during the hearing as to the sufficiency of textbooks or instructional materials in foreign language and health courses, as well as science laboratory equipment in science laboratory courses, although the provision of the materials or the equipment in these courses is not a condition for receipt of state instructional materials funding.

At the hearing(s), the Board shall determine, through a resolution, whether each student in each school, including each English learner, has sufficient textbooks or instructional materials which are aligned to the state content standards adopted pursuant to Education Code 60605 or the Common Core Standards adopted pursuant to Education Code 60605.8 and which are consistent with the content and cycles of the state's curriculum frameworks. Sufficiency of instructional materials shall be determined in each of the following subjects: (Education Code 60119)

1. Mathematics

(cf. 6142.92 - Mathematics Instruction)

2. Science

(cf. 6142.93 - Science Instruction)

3. History-social science

(cf. 6142.94 - History-Social Science Instruction)

4. English language arts, including the English language development component of an adopted program

(cf. 6142.91 - English/Language Arts Instruction)
(cf. 6174 - Education for English Language Learners)

5. Foreign language

(cf. 6142.2 - World/Foreign Language Instruction)

6. Health

(cf. 6142.8 - Comprehensive Health Education)

Note: The following paragraph is for use by districts that maintain any of grades 9-12.

The Board shall also determine the availability of science laboratory equipment, as applicable to science laboratory courses offered in grades 9-12. (Education Code 60119)

In making these determinations, the Board shall consider whether each student has sufficient textbooks and/or instructional materials to use in class and to take home. However, this does not require that each student have two sets of materials. The materials may be in a digital format as long as each student, at a minimum, has and can access the same materials in the class and to take home as all other students in the same class or course in the district and has the ability to use and access them at home. However, the materials shall not be considered sufficient if they are photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage. (Education Code 60119)

Note: Education Code 1240.3 and 42605 specify that, for the 2008-09 through 2014-15 fiscal years, "sufficiency" means that all students in the district who are enrolled in the same course have "identical" standards-aligned textbooks and instructional materials from the same adoption cycle. However, Education Code 1240.3 does not require districts to purchase all of the instructional materials included in an adoption cycle if the materials that are purchased are made available to all the students for whom they are intended in all of the schools within the district.

Note: For example, fourth-grade students at all district schools must have instructional materials from the same SBE science adoption cycle, though fourth-grade students at different schools could be using materials from different publishers within the same adoption cycle. However, the district may use materials from different adoption cycles for grades K-3 and grades 4-8 since those students are not in the same "course."

The Board shall also make a determination that all students within the district who are enrolled in the same course have "identical" standards-aligned textbooks or instructional materials from the same adoption cycle, as defined in Education Code 1240.3 and 60119. (Education Code 1240.3, 42605)

Note: The following paragraph is optional. Education Code 1240.3 authorizes the district, until July 1, 2015, to purchase the newest adopted instructional materials for the neediest schools in the district without incurring a duty to purchase these materials for students in other district schools. This provision will be used by the County Superintendent through fiscal year 2014-15 whenever he/she visits schools ranked in deciles 1-3 of the API to determine the sufficiency of instructional materials pursuant to Education Code 1240.

However, the district may purchase the newest adopted instructional materials for students in district schools ranked in deciles 1-3 of the base Academic Performance Index in any one of the past three school years without necessarily purchasing these materials for use in other district schools. (Education Code 1240.3)

***Note: Pursuant to Education Code 60119, if the Board makes a determination that there are insufficient textbooks or instructional materials, the Board must take action to ensure that the materials are provided within two months of the beginning of the school year. The CDE's

Instructional Materials FAQ states that, if a district has submitted purchase orders to the publisher to purchase materials to remedy the insufficiency, these materials should be received and made available to students by the end of the second month of the school year. Thus, districts are strongly encouraged to hold the public hearing as early in the school year as possible in order to provide sufficient time to correct any deficiencies.***

If the Board determines that there are insufficient textbooks or instructional materials, it shall provide information to classroom teachers and to the public setting forth, for each school in which an insufficiency exists, the percentage of students who lack sufficient standards-aligned textbooks or instructional materials in each subject area and the reasons that each student does not have sufficient textbooks or instructional materials. The Board shall take any action, except an action that would require reimbursement by the Commission of State Mandates, to ensure that each student has sufficient materials within two months of the beginning of the school year in which the determination is made. (Education Code 60119)

Complaints

Note: Complaints regarding the contents of instructional materials are addressed in BP/AR 1312.2 - Complaints Concerning Instructional Materials. See AR 1312.4 - Williams Uniform Complaint Procedures for language regarding complaints about deficiencies in instructional materials.

Complaints concerning instructional materials shall be handled in accordance with law, Board policy, and administrative regulation.

(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

220 Prohibition against discrimination

1240 County superintendent, general duties

1240.3 Definition of sufficiency for categorical flexibility

33050-33053 General waiver authority

33126 School accountability report card

35272 Education and athletic materials

42605 Tier 3 categorical flexibility

44805 Enforcement of course of studies; use of textbooks, rules and regulations

49415 Maximum textbook weight

51501 Nondiscriminatory subject matter

60000-60005 Instructional materials, legislative intent

60010 Definitions

60040-60052 Instructional requirements and materials

60060-60062 Requirements for publishers and manufacturers

60070-60076 Prohibited acts (re instructional materials)
60110-60115 Instructional materials on alcohol and drug education
60119 Public hearing on sufficiency of materials
60200-60210 Elementary school materials
60226 Requirements for publishers and manufacturers
60240-60252 State Instructional Materials Fund
60350-60352 Core reading program instructional materials
60400-60411 High school textbooks
60510-60511 Donation for sale of obsolete instructional materials
60605 State content standards
60605.8 Common Core Standards
60605.86-60605.88 Supplemental instructional materials aligned with Common Core Standards
CODE OF REGULATIONS, TITLE 5
9505-9530 Instructional materials

Management Resources:

CSBA PUBLICATIONS

Flexibility Provisions in the 2008 and 2009 State Budget: Policy Considerations for Governance Teams, Budget Advisory, March 2009

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

01-05 Guidelines for Piloting Textbooks and Instructional Materials, September 2001

Standards for Evaluating Instructional Materials for Social Content, 2000

WEB SITES

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

Association of American Publishers: <http://www.publishers.org>

California Academic Content Standards Commission, Common Core Standards:

<http://www.scoe.net/castandards>

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

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CSBA Sample

Administrative Regulation

Selection And Evaluation Of Instructional Materials

AR 6161.1
Instruction

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also see BP 2210 - Administrative Discretion Regarding Board Policy.

Criteria for Selection and Adoption of Instructional Materials

In recommending textbooks or other instructional materials for adoption by the Governing Board, the Superintendent or designee shall ensure that such materials:

1. Are aligned to any applicable academic content standards adopted by the State Board of Education (SBE) pursuant to Education Code 60605 and/or Common Core Standards adopted pursuant to Education Code 60605.8

(cf. 6011 - Academic Standards)

Note: The following paragraph is for use by districts that offer any of grades K-8. Pursuant to Education Code 60200, the State Board of Education (SBE) is responsible for adopting at least five basic instructional materials for grades K-8 in specified core subjects and any other subject for which the SBE determines that the adoption of instructional materials is necessary or desirable. AB 1246 (Ch. 668, Statutes of 2012) amended Education Code 60200, 60203, 60207, and 60209 to revise the process and timelines used by the state to adopt such materials. Although Education Code 60200.7 prohibits the SBE from adopting instructional materials until the 2015-16 school year, an exception established in Education Code 60207, as amended by AB 1246, authorizes the SBE to adopt K-8 instructional materials in mathematics by March 30, 2014.

***Note: Education Code 60210, as added by AB 1246, authorizes the Governing Board to select instructional materials for grades K-8 that have not been approved by the SBE, provided they are aligned with state academic content standards adopted by the SBE pursuant to Education

Code 60605 or Common Core Standards adopted pursuant to Education Code 60605.8 and have been reviewed through a process that requires a majority of the participants in the process to be classroom teachers who are assigned to the subject area or grade level for which the materials will be used; also see the accompanying Board policy.***

Note: Because state adoptions of instructional materials are postponed, Education Code 60605.86, as added by SB 140 (Ch. 623, Statutes of 2011), and Education Code 60605.87-60605.88, as added by AB 1719 (Ch. 636, Statutes of 2012), require the California Department of Education (CDE) to recommend and the SBE to approve lists of K-8 supplementary instructional materials aligned with the Common Core Standards in English language arts by September 30, 2012, mathematics by July 30, 2013, and English language development by June 30, 2014. See BP 6161.11 - Supplementary Instructional Materials.

For grades K-8, the Superintendent or designee shall select instructional materials from among the list of materials adopted by the SBE and/or other materials that have not been adopted by the SBE but are aligned with the state academic content standards and/or the Common Core Standards. (Education Code 60200, 60210)

(cf. 6161.11 - Supplementary Instructional Materials)

Note: The following optional paragraph is for use by districts offering any of grades 9-12 and may be revised to reflect district practice. One way to ensure that instructional materials in core courses for grades 9-12 are aligned to state standards is through a review of standards maps created by the CDE. A template of the standards map is available on the CDE's web site.

For grades 9-12, the Superintendent or designee shall review instructional materials in history-social science, mathematics, English/language arts, and science using a standards map in order to determine the extent to which the materials are aligned to state academic content standards.

Note: Item #2 below is for use by districts that offer any of grades 9-12.

2. For grades 9-12, are provided by publishers that comply with the requirements of Education Code 60040-60052, 60060-60062, and 60226 (Education Code 60400)

3. Do not reflect adversely upon persons because of their race or ethnicity, gender, religion, disability, nationality, sexual orientation, occupation, or other characteristic listed in Education Code 220, nor contain any sectarian or denominational doctrine or propaganda contrary to law (Education Code 51501, 60044)

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

3 4. To the satisfaction of the Board, are accurate, objective, current, and suited to the needs and comprehension of district students at their respective grade levels (Education Code 60045)

4 5. With the exception of literature and trade books, use proper grammar and spelling

(Education Code 60045)

Note: Education Code 60048 and 60200 require that the Board not adopt basic instructional materials that provide unnecessary exposure to a commercial brand name, product, or corporate or company logo, unless it makes specific findings that the use has an educational purpose or is incidental to the general nature of an illustration, as provided in item #6 below. The SBE publication Standards for Evaluating Instructional Materials for Social Content details standards for the use of brand names and corporate logos in instructional materials.

5 6. Do not expose students to a commercial brand name, product, or corporate or company logo unless the Board makes a specific finding that the use is appropriate based on one of the following: (Education Code 60048, 60200)

- a. The commercial brand name, product, or corporate or company logo is used in text for an educational purpose as defined in guidelines or frameworks adopted by the SBE.
- b. The appearance of a commercial brand name, product, or corporate or company logo in an illustration is incidental to the general nature of the illustration.

(cf. 1325 - Advertising and Promotion)

6-7. If the materials are technology-based materials, are both available and comparable to other, equivalent instructional materials (Education Code 60052)

Note: Education Code 60040-60043 require that specific subject matter be included in the district's instructional materials. Education Code 60040 requires that instructional materials include accurate portrayals of the cultural and racial diversity of society as specified. Education Code 60041 requires (1) accurate portrayal of humanity's place in ecological systems and the need to protect the environment and (2) the effects of tobacco, alcohol, and other drug use on the human system. Education Code 60042 requires the Board to adopt materials as it deems necessary to encourage thrift, fire prevention, and the humane treatment of animals and people. Education Code 60043 requires that the Board, when appropriate to the comprehension of students, adopt textbooks for social science, history, or civics classes that contain the Declaration of Independence and the Constitution of the United States. If desired, the district may expand item #8 below to list these specific requirements.

7 8. Meet the requirements of Education Code 60040-60043 for specific subject content

Note: Items #9-18 below are optional and may be revised to reflect district practice. The district may choose to develop subject-specific criteria as well as general criteria.

8 9. Support the district's adopted courses of study and curricular goals

(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6142.2 - World/Foreign Language Instruction)
(cf. 6142.8 - Comprehensive Health Education)

- (cf. 6142.91 - English/Language Arts Instruction)
- (cf. 6142.92 - Mathematics Instruction)
- (cf. 6142.93 - Science Instruction)
- (cf. 6142.94 - History-Social Science Instruction)
- (cf. 6143 - Courses of Study)
- (cf. 6146.1 - High School Graduation Requirements)

- 9 10. Contribute to a comprehensive, balanced curriculum
- 10 11. Demonstrate reliable quality of scholarship as evidenced by:
 - a. Accurate, up-to-date, and well-documented information
 - b. Objective presentation of diverse viewpoints
 - c. Clear, concise writing and appropriate vocabulary
 - d. Thorough treatment of subject matter
- 11 12. Provide for a wide range of materials at all levels of difficulty, with appeal to students of varied interests, abilities, and developmental levels
- 12 13. Include materials that stimulate discussion of contemporary issues and improve students' thinking and decision-making skills
- 13 14. Contribute to the proper articulation of instruction through grade levels
- 14 15. As appropriate, have corresponding versions available in languages other than English
- 15 16. Include high-quality teacher's guides
- 16 17. Meet high standards in terms of the quality, durability, and appearance of paper, binding, text, and graphics

Note: 5 CCR 9517.2 sets the following maximum weight standards for each student textbook: three pounds for grades K-4, four pounds for grades 5-8, and five pounds for grades 9-12. 5 CCR 9517.2 requires publishers submitting textbooks to the SBE that exceed those weight standards to provide lighter weight alternatives, such as split volumes or electronic editions, soft cover editions, or other alternate physical formats. For materials for grades 9-12, publishers must disclose the availability of lighter weight alternatives. Item #18 below includes textbook weight as one of the criteria for Board consideration.

- 12 18. When available, include options for lighter weight materials in order to help minimize any injury to students by the combined weight of instructional materials

Conflict of Interest

Note: The following optional section is for use by districts that choose to require individuals who will participate in the review process to first complete a disclosure statement which provides an opportunity to disclose any conflict of interest or appearance of conflict of interest.

Note: The following conflict of interest rules are not applicable to "public officials" (including Board members and designated staff) who are subject to the district's conflict of interest code pursuant to the Political Reform Act. Such persons who are making decisions concerning instructional materials must comply with the more stringent conflict of interest requirements described in BB 9270 - Conflict of Interest.

To ensure integrity and impartiality in the evaluation and selection of instructional materials, any district employee who is participating in the evaluation of instructional materials and not otherwise designated in the district's conflict of interest code shall sign a disclosure statement indicating that he/she:

Note: Education Code 60061 requires publishers to provide instructional materials free of charge within California to the same extent that they provide free materials to other states or school districts; see Price List of Adopted Instructional Materials on the CDE web site. However, Education Code 60071 forbids publishers from offering "valuable thing(s)" to school officials for the purpose of influencing the purchase of instructional materials. The CDE's Instructional Materials FAQ clarifies that, in accordance with the definition of "technology-based materials" in Education Code 60010, districts may accept electronic equipment necessary to make use of technology-based materials provided that such equipment is used by students and teachers as a learning resource, not to replace computers or related equipment in an existing computer lab or to establish a new computer lab.

1. Shall not accept any emolument, money, or other valuable thing or inducement to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material. (Education Code 60072)

Sample copies of instructional materials are excepted from this prohibition. (Education Code 60075)

Note: Items # 2-4 below are optional and should be modified to reflect district practice.

2. Is not employed by nor receives compensation from the publisher or supplier of the instructional materials or any person, firm, organization, subsidiary, or controlling entity representing it

3. Does not have and will not negotiate a contractual relationship with the publisher or supplier of the instructional materials or any person, firm, organization, subsidiary, or controlling entity representing it

4. Does not have an interest as a contributor, author, editor, or consultant in any textbook or other instructional material submitted to the district

(cf. 9270 - Conflict of Interest)

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CSBA Sample

Board Policy

Test Integrity/Test Preparation

BP 6162.54

Instruction

The Governing Board desires to protect the integrity of student assessment processes in order to obtain an accurate assessment of student achievement in the district and maintain accountability to the community and state. Students and staff are expected to maintain a high level of integrity in the completion and handling of student assessments.

(cf. 0500 - Accountability)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 0520.3 - Title I Program Improvement Districts)

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

(cf. 5131 - Conduct)

(cf. 5131.9 - Academic Honesty)

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

Test Integrity

In the administration of standardized tests, staff shall not:

1. Provide inappropriate test preparation
2. Modify test administration procedures, except as allowed by law
3. Provide inappropriate assistance to students during test administration
4. Change or fill in answers on student answer sheets
5. Provide inaccurate data on student header sheets
6. Discourage or exclude certain students from taking the test
7. Engage in any other practice to artificially raise student scores without actually improving underlying student achievement

Preparation for State Tests

***Note: The following section reflects the California Department of Education's (CDE)

Guidelines on Academic Preparation for State Assessments.***

Staff may prepare students for assessments by providing instruction in the content specified in state and district academic standards and teaching general test-taking strategies that are designed to improve their performance on tests included in the Standardized Testing and Reporting program, the California High School Exit Examination, or the California English Language Development Test. Such strategies may include, but not be limited to, using time efficiently, understanding directions, placing answers correctly on answer sheets, checking answers, problem-solving tactics, and exposing students to various test formats.

(cf. 6011 - Academic Standards)

Note: SB 755 (Ch. 676, Statutes of 2005) amended Education Code 60611 to correct a drafting error and to prohibit districts from using a specific program of preparation, as specified below.

The Superintendent or designee, principals, and teachers shall not implement any program of specific preparation for the statewide student assessment program or a particular test used within that program. (Education Code 60611)

Practice tests provided by the publisher of the state achievement test may be used for the limited purpose of familiarizing students with the use of scanable test booklets or answer sheets and the format of test items. No alternate or parallel form of the test shall be administered or used. (5 CCR 854)

Staff shall not use released test questions to develop practice tests that mimic or parallel state tests, or for teaching or drilling students only on the released items.

Investigation and Consequences of Testing Irregularities

Note: The following optional section establishes a process for investigating reports of testing irregularities and may be revised to reflect district practice. Complaints of irregularities may be identified from within the school community or through erasure analysis of test materials conducted by the test publisher and reported to the CDE who will in turn notify the district. If irregularities are found and the CDE concludes that the integrity of the Academic Performance Index (API) has been jeopardized, a school or district's API may be invalidated.

Reports of student cheating on assessments shall be submitted to the principal or designee for investigation. Students found to have cheated on assessments shall be subject to disciplinary procedures in accordance with Board policy and administrative regulations.

(cf. 5144 - Discipline)

A staff member found to have committed testing irregularities shall be subject to discipline in accordance with law, where applicable, collective bargaining agreements, Board policy, and administrative regulations.

(cf. 4117.4 - Dismissal)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

The Superintendent or designee shall immediately investigate with due diligence any reports of inappropriate test preparation or other testing irregularities.

If the Superintendent or designee is made aware of a testing irregularity on state assessments, he/she shall report the irregularity to the California Department of Education.

Legal Reference:

EDUCATION CODE

60600-60649 California Assessment of Academic Achievement, especially:

60611 Inappropriate test preparation

60850-60859 California High School Exit Examination

GOVERNMENT CODE

54957 Complaints against employees, closed session

CODE OF REGULATIONS, TITLE 5

850-870 Standardized Testing and Reporting program, especially:

854 Advance preparation for STAR test

880-901 Designated primary language test

1200-1225 California High School Exit Examination, especially:

1215 Cheating on the high school exit examination

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Guidelines on Academic Preparation for State Assessments, April 2004

WEB SITES:

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

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

(1/01 3/01) 11/05

CSBA Sample

Board Policy

Use Of Copyrighted Materials

BP 6162.6

Instruction

Note: 17 USC 106 grants a copyright owner the exclusive rights to reproduce, distribute, make derivative works of, publicly perform, or publicly display the copyrighted work or to authorize others to do so. The district should be aware that materials subject to copyright protection need not be registered with the U.S. Copyright Office to be subject to federal intellectual property protection.

Note: However, pursuant to 17 USC 107, "fair use" (i.e., the reproduction of limited portions of copyrighted materials without the copyright owner's permission) is allowed for such purposes as criticism, comment, news reporting, teaching, scholarship, or research. Factors to be included in determining whether a particular use constitutes "fair use" include: (1) the purpose and character of the use, including whether the use is of a commercial nature or is for nonprofit educational purposes; (2) the nature of the copyrighted work; (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and (4) the effect of the use upon the potential market for or value of the copyrighted work. In *Campbell v. Acuff-Rose Music, Inc.* and *Cambridge University Press et al. v. Becker et al.*, the courts reaffirmed that the four factors must be weighed together, not in isolation, on a case-by-case basis and that 17 USC 107 does not exclude consideration of other factors.

Note: Other exceptions exist for schools, including library reproduction and archiving (17 USC 108); first sale (17 USC 109); and classroom performance, display, and distance education (17 USC 110). In addition, materials that are in the "public domain" (i.e., materials that are ineligible for copyright or have an expired copyright) may be freely used. Determination of whether a material is in the public domain depends on the date of the original copyright and other factors; see the U.S. Copyright Office web site and University of California Copyright Education web site.

Note: Because of the complexity of these laws, the district should consult with legal counsel as necessary.

The Governing Board recognizes that district staff and students may use a variety of copyrighted materials in the educational program and other district operations. When such materials have not been purchased by the district for the intended use, the Board expects staff and students to respect the protections afforded by federal law to the copyright owners of those materials and respect any limitations by the copyright holder to the license of such materials.

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)

(cf. 4040 - Employee Use of Technology)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4132/4232/4332 - Publication or Creation of Materials)
(cf. 5131.9 - Academic Honesty)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6163.1 - Library Media Centers)

Note: Pursuant to 17 USC 102, copyright protection exists for works in the categories listed below and applies to works in "any tangible medium of expression, now known or later developed." Thus, most works available on the Internet or distributed electronically are protected by copyright, including images, text, logos, software, sounds, movie clips, email, and postings to newsgroups. Like other works, material found on the Internet may not be copied unless permission is given by the copyright holder or the use conforms to a recognized exception, such as "fair use" as described above.

Any literary, musical, dramatic, choreographic, pictorial, graphic, sculptural, audiovisual or motion picture, sound, architectural, or other original work shall be assumed to be a copyrighted work, regardless of whether the work appears in print, audio, video, electronic, or other fixed and tangible form.

Before reproducing a copyrighted material for instructional or other district purposes, a staff member shall determine if the material is in the public domain or if the intended use of the material meets the criteria for fair use or another exception pursuant to 17 USC 107-122. If the material is not in the public domain or no recognized exception applies, the staff member shall seek permission of the copyright holder before using the material.

The Superintendent or designee shall inform staff that inclusion of an attribution citing the author and source of a copyrighted material does not absolve the staff member from the responsibility to either obtain permission or satisfy criteria for fair use or another exception.

If a staff member is uncertain as to whether the intended use of the material meets the criteria for fair use or another exception, he/she shall take the safest course and seek permission from the copyright holder to use the material or, if it is impracticable to obtain permission, shall contact the Superintendent or designee for clarification and assistance.

Students shall not copy or distribute copyrighted works to others. Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment.

(cf. 3300 - Expenditures and Purchases)
(cf. 3312 - Contracts)
(cf. 6163.4 - Student Use of Technology)

***Note: The following optional paragraph may be revised to reflect district practice. Among

the factors considered by the court in Cambridge University Press et al. v. Becker et al. was the extent to which faculty had been trained in implementation of the university's copyright policy. Although the university had offered a one-hour training, it was perceived as voluntary and some faculty who were later accused of copyright infringement had not attended the session.***

The Superintendent or designee shall ensure that staff and students receive information and training about copyright laws and the penalties for violating such laws.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Legal Reference:

EDUCATION CODE

35182 Computer software

UNITED STATES CODE, TITLE 17

101-122 Subject matter and scope of copyright, especially:

102 Definitions

106 Copyright protection

107 Fair use of copyrighted works

110 Limitations on exclusive rights: Exemption of certain performances and displays

504 Penalties for copyright infringement

COURT DECISIONS

Cambridge University Press et al. v. Becker et al. (N.D. Ga. 2012) 863 F.Supp.2d 1190

Campbell v. Acuff-Rose Music, Inc., (1994) 510 U.S. 569

Marcus v. Rowley, (9th Cir., 1982) 695 F.2d 1171

Management Resources:

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Copyright Law: Do Schools Need a License to Show a Movie?, School Law Review, July 2010

U.S. COPYRIGHT OFFICE PUBLICATIONS

Circular 21: Reproduction of Copyrighted Works by Educators and Librarians, rev. 2009

Circular 22: How to Investigate the Copyright Status of a Work, rev. 2013

Circular 23: The Copyright Card Catalog and the Online Files of the Copyright Office, rev. 2012

WEB SITES

Copyright Society of the USA: <http://www.csusa.org>

National School Boards Association: <http://www.nsba.org>

University of California, Copyright Education:

<http://copyright.universityofcalifornia.edu/usingcopyrightedworks.html>

U.S. Copyright Office: <http://www.copyright.gov>

CSBA Sample

Administrative Regulation

Use Of Copyrighted Materials

AR 6162.6

Instruction

Note: Pursuant to 17 USC 101-122, district staff must seek permission from the copyright owner to reproduce and distribute a copyrighted work, except when the material is in the public domain or the use meets the criteria for an exception specified in 17 USC 107-122. Exceptions applicable to schools include "fair use" (17 USC 107); library reproduction and archiving (17 USC 108); first sale (17 USC 109); and classroom performance, display, and distance education (17 USC 110).

Prior to reproducing, distributing, displaying, posting, performing, or otherwise using a copyrighted material for an instructional purpose or in the course of other district business, district staff shall determine whether it is necessary to request permission of the copyright holder. Unless the staff member is reasonably certain that the material is in the public domain or the intended use meets the criteria for an exception specified in 17 USC 107-122 and this administrative regulation, he/she shall either obtain permission from the copyright holder or avoid use of the material. In addition, permission of the copyright holder shall be requested whenever district staff intend to publicly disseminate a copyrighted work, such as by posting on the district or school web site or using another method of communications accessible to the public.

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
(cf. 4040 - Employee Use of Technology)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4132/4232/4332 - Publication or Creation of Materials)
(cf. 5131.9 - Academic Honesty)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6163.1 - Library Media Centers)

Any reproduction or other use of a copyrighted work shall include the copyright notice.

District staff shall not reproduce and distribute copyrighted works of any type in any of the following circumstances:

1. When the copyrighted work is a "consumable" work such as a workbook, standardized test, answer sheet, or similar material

2. To substitute for the purchase of the work
3. To create, replace, or substitute for anthologies or collective works

Request for Permission to Use Copyrighted Material

Note: Determining the owner of a copyright can sometimes be difficult because the author or creator of a work is not required to register a copyright or affix a copyright notice to the work. Once a work is created and fixed in a tangible form, it is protected by federal copyright law. To find the holder of a copyright, it may be necessary to conduct a search through the U.S. Copyright Office or request information from the author or publisher of the work. For information about copyright searches, see U.S. Copyright Office publications Circular 22: How to Investigate and Copyright Status of a Work and Circular 23: The Copyright Card Catalog and the Online Files of the Copyright Office.

As necessary, district staff desiring to use a copyrighted material shall identify and contact the copyright holder to request permission to use the material. The request shall include the following information:

1. Title, author(s), editor(s) or publisher, producer(s) or distributor
2. Edition, copyright, and/or production year
3. Exact amount of material to be used, such as the number of lines, pages, or chapters or percentage of the work
4. Nature of the use, such as the course in which it will be used, the grade level of the students, the number of students, and the frequency of use
5. How the material will be reproduced and distributed

If the copyright holder requires a fee to grant permission, district staff shall seek approval from the Superintendent or designee prior to incurring the cost.

Criteria for Fair Use

Note: Pursuant to 17 USC 107, limited portions of copyrighted materials may be reproduced without the copyright owner's permission when the intended use meets the criteria of "fair use." In determining whether the use of a copyrighted material is fair use, the courts have weighed together all four factors specified in 17 USC 107, as described in the following section. Courts have concluded that no individual factor is sufficient by itself; rather, the determination of fair use requires a complex analysis of the interaction of all four factors. District legal counsel should be consulted as needed.

In considering whether a copyrighted work may be used without the copyright holder's permission on the grounds that the intended use is "fair use" pursuant to 17 USC 107, including

reproduction in copies, phonorecords, or any other reproductive form for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, district staff shall consider all of the following factors: (17 USC 107)

Note: Although nonprofit educational purposes are granted consideration in determining fair use pursuant to 17 USC 107 (item #1 below), the U.S. Supreme Court in *Campbell v. Acuff-Rose Music, Inc.*, emphasized that a nonprofit educational purpose alone does not automatically ensure fair use.

1. The purpose and character of the use, including whether the use is of a commercial nature or for nonprofit educational purposes

Note: In weighing the impact of the nature of the copyrighted work (item #2 below), the court in *Campbell v. Acuff-Rose Music, Inc.* noted that the more creative a work (e.g., fiction), the more protection from copying it should be accorded, whereas more informational or functional works should, as a general rule, receive less protection.

2. The nature of the copyrighted work

Note: The third factor specified in 17 USC 107, as provided in item #3 below, requires consideration of both the amount copied in relation to the overall work and whether the excerpt is a "critical part" of the work. The court in *Cambridge University Press et al. v. Becker et al.* concluded that copying of no more than 10 percent of the pages in the book, when almost none of those pages bore a close relationship to the book as a whole, was permissible under the third factor of fair use.

3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole

Note: Pursuant to 17 USC 107, any fair use of the copyrighted work based on items #1-3 above must be balanced with the financial harm that the use would have on the potential market or value of the work. In *Cambridge University Press et al. v. Becker et al.*, the court held that an identical copy of the work, especially a larger excerpt, is more likely to substitute for the work and reduce its value, whereas a 10 percent excerpt would not substitute for the original no matter how many copies were made. In this case, it was found that materials were used under carefully monitored circumstances, with a password required for digital access and access being terminated at the end of the semester, thereby reducing the risk of the materials being exposed to persons other than the students in the class.

4. The effect of the use upon the potential market for or value of the copyrighted work

***Note: Although fair use cannot be determined solely on the basis of the number of words, pages, or chapters reproduced or the percentage of the excerpt in relation to the whole (item #3 above), stakeholder groups have agreed upon some nonbinding minimum guidelines which are included in the U.S. Copyright Office's Circular 21: *Reproduction of Copyrighted Works by Educators and Librarians*, available on its web site. The remainder of this administrative

regulation reflects these guidelines; however, district staff must consider all four factors specified in 17 USC 107 prior to using a copyrighted material without permission.***

Any determination of fair use shall weigh together all the factors specified in items #1-4 above in addition to any applicable guidelines presented in this administrative regulation for specific types of copyrighted works.

Guidelines for Copying Text

Note: The following section reflects nonbinding guidelines included in the U.S. Copyright Office's Circular 21: Reproduction of Copyrighted Works by Educators and Librarians. Although the guidelines do not address the use of copyrighted works available on the Internet or through other technological resources, it is generally accepted that the use of such copyrighted works would follow the same guidelines established for other fixed and tangible works. Thus, the following section applies to any copyrighted text regardless of its source or format. The district should consult legal counsel as necessary.

Staff may reproduce text from a copyrighted work from a printed resource, the Internet, or other source, without permission from the copyright holder, under the following conditions:

1. A single copy of a chapter of a book, article from a periodical or newspaper, short story, short essay, short poem, chart, graph, diagram, drawing, cartoon, or picture may be made by or for a teacher for his/her scholarly research or use in teaching or preparation to teach a class.

2. Multiple copies, not to exceed one copy per student in a course, may be made by or for a teacher for classroom use or discussion, provided that:

a. The amount to be copied does not exceed:

(1) 250 words for a complete poem or excerpt from a poem

(2) 2,500 words for a complete article, story, or essay

(2) 1,000 words or 10 percent of the whole (with a minimum of 500 words), whichever is less, for an excerpt from a larger prose work

(4) One illustration (e.g., chart, graph, diagram, cartoon, or picture) per book or periodical issue

b. The copying is for only one course in the school.

c. With the exception of newspapers and other news periodicals, not more than one work is copied from the same author per term, not more than three works are copied from the same collective work or periodical volume per term, and there are no more than nine instances of multiple copying per course per term.

d. A delay to request permission from the copyright holder would preclude the most effective instructional use of the material.

Guidelines for Reproducing Sheet and Recorded Music

Note: The following section reflects nonbinding guidelines included in the U.S. Copyright Office's Circular 21: Reproduction of Copyrighted Works by Educators and Librarians.

District staff may reproduce sheet music and recorded music without permission from the copyright holder under the following conditions:

1. Emergency copies may be made when purchased copies needed for an imminent performance are not available, provided that replacement copies shall be purchased in due course.
2. Single or multiple copies of excerpts of works may be made for academic purposes other than performances, provided that the excerpt does not constitute an entire performable unit (e.g., a section, movement, or aria), no more than 10 percent of the total work is used, and the number of copies made does not exceed one per student.
3. Printed copies that have been purchased may be edited or simplified provided that the character of the work is not distorted and lyrics are not added or altered.
4. A single copy of a recorded performance by students may be made for evaluation or rehearsal purposes.
5. A single copy of recordings of copyrighted music owned by the district or individual teacher may be made for the purpose of constructing exercises or examinations.

Guidelines for Performing or Displaying Copyrighted Works

Note: Pursuant to 17 USC 101, the holder of a copyright for a motion picture or other audiovisual work retains exclusive rights for public performances of the work (i.e., exhibitions outside of one's home to a normal circle of family and social acquaintances), except that 17 USC 110 provides an exception for performance or display of the work in face-to-face instruction. In such circumstances, it is not necessary to conduct an analysis of fair use nor obtain permission of the copyright holder. Pursuant to 17 USC 110, this exception only applies if the district (1) institutes a policy regarding copyright; (2) provides informational materials on federal copyright laws to students, teachers, and other relevant staff; and (3) provides notice to students that materials used in connection with the course may be subject to copyright protection.

In the course of face-to-face instruction in a classroom or similar place devoted to instruction, teachers or students may recite, render, play, dance, act, or show a copyrighted work either directly or by means of any device or process or, in the case of a motion picture or other audiovisual work, show its images in any sequence or to make the sounds accompanying it audible, provided that: (17 USC 101, 110)

1. The performance or display is given by means of a lawfully obtained copy of the work.
2. The performance or display is made by, at the direction of, or under the actual supervision of a teacher as an integral part of a class session.
3. The performance or display is directly related and of material assistance to the teaching content of the transmission.
4. The transmission is limited to students enrolled in the course or to Governing Board members or employees as part of their official duties or employment.
5. If the work is to be digitally transmitted, the district has applied technological protections that reasonably prevent retention of the work in accessible form for longer than the class session and the unauthorized further dissemination of the work.

Note: 17 USC 110 addresses reasonable pedagogical purposes for showing films or other audiovisual works. According to the National School Boards Association's publication Copyright Law: Do Schools Need a License to Show a Movie?, any use of a motion picture outside the curriculum (e.g., to reward students for good behavior or to host a movie night to encourage parent and community engagement) does not meet the above criteria and therefore would require the school to obtain a special viewing license. The publication also presents information about how to obtain a one-time license or a blanket license for showing an unlimited number of movies.

Any use of a motion picture or other audiovisual work outside the curriculum, such as for entertainment, a school or class reward, or a fundraiser, shall require permission from the copyright holder or a special viewing license.

Guidelines for Recording Broadcast Programming

Note: The following section reflects nonbinding guidelines included in the U.S. Copyright Office's Circular 21: Reproduction of Copyrighted Works by Educators and Librarians for fair use of off-air recording of free television programming. Although the guidelines do not address radio broadcasts, it may be assumed that similar guidelines would apply. Legal counsel should be consulted as necessary.

Teachers may make recordings of television programs for use in a classroom for educational purposes under the following conditions:

1. Only programs provided to the public free of charge may be recorded and shown. Any use of programming from paid television services shall require permission of the copyright holder.
2. The recording may be shown only during the first 10 consecutive school days after it is made. It may be used once by an individual teacher in the course of relevant teaching activities and may be repeated once only when instructional reinforcement is necessary.

3. A limited number of copies may be reproduced from each recording to meet the legitimate needs of the teacher. Each copy shall be subject to all the provisions governing the original recording.

4. The recording may be retained for 45 calendar days after it is made and then shall be erased or destroyed. However, after the first 10 consecutive school days, the recording may only be used for purposes of determining whether or not to include the broadcast program in the teaching curriculum. If the teacher decides to keep the program for use in the curriculum, he/she shall request permission from the copyright owner.

5. Off-air recordings need not be used in their entirety, but the content of recorded programs may not be altered.

Guidelines for Copying Computer Programs or Software

District staff shall observe all licensing agreements between vendors and the district, including monitoring the number of users permitted by an agreement. Unless the applicable licensing agreement authorizes multiple users of a single computer program or software, the district shall not make multiple copies.

Copies of district-owned software may be made under either of the following conditions: (17 USC 117)

1. The copy is needed as an essential step in using the computer program with a particular machine.

2. The copy is used for archival or "backup" purposes only. This copy may be held only as a file copy and must be destroyed in the event that continued possession of the program ceases to be rightful, unless the copyright owner authorizes its sale, lease, or transfer as part of the sale, lease, or transfer of the original program.

Library Media Centers

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also see BP 2210 - Administrative Discretion Regarding Board Policy.

Note: Education Code 18100 requires the Governing Board to provide library services for students and teachers by maintaining school libraries or contracting with another public agency. The following optional policy is intended for use by districts that maintain their own school libraries, but may be modified to meet the needs of districts that enter into an arrangement to receive services from either a county or city library pursuant to Education Code 18130 or 18134; also see BP 1330.1 - Joint Use Agreements.

Note: The State Board of Education (SBE) has adopted model program standards for school libraries which describe staffing, resources, and infrastructure recommended for effective school library programs. The following policy may be modified to reflect state program standards that the district chooses to implement.

The Governing Board recognizes that school libraries support the educational program by providing access to a variety of informational and supplemental resources that can help raise the academic achievement of all students. To the extent that funding is available, school libraries shall be stocked with up-to-date books, reference materials, and electronic resources that promote literacy, support academic standards, and prepare students to become lifelong learners.

(cf. 0440 - District Technology Plan)
(cf. 6011 - Academic Standards)
(cf. 6163.4 - Student Use of Technology)
(cf. 7110 - Facilities Master Plan)

School libraries shall be open for use by students and teachers during the school day.
(Education Code 18103)

Note: The following paragraph is optional.

With the approval of the Board, a school library may be open at other hours outside the school day, including evenings and Saturdays. Any library open to serve students during evening and Saturday hours shall be under the supervision of a certificated employee who consents to the

assignment. (Education Code 18103)

Staffing

Note: The following optional section may be revised to reflect district practice. Pursuant to Education Code 18120, the Board may appoint one or more librarians to staff school libraries, provided they possess an appropriate credential issued by the Commission on Teacher Credentialing (CTC) as required by Education Code 44868 and 5 CCR 80053. This may include a teacher librarian services credential issued since January 1, 2008 or a library media teacher services credential issued prior to that date. In addition, 5 CCR 80024.6 establishes requirements for an emergency teacher librarian services permit that may be issued when there is an insufficient number of qualified certificated persons to fill available positions.

Note: The state's program standards recommend a ratio of one full-time teacher librarian per 785 students plus assignment of a classified paraprofessional (e.g., library technician, library aide) at least 34 hours per week.

Note: If the district does not employ any teacher librarians, it should modify the remainder of this policy to reflect the position(s) that are assigned to fulfill the related duties.

To staff school libraries, the district may employ one or more *library media technicians,* ~~teacher librarians who possess appropriate credentials issued by the Commission on Teacher Credentialing~~ (Education Code ~~18120, 44868, 5 CCR 80024.6, 80053~~)

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

Note: 5 CCR 80053, as amended by Register 2013, No. 3, specifies the duties that any teacher librarian who possesses an appropriate credential or emergency permit from the CTC is authorized to perform. 5 CCR 80053.1, as added by Register 2013, No. 3, establishes a special class authorization which authorizes the holder to provide departmentalized instruction in information literacy, digital literacy, and digital citizenship. The district may revise items #1-8 below to reflect the duties of teacher librarians included in district job descriptions.

The Superintendent or designee may assign *library media technicians* ~~teacher librarians~~ to perform the following duties in accordance with the authorizations of their credential: (~~5 CCR 80053, 80053.1~~)

1. Instruct students in accessing, evaluating, using, and integrating information and resources in the library program and/or provide departmentalized instruction in information literacy, digital literacy, and digital citizenship
2. Plan and coordinate school library programs with the district's instructional programs through collaboration with teachers
3. Select materials for school and district libraries

4. Develop and deliver staff development programs for school library services
5. Coordinate or supervise library programs at the school or district level
6. Plan and conduct a course of instruction for students who assist in the operation of school libraries
- ~~7. Supervise classified personnel assigned school library duties~~
- 7 8. Develop procedures for and management of the school and district libraries

Note: The following optional paragraph may be revised to reflect district practice. Pursuant to Education Code 35021, the district may not utilize volunteer aides in lieu of classified employees whose positions were abolished.

The Board also may appoint classified paraprofessionals to serve as ~~library aides or library technicians~~ ^{library/media technicians}. Volunteers may assist with school library services in accordance with law, Board policy, and administrative regulation. Keep

(cf. 1240 - Volunteer Assistance)
(cf. 4222 - Teachers Aides/Paraprofessionals)

District Plan

Note: The following section is for use by districts that receive funding under the School and Library Improvement Block Grant (Education Code 41570-41573). Block grant funds may be expended for any purpose authorized under the California Public School Library Act (Education Code 18180-18184) as those repealed statutes read on January 1, 2004, such as for school library resources and equipment. As a condition of receiving this funding, Education Code 41572 requires districts to have a single plan for student achievement; see BP/AR 0420 - School Plans/Site Councils. The single plan must incorporate the requirements of Education Code 18181 pertaining to a districtwide library plan, as that repealed provision read on January 1, 2004.

Whenever a school receives state funding for school and library improvement pursuant to Education Code 41570-41573, the school site council shall develop a single plan for student achievement which incorporates a districtwide plan for school libraries. (Education Code 41572)

(cf. 0420 - School Plans/Site Councils)

Note: The remainder of this section is optional and may be revised to reflect district practice.

In developing the districtwide plan, the Superintendent or designee is encouraged to consult with teacher librarians, classroom teachers, administrators, parents/guardians, and students as

appropriate.

The districtwide library plan shall describe the district's vision and goals for district libraries and how funds will be distributed to school sites to support libraries. As appropriate, the plan may also address staffing, facilities, selection and evaluation of materials, prioritization of needs, and other related matters.

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

The districtwide library plan shall be regularly reviewed and updated.

Classroom Libraries for Grades K-4

Note: Pursuant to Education Code 60242, funds received through the State Instructional Materials Fund may be used for the purpose of purchasing classroom library materials for grades K-4, within the percentage of the allowance authorized by the SBE. As a condition of receiving funding for this purpose, the district must have developed a districtwide plan for classroom libraries as provided below. An existing plan, such as the districtwide plan described in the section "Library Plan" above, may be used if it meets the criteria of Education Code 60242.

Note: An additional source of potential funding for classroom library materials, the Instructional Materials Funding Realignment Program (Education Code 60420-60424), was repealed by AB 1246 (Ch. 668, Statutes of 2012).

When state funding is available for classroom library materials in grades K-4, the Superintendent or designee shall develop, for certification by the Board, a districtwide classroom library plan for grades K-4. The plan shall include a means of preventing loss, damage, or destruction of the materials. (Education Code 60242)

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)
(cf. 6161.2 - Damaged or Lost Instructional Materials)

The districtwide library plan developed pursuant to Education Code 41572 may fulfill this requirement provided the plan meets the criteria specified in Education Code 60242.

Note: In developing the plan for classroom libraries in grades K-4, districts may consult CDE's online list of recommended materials (Recommended Literature: Pre-Kindergarten Through Grade Twelve). In addition, Education Code 60242 encourages consultation with primary grade teachers and teacher librarians employed by the district. If the district does not employ teacher librarians, then the district is encouraged to consult with a teacher librarian employed by the county office of education. The following optional paragraph may be revised to reflect district practice.

The Superintendent or designee is encouraged to consult with primary grade teachers and teacher

librarians employed by the district and/or county office of education in the development of the K-4 classroom library plan and to consider selections from the list of books recommended by the California Department of Education (CDE).

Selection and Evaluation of School Library Materials

Note: The following optional section may be revised to reflect district practice. At its discretion, the Board may establish selection criteria that exclude all materials of a sectarian, partisan, or denominational character as authorized by Education Code 18111.

Library materials shall include print and electronic resources that align with the curriculum and are accessible to students with varying cognitive or language needs.

Library materials shall be evaluated and selected in accordance with law, Board policy, and administrative regulation through a selection process that invites recommendations from administrators, teachers, other staff, parents/guardians, and students as appropriate.

(cf. 6144 - Controversial Issues)

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

(cf. 6161.11 - Supplementary Instructional Materials)

Library materials should be continually evaluated in relation to evolving curricula, new formats of materials, new instructional methods, and the needs of students and teachers. Materials that contain outdated subject matter or are no longer appropriate shall be removed, and lost or worn materials may be replaced.

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

All gifts and donations of school library materials shall be subject to the same criteria as materials selected for purchase by the district.

(cf. 1260 - Educational Foundation)

(cf. 3290 - Gifts, Grants and Bequests)

Complaints regarding the appropriateness of library materials shall be addressed using the district's procedures for complaints regarding instructional materials.

(cf. 1312.2 - Complaints Concerning Instructional Materials)

Fees

Students shall be allowed to borrow school library materials at no charge for use in the library and classrooms as well as out of school. (5 CCR 16042)

(cf. 3260 - Fees and Charges)

Note: Pursuant to 5 CCR 16042, the Board may determine whether or not to charge for the late return of library materials. The district should select the option below that reflects district practice. Option 2 may be modified to include the amount that will be charged.

OPTION 1: No charge shall be assessed for the late return of materials.

OPTION 2: To encourage students to return materials in a timely manner, a nominal fee shall be charged for the late return of materials.

Library Instruction

Note: In September 2010, the SBE adopted model academic standards for library instruction which address what students should know and be able to do at each grade level or grade span in terms of information literacy skills. The introduction to the standards expresses the intent that the standards be taught collaboratively by the classroom teacher and the teacher librarian within the context of the curriculum. The following optional section reflects the four major categories addressed in the state standards and may be revised to reflect district practice.

Note: The SBE has also developed a document identifying examples of where the library instruction standards are aligned with Common Core State Standards. See the California Department of Education's (CDE) web site.

Teacher librarians and/or classroom teachers shall provide library instruction to develop students' information literacy skills. Such instruction shall be aligned with state academic standards for library instruction and shall prepare students to:

1. Access information by applying knowledge of the organization of libraries, print materials, digital media, and other sources
2. Evaluate and analyze information to determine appropriateness in addressing the scope of inquiry
3. Organize, synthesize, create, and communicate information
4. Integrate information literacy skills into all areas of learning and pursue information independently to become life-long learners

Teacher librarians also may provide support to teachers, administrators, and other staff by identifying instructional materials that will aid in the development of curriculum and instructional activities and by providing information about effective and ethical uses of school library services and equipment.

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

(cf. 4331 - Staff Development)
(cf. 6141 - Curriculum Development and Evaluation)

Program Evaluation

Note: The following optional section may be revised to reflect district practice. The district may use an assessment tool such as the CDE's Looking at the School Library: An Evaluation Tool or may develop its own program evaluation indicators or checklist.

The Superintendent or designee shall annually assess and report to the Board regarding the condition and use of school libraries. The assessment shall evaluate, at a minimum:

1. Access of students and staff to school libraries during school hours and, as appropriate, access outside the school day
2. The process and frequency by which students are allowed to check out library materials
3. Staffing levels, qualifications, and number of hours worked
4. The quality of the collection at each library, including, but not limited to, the total number of books in the collection, number of books per student, amount expended during the year for the purchase of new resources, and the number of resources discarded and added during the year
5. Any special programs offered at the school to encourage reading and/or library use
6. The adequacy of the facility space and equipment designated for the school library
7. Source(s) and adequacy of funding for school libraries

Note: Education Code 18122 requires districts to annually report to the CDE on the condition of their school libraries. This survey is conducted online via the CDE's web site.

The district shall, on or before August 31 each year, report to the CDE on the condition of its school libraries for the preceding year ending June 30. (Education Code 18122)

Legal Reference:

EDUCATION CODE

- 1703 Coordination of district library services by county superintendent
- 1770-1775 Provision of library services by county superintendent
- 18100-18203 School libraries
- 18300-18571 Union high school district/unified school district library district
- 19335-19336 Reading Initiative Program; recommended books

35021 Volunteer aides
41570-41573 School and Library Improvement Block Grant
42605 Tier 3 categorical flexibility
44868-44869 Qualifications and employment of library media teachers
45340-45349 Instructional aides
60240-60251.5 State Instructional Materials Fund, purchase of classroom library materials
REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS
18181 Districtwide library plan
52012 Establishment of school site council
52014-52015 School plans
CODE OF REGULATIONS, TITLE 5
16040-16043 School libraries
80023-80023.2 Emergency permits, general requirements
80024.6 Emergency teacher librarian services permit
80026-80026.6 Emergency permits
80053-80053.1 Teacher librarian services credential

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Examples of Model School Library Standards for California Public Schools Supporting Common Core State Standards (CCSS) for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects, rev. February 2012

Model School Library Standards for California Public Schools: Kindergarten Through Grade Twelve, 2010 (includes standards for student instruction as well as program standards)

Looking at the School Library: An Evaluation Tool, 2003

Recommended Literature: Kindergarten Through Grade Twelve

CALIFORNIA SCHOOL LIBRARY ASSOCIATION PUBLICATIONS

Standards and Guidelines for Strong School Libraries, 2004

WEB SITES

American Association of School Libraries: <http://www.ala.org/aasl>

California Department of Education, School Libraries: <http://www.cde.ca.gov/ci/cr/lb>

California School Library Association: <http://www.csla.net>

CSBA Sample

Board Policy

Guidance/Counseling Services

BP 6164.2
Instruction

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect these requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also, see BP 2210-Administrative Discretion Regarding Board Policy.

Note: The following policy should be revised to reflect district practice. Education Code 49600 authorizes districts to offer a comprehensive educational counseling program implemented by credentialed school counselors.

The Governing Board recognizes that a comprehensive counseling program can help promote academic achievement and serve the diverse needs of all district students. Counseling staff shall be available to meet with students to discuss academic, social, or personal difficulties, as well as other issues that may impact student learning.

Academic and Career Counseling

***Note: Funding for the 10th grade counseling program is part of the Pupil Retention Block Grant (Education Code 41505-41508). Pursuant to Education Code 41505, the block grant funds may be expended for any program purposes authorized by the statutes that were repealed by the adoption of the block grant as those statutes read on January 1, 2004. In order to receive block grant funds, Education Code 41507 requires districts to have a school-level advisory committee and a single school plan. See BP/AR 0420 - School Plans/Site Councils. ***

Note: Districts that wish to offer a specialized program for 10th grade counseling may modify the following paragraph accordingly.

The district's academic counseling program shall help students establish immediate and long-range educational plans, achieve academic standards, prepare for the high school exit

examination, and complete the required curriculum in accordance with their individual needs, abilities, and interests. Insofar as possible, parents/guardians shall be included when making educational plans.

- (cf. 0410 - Nondiscrimination in District Programs and Activities)
- (cf. 0420 - School Plans/Site Councils)
- (cf. 1220 - Citizen Advisory Committees)
- (cf. 6011 - Academic Standards)
- (cf. 6020 - Parent Involvement)

Counseling staff shall help all students plan for the future and become aware of their career potential. Academic planning for higher education shall include information about courses needed for admission to colleges and universities, standardized admission tests, financial aid, and scholarships.

- (cf. 6141.5 - Advanced Placement)
- (cf. 6143 - Courses of Study)

- (cf. 6146.1 - High School Graduation Requirements)
- (cf. 6146.11 - Alternative Credits Toward Graduation)
- (cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

Note: Education Code 48431 requires districts maintaining high schools to offer a program of guidance, placement, and follow-up for all district minors subject to compulsory continuation education. The following paragraph is for use by districts maintaining high schools.

The Superintendent or designee shall establish and maintain a program of guidance, placement, and follow-up for all district students subject to compulsory continuation education. (Education Code 48431)

- (cf. 6184 - Continuation Education)

Note: The following options are for use by districts maintaining secondary schools.

***Note: 20 USC 7908, added by the No Child Left Behind Act, requires districts receiving funds under the Elementary and Secondary Education Act (ESEA) to provide military recruiters with the same access to students as is provided to colleges and prospective employers. Districts that do not grant similar access may lose those funds. Even for districts that do not receive ESEA funds, 10 USC 503 requires districts to grant the same access to military recruiters and employers. Under this section, districts may refuse military access only if the Governing Board has adopted a policy denying access to the military. Districts that do not grant access and have not adopted a policy denying access may be subject to specific interventions, such as notification to the Governor and Congress, so that public officials can work with the district. In addition, Education Code 49603 provides that military service recruiters may not be denied on-campus access to students in grades 9-12 if the district provides such access to other employers. For information regarding military recruiter access to student directory information, see BP/AR

5125.1 - Release of Directory Information.***

Note: Option 1 is for use by districts that receive ESEA funds and that grant colleges and prospective employers access to students. Option 1 is also for use by districts that do not receive ESEA funds but choose to grant access to employers and therefore are required to grant access to military recruiters. Option 2 is mandated for those districts that do not receive ESEA funds and wish to deny access to military recruiters. Districts that select Option 2 must also deny access to all other employers.

~~OPTION 1~~: Colleges and prospective employers, including military recruiters, shall have the same access to students for recruiting purposes. (20 USC 7908; 10 USC 503; Education Code 49603)

OPTION 2: Colleges and prospective employers, including military recruiters, shall not have access to students for recruiting purposes. (10 USC 503; Education Code 49603)

(cf. 5125.1 - Release of Directory Information)

Supplemental School Counseling Program for Students in Grades 7-12

Note: The following section is for use by districts maintaining any of grades 7-12 and may be modified to reflect the grade levels offered by the district. Districts not participating in the Supplemental School Counseling Program pursuant to Education Code 52378-52380 should delete this section.

Note: The Supplemental School Counseling Program provides funding to increase access to counseling services for students in grades 7-12. Education Code 52379 provides that funds allocated for this program shall be used to provide supplemental counseling services delivered by personnel who hold valid pupil personnel services credentials.

***Note: As a condition of receiving funds, Education Code 52378 requires the Board, at a public meeting, to adopt a counseling program that provides all the following services: (1) an individualized review of students' academic and department records, (2) an opportunity for counselors to meet with students and parents/guardians to explain the records and the educational options available to students, and (3) additional specified services to students identified by the district as at risk of not graduating or passing the high school exit examination. SB 405 (Ch. 723, Statutes of 2007) amended Education Code 52378 to also require that the Board-adopted program include a provision for an individualized review of career goals, as specified in item #2 below. For details about the requirements of each of these services, see the accompanying administrative regulation. ***

The Board-adopted supplemental school counseling program for students in grades 7-12 shall be delivered by personnel who hold a valid pupil personnel services credential. The district's program shall provide for: (Education Code 52378)

1. An individualized review of academic and department records

2. An individualized review of the career goals of students, and the available academic and career technical education opportunities and community and workplace experiences available to students to support their goals
3. An opportunity for a counselor to meet with students and, if practicable the parent/guardian, to discuss available educational and career technical options
4. Specialized counseling services for students identified as at risk

(cf. 6162.52 - High School Exit Examination)
(cf. 6179 - Supplemental Instruction)

Personal Counseling

Counseling staff shall identify and work with students whose personal problems may prevent them from reaching their potential. As appropriate, students shall be informed about agencies that offer qualified professional assistance with substance abuse, physical or emotional problems, or other personal problems.

(cf. 1020 - Youth Services)
(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Truancy)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5137 - Positive School Climate)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5141.6 - School Health Services)
(cf. 5145.9 - Hate-Motivated Behavior)
(cf. 5147 - Dropout Prevention)
(cf. 5149 - At-Risk Students)
(cf. 6164.5 - Student Success Teams)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)

Counselors shall respect student confidentiality as appropriate and shall consult with the Superintendent or designee or with the district's legal counsel whenever unsure of how to respond to a student's personal problem. Parent/guardian consultation and consent shall be obtained as appropriate.

(cf. 5125 - Student Records)
(cf. 5022 - Student and Family Privacy Rights)

Crisis Counseling

The Board recognizes the need for a prompt and effective response when students are confronted

with a traumatic incident. School counselors shall assist in the development of the comprehensive school safety plan, emergency and disaster preparedness plan, and other prevention and intervention practices designed to assist students before and after a crisis.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

In addition, the Superintendent or designee shall identify crisis counseling resources to train district staff in appropriate response techniques and/or to directly help students cope with such crises if they occur.

Early identification and intervention plans shall be developed to help identify those students who may be at risk for violence so that support may be provided before they engage in violent or disruptive behavior.

(cf. 5131 - Conduct)

(cf. 5136 - Gangs)

(cf. 5141.52 - Suicide Prevention)

Teacher-Based Advisory Program

Note: Education Code 49600 authorizes a Board-approved teacher-based advisory program in which teachers provide guidance to students under the supervision of a credentialed school counselor. The following optional section, for use by districts wishing to provide a teacher-based advisory program, may be expanded to indicate grade levels at which the program will operate. It should be deleted by districts in which all student counseling is provided by credentialed school counselors.

The Board recognizes that a supportive, ongoing relationship with a caring adult can provide a student with valuable advice and security. The Board desires to establish a teacher-based advisory program in which teachers, with supervision and support from a credentialed school counselor, advise students in such areas as character development, conflict resolution, and self-esteem. The Board expects this program to enhance student-teacher relationships and give students positive, adult role models. The Superintendent or designee and a credentialed school counselor shall design this program and submit it to the Board for adoption.

Legal Reference:

EDUCATION CODE

221.5 Prohibited sex discrimination

37254 Supplemental instruction based on failure to pass exit exam by end of grade 12

41505-41508 Pupil Retention Block Grant

48431 Establishing and maintaining high school guidance and placement program

49600-49604 Educational counseling

51250 School age military dependents

51513 Personal beliefs
52378-52380 Supplemental School Counseling Program
REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS
48431.6 Tenth grade counseling program
PENAL CODE
11166-11170 Reporting known or suspected cases of child abuse
CODE OF REGULATIONS, TITLE 5
4930-4931 Counseling
UNITED STATES CODE, TITLE 10
503 Military recruiter access to directory information
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act
7908 Armed forces recruiter access to students and student recruiting information
CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family educational rights and privacy

Management Resources:

WEB SITES

American School Counseling Association: <http://www.schoolcounselor.org>
California Association of School Counselors: <http://www.schoolcounselor-ca.org>
California Department of Education: <http://www.cde.ca.gov>
U.S. Department of Education, access to military recruiters:
<http://www.ed.gov/policy/gen/guid/fpco/hottopics/ht10-09-02.html>

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CSBA Sample

Administrative Regulation

Guidance/Counseling Services

AR 6164.2
Instruction

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2012-13 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also see BP 2210 - Administrative Discretion Regarding Board Policy.

Supplemental School Counseling Program for Students in Grades 7-12

Note: The following section is for use by districts maintaining any of grades 7-12 and may be modified to reflect the grade levels offered by the district. Districts not participating in the Supplemental School Counseling Program pursuant to Education Code 52378-52380 should delete this section.

***Note: As a condition of receiving funds under the Supplemental School Counseling Program, Education Code 52378 requires the Governing Board to adopt a counseling program that provides for (1) an individualized review of students' academic and department records, (2) an opportunity for counselors to meet with students and parents/guardians to explain the records and the available educational options, and (3) additional specified services to students identified by the district as at risk, as specified below. As amended by SB 405 (Ch. 723, Statutes of 2007), Education Code 52378 also requires that the Board-adopted program include a provision for individualized review of a student's career goals and the available academic and career technical education opportunities and community and workplace experiences available to support those goals. ***

A counselor shall review the academic and department record of each student in grades 7-12. The counselor shall also provide for an individualized review of each student's career goals and the available academic and career technical education opportunities and community and workplace experiences available that may support the pursuit of those goals. In addition, the counselor shall meet with each student and, if practicable, his/her parent/guardian to explain the records. At the meeting, the counselor shall also explain: (Education Code 52378)

1. The student's educational options

If such services are available to district students, the educational options discussed shall include college preparatory and career technical programs, including regional occupational centers and programs and any other available alternatives.

(cf. 6146.11 - Alternative Credits Toward Graduation)
(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)
(cf. 6178 - Career Technical Education)

2. The coursework and academic progress needed for satisfactory completion of middle school or high school and passage of the high school exit examination

(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)
(cf. 6162.52 - High School Exit Examination)

***Note: As specified in items #3 and #4 below, SB 405 (Ch. 723, Statutes of 2007) amended Education Code 52378 to require the counselor to also explain to students about their eligibility for admission to a four-year institution of postsecondary education and the availability of intensive instruction and services, for up to two academic years after the completion of grade 12, to a student who did not pass the high school exit examination. ***

3. Eligibility for admission to a four-year institution of postsecondary education, including the University of California (UC) and the California State University (CSU)

4. For those students who have not passed one or both parts of the exit exam by the end of grade 12, the availability of intensive instruction and services, as required pursuant to Education Code 37254, for up to two consecutive academic years after the completion of grade 12 or until the student has passed both parts of the exit exam, whichever comes first

(cf. 6179 - Supplemental Instruction)

4 5. The availability of career technical education

Note: In addition to the counseling services provided to all students described in items #1-5 above, Education Code 52378 requires the district to identify students "at risk" and then provide additional services to specific subsets of those students. These additional services include providing students and their parents/guardians a list of coursework and experience and scheduling individualized conferences, as detailed below.

The Superintendent or designee shall identify students in grades 7-12 who: (Education Code 52378)

1. Are at risk of not graduating with the rest of their class

2. Are not earning credits at a rate that will enable them to pass the high school exit exam
3. Do not have sufficient training to allow them to fully engage in their chosen career

***Note: As amended by SB 405 (Ch. 723, Statutes of 2007), Education Code 52378 also requires that the list of coursework and experience be provided to students in grades 10 and 12 who are not on track to satisfy the admission requirements to the University of California (UC) and the California State University (CSU) and that the list for students in grade 12 include options for students to continue to receive intensive instruction and services after grade 12 or until passage of the exit exam. In addition, Education Code 52378, as amended, requires that a list be provided to students in grade 7 to assist them in beginning to satisfy the admission requirements to UC and CSU. ***

For these identified students, the district shall provide the following additional services:

1. List of Coursework and Experience: For students in grades 10 and 12 who have not passed one or both parts of the high school exit exam or who have not satisfied, or are not on track to satisfy, the curricular requirements for admission to UC and CSU, the district shall provide a list of coursework and experience necessary to assist them in their current grade level and to successfully transition to postsecondary education or employment. (Education Code 52378)

For students in grade 12, the list shall also include options for continuing their education if they fail to meet graduation requirements, including, but not limited to, the option of enrolling in an adult education program, enrolling in a community college, continuing enrollment in the district, or continuing to receive intensive instruction and services for up to two academic years after completion of grade 12 or until passage of both parts of the exit exam, whichever comes first. (Education Code 52378)

For students in grade 7 who are deemed to be at the far below basic level in English language arts or mathematics pursuant to the California Standards Test administered in grade 6, the district shall provide a list of coursework and experience necessary to assist them to successfully transition to high school and to meet all graduation requirements, including passing the high school exit exam. (Education Code 52378)

For students in grade 7, the district shall provide a list of coursework and experience necessary to assist each student to begin to satisfy the curricular requirements for admission to UC and CSU. (Education Code 52378)

A copy of the list of coursework and experience shall be provided to the student and his/her parent/guardian. The list shall also be included in the student's cumulative record. (Education Code 52378)

***Note: As amended by SB 405 (Ch. 723, Statutes of 2007), Education Code 52378 requires districts to inform students about the availability of intensive instruction and services for students after grade 12 who have not passed the exit exam, as specified below. ***

2. Intensive Instruction and Services: For students in grade 10 and 11 who have not passed one or both parts of the high school exit exam, the district shall inform them of the option to receive intensive instruction and services pursuant to Education Code 37254 for up to two consecutive years after the completion of grade 12, or until the student has passed both parts of the exit exam, whichever comes first. (Education Code 52378)

2 3. Individual Conference: For students in grades 10 and 12 who have been provided the list of coursework and experience and for students in grade 7 who are deemed to be at the far below basic level in English language arts or mathematics, as detailed in item #1 above, the district shall offer and schedule an individual conference with each student, his/her parent/guardian, and a school counselor. During the conference, the counselor shall apprise the student and his/parent guardian of the following: (Education Code 52378)

- a. Consequences of not passing the high school exit exam
- b. Available programs, courses, and career technical education options needed for satisfactory completion of middle or high school OK
- c. The student's cumulative records and transcripts
- d. The student's performance on standardized and diagnostic assessments

Note: As amended by SB 405 (Ch. 723, Statutes of 2007), Education Code 52378 requires that the counselor discuss the option for the student to receive intensive instruction after grade 12, as specified below.

e. Available remediation strategies, high school courses, and alternative education options, including, but not limited to, informing students of the option to receive intensive instruction and services for up to two consecutive academic years after completion of grade 12 or until passage of both parts of the exit exam, whichever comes first

f. Information about postsecondary education and training

g. As applicable, the student's score on the English language arts or mathematics portion of the California Standards Test administered in grade 6

Note: As amended by SB 405 (Ch. 723, Statutes of 2007), Education Code 52378 requires that the counselor discuss eligibility requirements for admission to four-year institutions of postsecondary education and the availability of financial aid, as specified in items #3(h) and #3(i) below.

h. Eligibility requirements, including coursework and test requirements, and the progress of the student toward satisfaction of those requirements for admission to four-year institutions of postsecondary education, including at least UC and CSU

i. The availability of financial aid for postsecondary education

The individual conference shall be scheduled, to the extent feasible, within the following timelines: (Education Code 52378)

a. For students in grade 7, the conference shall occur before January of the year in which the student is in grade 7.

b. For students in grade 10, the conference shall occur between the spring of the year the students are enrolled in grade 10 and the fall of the following year in which the student would be enrolled in grade 11.

c. For students in grade 12, the conference shall occur after November of that school year in which the student is enrolled in grade 12, but before March of that same school year.

Note: SB 405 (Ch. 723, Statutes of 2007) amended Education Code 52378 to specify scheduling requirements for schools on a multitrack year-round schedule, as detailed below.

d. For schools operating on a multitrack year-round calendar, the individual conferences for students in grade 7, 10, and 12 shall occur in a timeframe that is equivalent to the timeframe specified above for schools on a traditional calendar.

Note: As a condition of receiving program funds, Education Code 52380 requires participating districts to submit to the California Department of Education an annual report, as described below. AB 347 (Ch. 526, Statutes of 2007) amended Education Code 52380 to require that the report contain an assurance that the district has complied with the requirements pertaining to the individual conferences specified in Education Code 52378(e). Pursuant to Education Code 52380, the Superintendent of Public Instruction will determine the manner in which districts must submit this information.

The Superintendent or designee shall annually submit a report to the California Department of Education describing the number and percentage of students receiving various program services and an assurance that the district has complied with the requirements for individual conferences pursuant to Education Code 52378(e). (Education Code 52380)

Notifications

Note: The following section is for use by districts maintaining any of grades 7-12.

Beginning in grade 7, parents/guardians shall be notified at least once before career counseling and course selection so that they may participate in the counseling sessions and decisions. (Education Code 221.5)

(cf. 5145.6 - Parental Notifications)

Nondiscrimination

Note: 5 CCR 4930 prohibits discrimination in counseling programs to the same extent that discrimination is prohibited in all other district programs and activities. Prohibited bases for discrimination in district programs are specified in BP 0410 - Nondiscrimination in District Programs and Activities.

No counselor shall unlawfully discriminate against any student. In addition, when exploring the possibility of careers and courses leading to such careers, counseling staff shall not differentiate career, vocational, or higher education opportunities on the basis of the sex of the student. (Education Code 221.5; 5 CCR 4930)

For appraising or counseling students, the district shall not use testing or other materials that permit or require impermissible or unlawful differential treatment of students. (5 CCR 4931)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)

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CSBA Sample

Board Policy

Identification And Education Under Section 504

BP 6164.6

Instruction

Note: The following policy and accompanying administrative regulation address the identification and education of students who may be eligible for services under the provisions of Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794). Pursuant to 34 CFR 104.33, eligible students are entitled to a free appropriate public education (FAPE) which is designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met. Enforcement of Section 504 requirements is the responsibility of the U.S. Department of Education's Office for Civil Rights (OCR), which monitors districts' policies, processes, and practices to ensure legal compliance.

Note: Students may be identified as disabled under Section 504 even though they do not require services pursuant to the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482). The identification of students eligible for services under IDEA is addressed at BP/AR 6164.4 - Identification and Evaluation of Individuals for Special Education.

The Governing Board believes that all children, including children with disabilities, should have an opportunity to learn in a safe and nurturing environment. The district shall work to identify children with disabilities who reside within its jurisdiction in order to ensure that they receive educational and related services required by law.

Note: Section 504 of the Rehabilitation Act of 1973 and its implementing regulations (34 CFR 104.1-104.39) prohibit discrimination on the basis of disability in district programs and activities. see BP 0410 - Nondiscrimination in District Programs and Activities.

The Superintendent or designee shall provide identified students with disabilities with a free appropriate public education, as defined under Section 504 of the federal Rehabilitation Act of 1973. Such students shall receive regular or special education and related aids and services designed to meet their individual educational needs as adequately as the needs of nondisabled students are met. (34 CFR 104.33)

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

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

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.23 - Asthma Management)

(cf. 5141.24 - Specialized Health Care Services)

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

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

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

Note: Pursuant to 34 CFR 104.33, as interpreted by OCR in its January 2013 Dear Colleague Letter, a district's responsibility under Section 504 requirements extends to providing students with disabilities equal opportunity to participate in extracurricular athletics and other nonacademic programs or activities that constitute the overall educational program.

In addition, qualified students with disabilities shall be provided an equal opportunity to participate in programs and activities that are integral components of the district's basic education program, including, but not limited to, extracurricular athletics, interscholastic sports, and/or other nonacademic activities. (34 CFR 104.37)

(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6145.5 - Student Organizations and Equal Access)

In providing services to students with disabilities under Section 504, the Superintendent or designee shall ensure district compliance with law, including providing the students and their parents/guardians with applicable procedural safeguards and required notifications. Any dispute as to the identification, evaluation, or placement of any student with a disability shall be resolved in accordance with the processes specified in the "Procedural Safeguards" section of the accompanying administrative regulation.

Note: The following optional paragraph ensures the availability of hearing officers to conduct impartial hearings to resolve disagreements about the provision of FAPE, pursuant to 34 CFR 104.36.

The Superintendent or designee shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by or under contract with the district in any other capacity except as hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.

Legal Reference:

EDUCATION CODE

49423.5 Specialized physical health care services

CODE OF REGULATIONS, TITLE 5

3051.12 Health and Nursing Services

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

705 Definitions; Vocational Rehabilitation Act

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

104.1-104.61 Nondiscrimination on the basis of handicap, especially:

104.1 Purpose to effectuate Section 504 of the Rehabilitation Act of 1973

104.3 Definitions

104.32 Location and notification

104.33 Free appropriate public education

104.34 Educational setting

104.35 Evaluation and placement

104.36 Procedural safeguards

COURT DECISIONS

Christopher S. v. Stanislaus County Office of Education, (2004) 384 F.3d 1205

Management Resources:

CSBA PUBLICATIONS

Rights of Students with Diabetes Under IDEA and Section 504, Policy Brief, November 2007

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007

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Dear Colleague Letter; January 2013

Dear Colleague Letter and Questions and Answers on ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools; January 2012

Free Appropriate Public Education for Students with Disabilities: Requirements under Section 504 of the Rehabilitation Act of 1973, September 2007

WEB SITES

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

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

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/about/offices/list/ocr>

CSBA Sample

Administrative Regulation

Identification And Education Under Section 504

AR 6164.6
Instruction

Note: Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794) prohibits discrimination on the basis of disability. Pursuant to 34 CFR 104.7, the district is required to designate the person(s) responsible for the overall implementation of the requirements of Section 504, as specified below.

Note: The U.S. Department of Education Office for Civil Rights (OCR), which is responsible for enforcing the provisions of Section 504 and also for receiving and handling complaints from parents/guardians, students, and advocates has issued guidance on Section 504 requirements. In its Dear Colleague Letter issued in January 2012, and the attached Questions and Answers on ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools, OCR clarifies the extent to which 29 USC 705, which was amended by the Americans with Disabilities Amendments Act (ADA) of 2008, affects the definition of "disability" and "substantially limits" for Section 504 purposes. In addition, in January 2013, OCR issued another Dear Colleague Letter to clarify districts' obligations under Section 504, particularly as they relate to providing students with disabilities an opportunity to participate in extracurricular athletics and other nonacademic activities that are a part of the overall education program.

Note: The following optional administrative regulation focuses on district procedures for identifying and evaluating students who are eligible to receive FAPE and is consistent with OCR guidance.

The Superintendent designates the following position as the district's 504 Coordinator to implement the requirements of Section 504 of the federal Rehabilitation Act of 1973: (34 CFR 104.7)

(position title) *Superintendent*
(address) *3901 North Mesa Road, Sonoma, CA*
(telephone number) *(805) 485-1411*

Definitions

Note: The following definitions are consistent with 42 USC 12101-12213, the Americans with Disabilities Act Amendment Act of 2008.

For the purpose of implementing Section 504 of the Rehabilitation Act of 1973, the following terms and phrases shall have only the meanings specified below:

Free appropriate public education (FAPE) means the provision of regular or special education and related aids and services designed to meet the individual educational needs of a student with disabilities as adequately as the needs of nondisabled students are met, without cost to the student or his/her parent/guardian, except when a fee is imposed on nondisabled students. (34 CFR 104.33)

(cf. 3260 - Fees and Charges)

Note: Pursuant to 34 CFR 104.3, a student is considered disabled when he/she has a physical or mental impairment that substantially limits a major life activity, has a record of such impairment, or is regarded as having such impairment. According to OCR, a district is required to provide FAPE only to those students whose impairment currently limits a major life activity. However, Section 504 requires districts to protect a student who has a record of, or is regarded as having, such an impairment from discriminatory treatment. For example, it would be discriminatory and thus illegal to prohibit a student who has a record of bone cancer, but is currently in remission, from trying out for the basketball team based on his/her history of cancer.

Student with a disability means a student who has a physical or mental impairment which substantially limits one or more major life activities. (34 CFR 104.3)

Note: Examples of physical or mental impairments that may constitute disabling conditions under Section 504 if they substantially limit a major life activity may include, but are not limited to, diabetes; communicable diseases such as HIV/AIDS; tuberculosis; attention deficit disorder (ADD) or attention deficit hyperactivity disorder (ADHD); chronic asthma and severe allergies; physical disabilities such as spina bifida or hemophilia; and temporary disabilities depending on the anticipated length of disability, the seriousness of the illness/injury, and the needs of the student (e.g., students injured in accidents or suffering short-term illnesses). In the event that these conditions fall within the disabilities categories specified in the Individuals with Disabilities Education Act (IDEA), then the student may need to be considered for services under that law; see BP/AR 6164.4 - Identification and Evaluation of Individuals for Special Education.

Physical impairment means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal, special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine. (34 CFR 104.3)

Mental impairment means any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. (34 CFR 104.3)

Substantially limits major life activities means limiting a person's ability to perform functions such as caring for himself/herself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. Major life activities also includes major bodily functions such as functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Substantially limits shall be determined without regard to the ameliorative effects of mitigating measures other than ordinary eyeglasses or contact lenses. Mitigating measures include, but are not limited to, medications, prosthetic devices, assistive devices, learned behavioral, or adaptive neurological modifications which an individual may use to eliminate or reduce the effects of an impairment. (42 USC 12102; 34 CFR 104.3)

Referral, Identification, and Evaluation

Note: 34 CFR 104.35 requires the district to conduct an evaluation of any student who needs or is believed to need special education or related services under Section 504. However, the law does not require a specific procedure for referral of a student for the evaluation. Items #1-2 below provide such a procedure and should be modified to reflect district practice.

Any action or decision to be taken by the district involving the referral, identification, or evaluation of a student with disabilities shall be in accordance with the following procedures:

1. A parent/guardian, teacher, other school employee, student success team, or community agency may refer a student to the principal or 504 Coordinator for identification as a student with a disability under Section 504.

(cf. 6164.5 - Student Success Teams)

2. Upon receipt of any such referral, the principal, 504 Coordinator, or other qualified individual with expertise in the area of the student's suspected disability shall consider the referral and determine whether an evaluation is appropriate. This determination shall be based on a review of the student's school records, including those in academic and nonacademic areas of the school program; consultation with the student's teacher(s), other professionals, and the parent/guardian, as appropriate; and analysis of the student's needs.

If it is determined that an evaluation is unnecessary, the principal or 504 Coordinator shall inform the parents/guardians in writing of this decision and of the procedural safeguards available, as described in the "Procedural Safeguards" section below.

3. If it is determined that the student needs or is believed to need special education or related services under Section 504, the district shall conduct an evaluation of the student prior to his/her initial placement. (34 CFR 104.35)

***Note: OCR has interpreted Section 504 to require districts to obtain parental permission for initial evaluations. Although the law is silent on the form of parental consent, it is recommended

that the district obtain such consent in writing. The following paragraph should be modified to reflect district practice.***

Prior to conducting an initial evaluation of a student for eligibility under Section 504, the district shall obtain written parent/guardian consent.

Note: 34 CFR 104.35 requires that the district's evaluation and placement procedures include the elements specified in items #a-c below.

The district's evaluation procedures shall ensure that the tests and other evaluation materials: (34 CFR 104.35)

- a. Have been validated and are administered by trained personnel in conformance with the instruction provided by the test publishers
- b. Are tailored to assess specific areas of educational need and are not merely designed to provide a single general intelligence quotient
- c. Reflect the student's aptitude or achievement or whatever else the tests purport to measure rather than his/her impaired sensory, manual, or speaking skills, except where those skills are the factors that the tests purport to measure

Section 504 Services Plan and Placement

Services and placement decisions for students with disabilities shall be determined as follows:

1. A multi-disciplinary 504 team shall be convened to review the evaluation data in order to make placement decisions.

The 504 team shall consist of a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. (34 CFR 104.35)

In interpreting evaluation data and making placement decisions, the team shall draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The team shall also ensure that information obtained from all such sources is documented and carefully considered and that the placement decision is made in conformity with 34 CFR 104.34. (34 CFR 104.35)

Note: While there is no specific requirement that a Section 504 services plan (sometimes called an accommodation plan) be in writing, it is strongly recommended that the district develop a written plan for each student detailing the regular and/or special education and related services that the student will be provided in order to ensure that the student is receiving FAPE in accordance with 34 CFR 104.33.

2. If, upon evaluation, a student is determined to be eligible for services under Section 504,

the team shall meet to develop a written 504 services plan which shall specify the types of regular or special education services, accommodations, and supplementary aids and services necessary to ensure that the student receives FAPE.

The parents/guardians shall be invited to participate in the meeting and shall be given an opportunity to examine all relevant records.

- (cf. 5141.21 - Administering Medication and Monitoring Health Conditions)
- (cf. 5141.22 - Infectious Diseases)
- (cf. 5141.23 - Asthma Management)
- (cf. 5141.24 - Specialized Health Care Services)
- (cf. 5141.26 - Tuberculosis Testing)
- (cf. 5141.27 - Food Allergies/Special Dietary Needs)

3. If the 504 team determines that no services are necessary for the student, the record of the team's meeting shall reflect whether or not the student has been identified as a disabled person under Section 504 and shall state the basis for the determination that no special services are presently needed. The student's parent/guardian shall be informed in writing of his/her rights and procedural safeguards, as described in the "Procedural Safeguards" section below.

4. The student shall be placed in the regular educational environment, unless the district can demonstrate that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. The student shall be educated with those who are not disabled to the maximum extent appropriate to his/her individual needs. (34 CFR 104.34)

Note: The law does not specify a time frame for completion of the evaluation and placement process, but OCR requires completion within "a reasonable amount of time." Generally, compliance with the timelines in IDEA will be considered "reasonable" and thus in compliance with Section 504. However, Section 504 does not provide for an automatic suspension of the timelines during extended breaks or when schools are not in session. For timelines under IDEA, see AR 6164.4 - Identification and Evaluation of Individuals for Special Education.

5. The district shall complete the identification, evaluation, and placement process within a reasonable time frame.

6. A copy of the student's Section 504 services plan shall be kept in his/her student record. The student's teacher(s) and any other staff who provide services to the student shall be informed of the plan's requirements.

If a student transfers to another school within the district, the principal or designee at the school from which the student is transferring shall ensure that the principal or designee at the new school receives a copy of the plan prior to the student's enrollment in the new school.

- (cf. 5125 - Student Records)

Review and Reevaluation

Note: 34 CFR 104.35 requires a district to establish procedures for the periodic reevaluation of a student who has been identified as needing services under Section 504. A reevaluation procedure consistent with the IDEA is one means of meeting this requirement. The following section should be modified to reflect district practice.

The 504 team shall monitor the progress of the student and, at least annually, shall review the effectiveness of the student's Section 504 services plan to determine whether the services are appropriate and necessary and whether the student's needs are being met as adequately as the needs of nondisabled students. In addition, each student with a disability under Section 504 shall be reevaluated at least once every three years.

Note: As part of its responsibilities pursuant to 34 CFR 104.35, the district is required to reevaluate a student's needs before a significant change in his/her placement. Examples of actions that might constitute a "significant change in placement" triggering a reevaluation include, but are not limited to, expulsions, suspensions that exceed 10 school days within a school year, or removal from a fully integrated curriculum to a resource room, home instruction, independent study, or continuation school.

A reevaluation of the student's needs shall be conducted before any subsequent significant change in placement. (34 CFR 104.35)

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

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

Procedural Safeguards

Note: 34 CFR 104.36 requires districts to adopt a system of procedural safeguards which must include the rights of parents/guardians to receive notice, examine relevant records, have an impartial hearing in which they would have an opportunity to participate and be represented by legal counsel, and a process for review of the hearing and decision as detailed in the following section.

Note: Timelines suggested in this section should be revised to reflect district practice; however, OCR requires that the due process hearing procedures be completed within a "reasonably prompt time frame."

The Superintendent or designee shall notify the parents/guardians of students with disabilities of all actions and decisions by the district regarding the identification, evaluation, or educational placement of their children. He/she also shall notify the parents/guardians of all the procedural safeguards available to them if they disagree with the district's action or decision, including an opportunity to examine all relevant records and an impartial hearing in which they shall have the right to participate. (34 CFR 104.36)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

Note: 34 CFR 104.36 requires that the district's procedural safeguards for Section 504 include an impartial hearing to resolve disagreements about the provision of FAPE. This Section 504 due process hearing is separate from the due process hearing procedures under IDEA and from the district's uniform complaint procedures, which are used to resolve complaints regarding discriminatory treatment (e.g., harassment or accessibility issues). See BP/AR 1312.3 - Uniform Complaint Procedures.


If a parent/guardian disagrees with any district action or decision regarding the identification, evaluation, or educational placement of his/her child under Section 504, he/she may request a Section 504 due process hearing within 30 days of that action or decision.

Note: According to OCR, the parent/guardian cannot be required to participate in an administrative review prior to exercising his/her right to a Section 504 due process hearing. Districts with questions should consult legal counsel, as appropriate.

Prior to requesting a Section 504 due process hearing, the parent/guardian may, at his/her discretion, but within 30 days of the district's action or decision, request an administrative review of the action or decision. The Coordinator shall designate an appropriate administrator to meet with the parent/guardian to attempt to resolve the issue and the administrative review shall be held within 14 days of receiving the parent/guardian's request. If the parent/guardian is not satisfied with the resolution of the issue, he/she may request a Section 504 due process hearing.

Section 504 due process hearing shall be conducted in accordance with the following procedures:

1. The parent/guardian shall submit a written request to the Coordinator within 30 days of receiving the district's decision or, if an administrative review is held, within 14 days of the completion of the review. The request for the due process hearing shall include:
 - a. The specific nature of the decision with which he/she disagrees
 - b. The specific relief he/she seeks
 - c. Any other information he/she believes is pertinent to resolving the disagreement
2. Within 30 days of receiving the parent/guardian's request, the Superintendent or designee and 504 Coordinator shall select an impartial hearing officer. This 30-day deadline may be extended for good cause or by mutual agreement of the parties.
3. Within 45 days of the selection of the hearing officer, the Section 504 due process hearing shall be conducted and a written decision mailed to all parties. This 45-day deadline may be extended for good cause or by mutual agreement of the parties.
4. The parties to the hearing shall be afforded the right to:

- 
- a. Be accompanied and advised by counsel and by individuals with special knowledge or training related to the problems of students with disabilities under Section 504
 - b. Present written and oral evidence
 - c. Question and cross-examine witnesses
 - d. Receive written findings by the hearing officer stating the decision and explaining the reasons for the decision

If desired, either party may seek a review of the hearing officer's decision by a federal court of competent jurisdiction.

Notifications

The Superintendent or designee shall ensure that the district has taken appropriate steps to notify students and parents/guardians of the district's duty under Section 504. (34 CFR 104.32) ✓

(cf. 5145.6 - Parental Notifications)

(11/07 3/09) 4/13

CSBA Sample

Administrative Regulation

Education For Foster Youth

AR 6173.1
Instruction

Definitions

Foster youth means a child who has been removed from his/her home pursuant to Welfare and Institutions Code 309, is the subject of a petition filed under Welfare and Institutions Code 300 or 602, or has been removed from his/her home and is the subject of a petition filed under Welfare and Institutions Code 300 or 602. (Education Code 48853.5)

***Note: In instances where the rights of the parent/guardian have been limited, the court may appoint an educational representative on a temporary or long-term basis to make educational decisions for the student. ***

Person holding the right to make educational decisions means a responsible adult appointed by a court pursuant to Welfare and Institutions Code 361 or 726.

School of origin means the school that the foster youth attended when permanently housed or the school in which he/she was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which he/she was last enrolled, or if there is some other school that the foster youth attended within the preceding 15 months and with which the youth is connected, the district liaison for foster youth shall determine, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, and in the best interests of the foster youth, which school is the school of origin. (Education Code 48853.5)

***Note: Education Code 48850 expresses the legislative intent that the "best interests of the child" include educational stability as well as placement in the least restrictive educational program, as provided below. ***

Best interests means that, in making educational and school placement decisions for a foster youth, consideration is given to, among other factors, educational stability, the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress, and the foster youth's access to academic resources, services, and extracurricular and enrichment activities that are available to all district students. (Education Code 48850, 48853)

District Liaison

***Note: Pursuant to Education Code 48853.5, districts are required to designate a staff person as an educational liaison for foster youth. This person may be the same individual designated as

the liaison for homeless students as required by 42 USC 11432; see AR 6173 - Education for Homeless Children. In addition, Education Code 48853.5 requires that, for districts operating a foster youth services program, the liaison be affiliated with that program. The duties of the liaison are as specified below.***

The Superintendent designates the following position as the district's liaison for foster youth: (Education Code 48853.5)

Superintendent's Principal
(position or title)
3901 North Mesa School Road, San Jose, CA
(address)
(505) 485 1410
(phone number)

(cf. 6173 - Education for Homeless Children)

The liaison for foster youth shall:

1. Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of students in foster care (Education Code 48853.5)

***Note: Education Code 48645.5 requires districts to accept for credit full or partial coursework completed in a public school or nonpublic nonsectarian school or agency in addition to a juvenile court school; see BP 6146.3 - Reciprocity of Academic Credit. ***

2. Ensure proper transfer of credits, records, and grades when students in foster care transfer from one school to another or from one district to another (Education Code 48645.5, 48853.5)

When a student in foster care is enrolling in a district school, the liaison shall contact the school last attended by the student to obtain, within two business days, all academic and other records. When a foster youth is transferring to a new school, the liaison shall provide the student's records to the new school within two business days of receiving the new school's request. (Education Code 48853.5)

(cf. 5117 - Interdistrict Attendance)
(cf. 5125 - Student Records)
(cf. 6146.3 - Reciprocity of Academic Credit)

***Note: Pursuant to Education Code 48853.5, 48911, and 48915.5, as amended by AB 1909 (Ch. 849, Statutes of 2012), and Education Code 48918.1, as added by AB 1909, the district liaison is required to invite or notify a foster youth's attorney and the appropriate official of the county child welfare agency in certain circumstances when expulsion-related proceedings are pending against the foster youth. For specific situations requiring such invitation or notice, see AR 5144.1 - Suspension and Expulsion/Due Process. ***

3. When required by law, notify the foster youth's attorney and the representative of the appropriate county child welfare agency when the foster youth is undergoing any expulsion or other disciplinary proceeding, including, for a student with a disability, a manifestation determination prior to a change in the student's placement. (Education Code 48853.5, 48911, 48915.5, 48918.1)

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

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

***Note: Items #4-8 below are optional and should be modified to reflect district practice. ***

4. As needed, make appropriate referrals to ensure that students in foster care receive necessary special education services and services under Section 504 of the federal Rehabilitation Act of 1973

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

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

5. As needed, ensure that students in foster care receive appropriate school-based services, such as counseling and health services, supplemental instruction, and after-school services

(cf. 5141.6 - School Health Services)

(cf. 5148.2 - Before/After School Programs)

(cf. 5149 - At-Risk Students)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6172 - Gifted and Talented Student Program)

(cf. 6174 - Education for English Language Learners)

(cf. 6177 - Summer School)

(cf. 6179 - Supplemental Instruction)

6. Develop protocols and procedures for creating awareness for district staff, including principals, school registrars, and attendance clerks, of the requirements for the proper enrollment, placement, and transfer of foster youth

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

7. Collaborate with the county placing agency, social services, probation officers, juvenile court officers, nonprofit organizations, and advocates to help coordinate services for the district's foster youth

(cf. 1020 - Youth Services)

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

(cf. 5113.1 - Chronic Absence and Truancy)

8. Monitor the educational progress of foster youth and provide reports to the Superintendent or designee and the Governing Board based on indicators identified in Board policy

***Note: The following paragraph is optional. Because the district's liaison for foster youth often has additional duties pertaining to other programs, CSBA's policy brief Educating Foster Youth: Best Practices and Board Considerations recommends periodic evaluation of the liaison's caseload to determine whether he/she is able to adequately fulfill his/her duties with respect to foster youth. ***

The Superintendent or designee shall regularly monitor the caseload of the liaison, as well as his/her additional duties outside of the foster youth program, to determine whether adequate time and resources are available to meet the needs of foster youth in the district.

(cf. 4115 - Evaluation/Supervision)

(cf. 4315 - Evaluation/Supervision)

Enrollment

A foster youth placed in a licensed children's institution or foster family home within the district shall attend programs operated by the district unless one of the following circumstances applies: (Education Code 48853, 48853.5)

1. The student has an individualized education program requiring placement in a nonpublic, nonsectarian school or agency, or in another local educational agency.

(cf. 6159 - Individualized Education Program)

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

***Note: Education Code 48853 requires districts to educate foster youth in the least restrictive environment necessary for their educational achievement. However, pursuant to Education Code 48853, as amended by SB 121 (Ch. 571, Statutes of 2012), a district may be discharged from this obligation when the parent/guardian or other person with the right to make educational decisions for the foster youth unilaterally decides to place the foster youth in another educational program and provides the district a written statement as specified in item #2 below. ***

2. The parent/guardian or other person holding the right to make educational decisions for the student determines that it is in the best interest of the student to be placed in another educational program and submits a written statement to the district indicating that determination and that:

a. He/she is aware that the student has a right to attend a regular public school in the least restrictive environment.

b. The alternate educational program is a special education program, if applicable.

c. The decision to unilaterally remove the student from the district school and to place him/her in an alternate education program may not be financed by the district.

d. Any attempt to seek reimbursement for the alternate education program may be at the expense of the parent/guardian or other person holding the right to make educational decisions for the student.

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

***Note: Pursuant to Education Code 48853.5, a foster youth may continue his/her education in the school of origin under the circumstances stated below. SB 1568 (Ch. 578, Statutes of 2012) amended Education Code 48853.5 to authorize a former foster youth to continue in the school of origin until high school graduation after the court's jurisdiction is terminated (item c below). Elementary and high school districts should delete any item (b or c) that is not applicable to the grade levels served by the district. ***

3. At the initial placement or any subsequent change in placement, the student exercises his/her right to continue in his/her school of origin, as defined above.

a. The student may continue in the school of origin for the duration of the court's jurisdiction.

b. If the court's jurisdiction over a grade K-8 student is terminated prior to the end of a school year, the student may continue in his/her school of origin for the remainder of the school year.

c. If the court's jurisdiction is terminated while the student is in high school, the student may continue in his/her school of origin until he/she graduates.

d. If the student is transitioning between school grade levels, he/she shall be allowed to continue in the district of origin in the same attendance area to provide him/her the benefit of matriculating with his/her peers in accordance with the established feeder patterns of school districts. A student who is transitioning to a middle school or high school shall be allowed to enroll in the school designated for matriculation in another school district.

The liaison may, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, recommend that the youth's right to attend the school of origin be waived and he/she be enrolled in any school that students living in the attendance area in which the foster youth resides are eligible to attend. All decisions shall be made in accordance with the foster youth's best interests. (Education Code 48853.5)

Prior to making any recommendation to move a foster youth from his/her school of origin, the liaison shall provide the youth and the person holding the right to make educational decisions for the youth with a written explanation of the basis for the recommendation and how this recommendation serves the youth's best interests. (Education Code 48853.5)

The role of the liaison shall be advisory with respect to placement decisions and determination of

the school of origin. (Education Code 48853.5)

***Note: Pursuant to Education Code 48853.5 and Health and Safety Code 120341, a district is required to immediately enroll any foster youth transferring into the district even when it has not received the foster youth's medical records, including his/her immunization records. However, pursuant to Health and Safety Code 120341, the district must, subsequent to the enrollment, take steps to obtain the foster youth's immunization records or ensure that he/she is properly immunized. See BP/AR 5141.31 - Immunizations. ***

If the liaison, in consultation with the foster youth and the person holding the right to make educational decisions for the foster youth, agrees that the best interests of the youth would be served by his/her transfer to a school other than the school of origin, the principal or designee of the new school shall immediately enroll the foster youth. The foster youth shall be immediately enrolled even if he/she: (Education Code 48853.5)

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

2. Does not have clothing normally required by the school, such as school uniforms

(cf. 5132 - Dress and Grooming)

3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, and medical records, including, but not limited to, immunization records or other documentation

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

***Note: Education Code 48853 and 48853.5 specify that, if a dispute arises regarding school placement, the district shall use an existing dispute resolution process available to any district student. The following paragraph should be modified to reflect district practice. ***

If the foster youth or a person with the right to make educational decisions for the foster youth disagrees with the liaison's enrollment recommendation, he/she may appeal to the Superintendent. The Superintendent shall make a determination within 30 calendar days of receipt of the appeal. Within 30 calendar days of receipt of the Superintendent's decision, the parent/guardian or foster youth may appeal that decision to the Board. The Board shall consider the issue at its next regularly scheduled meeting. The Board's decision shall be final.

(cf. 9320 - Meetings and Notices)

If any dispute arises regarding the request of a foster youth to remain in the school of origin, the

youth has the right to remain in the school of origin pending resolution of the dispute.
(Education Code 48853.5)

Transportation

***Note: Pursuant to Education Code 48853.5, districts may, but are not required to, provide transportation to allow a foster youth to attend a school or school district of origin, unless otherwise required by federal law or pursuant to the individualized education program of a student with a disability. An example of when transportation might be required under federal law is when a foster youth is homeless, pursuant to the McKinney-Vento Homeless Assistance Act (42 USC 11431-11435). ***

***Option 1 is for use by districts that do not provide transportation. Option 2 is for use by districts that choose to provide transportation to foster youth to their school of origin and may be revised to reflect district practice. ***

~~OPTION 1:~~ The district shall not be responsible for providing transportation to and from the school of origin.

OPTION 2: Upon request, the district may provide transportation for a foster youth to and from his/her school of origin when the student is residing within the district and the school of origin is within district boundaries.

(cf. 3540 - Transportation)

(cf. 3541 - Transportation Routes and Services)

Transfer of Coursework and Applicability of Graduation Requirements

***Note: The following section is for use by districts maintaining high schools. Education Code 51225.2 addresses the transferability of coursework completed by foster youth, as provided below. See BP 6146.1 - High School Graduation Requirements. ***

When a foster youth transfers into a district school, the district shall accept and issue full credit for any coursework that the foster youth has satisfactorily completed while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency and shall not require the foster youth to retake the course. (Education Code 51225.2)

If the foster youth did not complete the entire course, he/she shall be issued partial credit for the coursework completed and shall be required to take the portion of the course that he/she did not complete at his/her previous school. However, the district may require the foster youth to retake the portion of the course completed if, in consultation with the holder of educational rights for the foster youth, the district finds that the foster youth is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a foster youth in any particular course, he/she shall be enrolled in the same or equivalent course, if applicable, so that he/she may continue and complete the entire course. (Education Code 51225.2)

In no event shall the district prevent a foster youth from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. (Education Code 51225.2)

***Note: Pursuant to Education Code 51225.3, any foster youth who transfers into the district or between district schools in grades 11-12 is exempted from locally established high school graduation requirements, as provided below. This exemption does not apply to state graduation requirements for course completion or the high school exit examination. ***

When a foster youth in grade 11 or 12 transfers into the district from another school district or transfers between high schools within the district, he/she shall be exempted from all coursework and other graduation requirements adopted by the Board that are in addition to the statewide coursework requirements specified in Education Code 51225.3 and the high school exit examination, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school while he/she remains in foster care. (Education Code 51225.3, 60851)

(cf. 6146.1 - High School Graduation Requirements)
(cf. 6162.52 - High School Exit Examination)

The Superintendent or designee shall notify any student who is granted an exemption and, as appropriate, the person holding the right to make educational decisions for the student, if any of the requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges. (Education Code 51225.3)

Grades/Credits

Grades for a student in foster care shall not be lowered if the student is absent from school due to either of the following circumstances: (Education Code 49069.5)

1. A decision by a court or placement agency to change the student's placement, in which case the student's grades and credits shall be calculated as of the date he/she left school
2. A verified court appearance or related court-ordered activity

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

Eligibility for Extracurricular Activities

***Note: Education Code 48850 provides that, when the residence of a student in foster care changes pursuant to a court order or decision of a child welfare worker, the student shall be immediately deemed to meet all residency requirements for participation in extracurricular activities and interscholastic sports. For additional information about eligibility requirements, see BP 6145 - Extracurricular and Cocurricular Activities. ***

A foster youth who changes residences pursuant to a court order or decision of a child welfare worker shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities. (Education Code 48850)

(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)

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CSBA Sample

Board Policy

Education For English Language Learners

BP 6174

Instruction

Note: Proposition 227 (Education Code 300-340), which was enacted in June 1998, requires that English learners be educated through a program of "sheltered English immersion," as defined in law and the accompanying administrative regulation, with the goal that students learn English as rapidly and effectively as possible. In *McLaughlin v. State Board of Education*, the court held that the State Board of Education (SBE) may not grant districts waivers related to Education Code 300-340 pursuant to its waiver authority in Education Code 33050.

Note: During the Federal Program Monitoring (FPM) process, California Department of Education (CDE) staff will expect to see evidence that the district has complied with major program requirements. See the CDE web site for FPM compliance monitoring instruments.

The Governing Board intends to provide English learners with challenging curriculum and instruction that develop proficiency in English as rapidly and effectively as possible while facilitating student achievement in the district's regular course of study.

Note: Pursuant to Education Code 60811, the SBE has adopted state academic content standards for English language development for students whose primary language is a language other than English. In November 2012, the SBE approved English language development standards that have been updated to align with the state's Common Core Standards for English language arts as required by Education Code 60811.3, as added by AB 124 (Ch. 605, Statutes of 2012). The standards describe what students should know and be able to do in the early stages of and at exit from each of three proficiency levels: emerging, expanding, and bridging.

Note: The SBE has been unable to adopt K-8 textbooks and instructional materials aligned to the Common Core Standards because Education Code 60200.7 suspended state adoptions of instructional materials until the 2015-16 school year. To bridge the gap, Education Code 60605.87, as added by AB 1719 (Ch. 636, Statutes of 2012), requires the CDE to recommend and the SBE to approve, by June 30, 2014, a list of supplementary instructional materials aligned with the updated English language development standards. This list of supplementary materials will be available on the CDE's web site and is informational only; see BP 6161.11 - Supplementary Instructional Materials.

English learners shall be provided English language development instruction targeted to their English proficiency level and aligned with state content standards. The district's program shall be based on sound instructional theory and adequately supported in order to assist students in accessing the full educational program.

(cf. 6011 - Academic Standards)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6171 - Title I Programs)

Note: Education Code 44253.1-44253.11, related Title 5 regulations, and Commission on Teacher Credentialing (CTC) leaflet CL-622, Serving English Learners, describe requirements pertaining to the qualifications of teachers of English learners. A teacher who is assigned to provide English language development, specially designed academic instruction in English, and/or primary language instruction to English learners must hold an appropriate authorization from the CTC; see AR 4112.22 - Staff Teaching English Language Learners.

The Superintendent or designee shall ensure that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing.

(cf. 4112.22 - Staff Teaching English Language Learners)

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

The Superintendent or designee shall encourage parent and community involvement in the development, implementation, and evaluation of English language development programs. In addition, to support students' English language development, the Superintendent or designee may provide an adult literacy training program for parents/guardians and community members that leads to English fluency.

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)
(cf. 6020 - Parent Involvement)

Identification and Assessment

Note: Pursuant to 5 CCR 11511, the district must initially administer the California English Language Development Test (CELDT) to any student whose native language is not English and who has not been previously identified as an English learner by a California public school or for whom there is no record of results from an administration of an English language proficiency test. Once identified as an English learner, the student must continue to be assessed on an annual basis until reclassified based on the CELDT, teacher evaluation, parental opinion and consultation, and performance on a statewide assessment of basic skills. See the accompanying administrative regulation for further information about test administration and identification and reclassification criteria.

The Superintendent or designee shall maintain procedures which provide for the accurate identification of English learners and an assessment of their proficiency and needs in the areas of listening, speaking, reading, and writing in English.

Once identified as an English learner, a student shall be annually assessed for language proficiency until he/she is reclassified based on criteria specified in administrative regulation.

Placement of English Learners

Note: Education Code 305-306 require that English learners be initially placed in a "sheltered English immersion" or "structured English immersion" classroom, as defined in law and the accompanying administrative regulation. Students will be placed in an English language mainstream classroom when they have acquired a reasonable level of English proficiency or when the student's parent/guardian so requests.

Students who are English learners shall be educated through "sheltered English immersion" or "structured English immersion," as defined in law and administrative regulation, during a temporary transition period not normally intended to exceed one year. Nearly all of the classroom instruction in the district's structured English immersion program shall be in English, but with the curriculum and presentation designed for students who are learning the language. (Education Code 305-306)

Note: The Education Code does not define the term "nearly all" for purposes of ensuring that nearly all instruction is provided in English pursuant to Education Code 306, and the SBE has declared that it is the responsibility of districts to determine the appropriate ratio of English and native language instruction. The district could establish a minimum percentage of classroom instructional time to be conducted in English or specify the types of courses to be conducted in English and the courses (e.g., science, algebra) to be taught in the student's primary language. "Nearly all" could be cautiously defined as to provide that all classroom instruction be conducted in English except for clarification, explanation, and support as needed. The following paragraph should be completed with the district's definition of "nearly all."

For purposes of determining the amount of instruction conducted in English in the structured English immersion classroom, "nearly all" shall be defined as follows:

all instruction except for necessary clarification and explanation.

Note: Pursuant to Education Code 305-306 and 5 CCR 11301, when a student has acquired a reasonable level of English proficiency, as measured by state or local assessment instruments, he/she shall be removed from the structured English immersion classroom and placed in an English mainstream classroom in which the language of instruction is overwhelmingly in English. The term "overwhelmingly" is not defined in the Education Code nor in the state regulations.

***Note: The definition of "reasonable level of proficiency" is one that must be made at the local level. The following paragraph should be revised to specify the types of assessment

instruments and scores and/or other local tools (e.g., student portfolios or grades) which will be used to determine whether a student has achieved a reasonable level of English proficiency for purposes of qualifying for transfer to an English mainstream classroom. The district should fill in the blanks below with its definition of "reasonable level of proficiency."***

When an English learner has acquired a reasonable level of English proficiency as measured by any of the state-designated assessments approved by the California Department of Education, any district assessments, and/or other criteria adopted by the Board, he/she shall be transferred from a structured English immersion classroom to an English language mainstream classroom in which the instruction is overwhelmingly in English. (Education Code 305-306; 5 CCR 11301)

(cf. 6162.5 - Student Assessment)

An English learner has acquired a "reasonable level of English proficiency" when he/she has achieved the following:

advanced level on the California English Language Development Test (CELDT).

Note: 5 CCR 11301 allows a parent/guardian to have his/her child moved into an English language mainstream classroom at any time during the school year. According to the CDE, the parent/guardian only needs to request this placement; he/she does not need to go through the waiver process described below in the section entitled "Parental Exception Waivers."

Note: Education Code 320 grants parents/guardians legal standing to sue Board members, teachers, or administrators if their child has been "willfully and repeatedly" denied the option of an English language curriculum. The constitutionality of this section was upheld by the Ninth Circuit Court of Appeals in California Teachers Association v. the State Board of Education. Therefore, districts should ensure that requests from parents/guardians to place their child in an English language mainstream classroom are granted immediately.

At any time during the school year, the parent/guardian of an English learner may have his/her child moved into an English language mainstream program. (5 CCR 11301)

Parental Exception Waivers

Note: Pursuant to Education Code 310-311, the district may, in three narrowly defined circumstances, grant parental exception waivers from the requirements of Education Code 305 regarding placement in the structured English immersion program and instead be taught through bilingual education or other permitted methodologies. For detailed procedures, see the accompanying administrative regulation.

When allowed by law, the parent/guardian of an English learner may submit a request that

his/her child be exempted from placement in a structured English immersion program and instead be placed in a class where he/she is taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. (Education Code 310-311)

Each waiver request shall be considered on its individual merits with deference given to parental preference for student placement.

Note: 5 CCR 11309 mandates that the district's procedure contain the following paragraph. Pursuant to 5 CCR 11309, the district is required to grant all parental exception waiver requests, unless the principal and educational staff have determined that an alternative program offered at the school would not be better suited for the overall educational development of the student; see the accompanying administrative regulation. Therefore, the burden is on the district staff to show why a waiver request should not be granted.

Note: In 83 Ops.Cal.Atty.Gen. 40 (2000), the Attorney General opined that a district may not deny a parent/guardian request for a waiver on the sole ground that the district has no alternative program.

A waiver request shall be granted in accordance with law unless the principal and educational staff have determined that an alternative program would not be better suited to the student's overall educational development. (5 CCR 11309)

Note: The following appeal process is optional.

If the Superintendent or designee denies the waiver request, he/she shall provide a written justification to the parent/guardian describing the reasons for the denial. A parent/guardian may appeal the decision in writing to the Board. The Board may consider the matter at its next regular Board meeting. The Board may decide not to hear the appeal, in which case the Superintendent's decision shall be final. If the Board hears the appeal, the Superintendent shall send the Board's decision to the parent/guardian within seven working days.

Note: Pursuant to 5 CCR 11310, any parent/guardian who applies for a waiver may request that the SBE review the district's guidelines or procedures. The SBE shall review the guidelines only to make a determination as to whether the guidelines comply with 5 CCR 11309. In addition, the SBE may request that the Board submit the guidelines for review.

Program Evaluation

Note: The following section may be revised to reflect indicators agreed upon by the Board and Superintendent or designee for measuring the effectiveness of the district's educational program for English learners.

***Note: Education Code 313.1, as added by AB 2193 (Ch. 427, Statutes of 2012), defines "long-term English learner" and "English learner at risk of becoming a long-term English learner"; see definitions in the accompanying administrative regulation. Pursuant to Education

Code 313.2, as added by AB 2193, the CDE is required to annually determine the number of students in each district and school who are, or at risk of becoming, long-term English learners and to report that information to districts and schools.***

To evaluate the effectiveness of the district's educational program for English learners, the Superintendent or designee shall report to the Board, at least annually, regarding the progress of English learners towards proficiency in English, the number and percentage of English learners reclassified as fluent English proficient, the number and percentage of English learners who are or are at risk of being classified as long-term English learners, the achievement of English learners on standards-based tests in core curricular areas, and a comparison of current data with data from at least the previous year. The Superintendent or designee also shall provide the Board with regular reports from any district or schoolwide English learner advisory committees.

Legal Reference:

EDUCATION CODE

300-340 English language education

430-446 English Learner and Immigrant Pupil Federal Conformity Act

33050 State Board of Education waiver authority

44253.1-44253.11 Qualifications for teaching English learners

48985 Notices to parents in language other than English

51101-51101.1 Rights of parents

52130-52135 Impacted Languages Act of 1984

52160-52178 Bilingual Bicultural Act

52180-52186 Bilingual teacher training assistance program

54000-54028 Programs for disadvantaged children

60200.7 Suspension of state instructional materials adoptions

60605.87 Supplemental instructional materials, English language development

60810-60812 Assessment of language development

62005.5 Continuation of advisory committee after program sunsets

CODE OF REGULATIONS, TITLE 5

11300-11316 English learner education

11510-11517 California English Language Development Test

UNITED STATES CODE, TITLE 20

1701-1705 Equal Educational Opportunities Act

6312 Local education agency plans

6801-6871 Title III, Language instruction for limited English proficient and immigrant students

7012 Parental notification

COURT DECISIONS

Valeria G. v. Wilson, (2002) 307 F.3d 1036

California Teachers Association v. State Board of Education et al., (9th Circuit, 2001) 271 F.3d 1141

McLaughlin v. State Board of Education, (1999) 75 Cal.App.4th 196

Teresa P. et al v. Berkeley Unified School District et al, (1989) 724 F.Supp. 698

ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 40 (2000)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California English Language Development Test (CELDT): 2012-13 CELDT Information Guide, 2012

English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012

Matrix of Test Variations, Accommodations, and Modifications for Administration of California Statewide Assessments

U.S. DEPARTMENT OF EDUCATION NONREGULATORY GUIDANCE

Assessment and Accountability for Recently Arrived and Former Limited English Proficient (LEP) Students, May 2007

WEB SITES

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

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

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CSBA Sample

Administrative Regulation

Education For English Language Learners

AR 6174
Instruction

Definitions

English learner, also known as a limited English proficient student, means a student who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English. (Education Code 306)

Note: Education Code 313.1, as added by AB 2193 (Ch. 427, Statutes of 2012), establishes the following definitions of "long-term English learner" and "English learner at risk of becoming a long-term English learner." Pursuant to Education Code 313.2, as added by AB 2193, the California Department of Education (CDE) is required to annually determine the number of students in each district and school who are, or at risk of becoming, long-term English learners and to report that information to districts and schools; see the accompanying Board policy.

Long-term English learner means an English learner who is enrolled in grades 6-12, has been enrolled in schools in the United States for more than six years, has remained at the same English language proficiency level for two or more consecutive years as determined by the California English Language Development Test (CELDT) or any successor test, and scores far below basic or below basic on the English language arts test of the California Standards Tests or any successor test. (Education Code 313.1)

English learner at risk of becoming a long-term English learner means an English learner who is enrolled in grades 5-11 in the United States for four years, scores at the intermediate level or below on the CELDT or any successor test, and scores in the fourth year at the below basic or far below basic level on the English language arts test of the California Standards Tests or any successor test. (Education Code 313.1)

English language classroom means a classroom in which the language of instruction used by the teaching personnel is overwhelmingly the English language, and in which such teaching personnel possess a good knowledge of the English language. (Education Code 306)

English language mainstream classroom means a classroom in which the students either are native English language speakers or already have acquired reasonable fluency in English. (Education Code 306)

Sheltered English immersion or structured English immersion means an English language acquisition process in which nearly all classroom instruction is in English but with the curriculum and presentation designed for students who are learning the language. (Education

Code 306)

Bilingual education/native language instruction means a language acquisition process for students in which much or all instruction, textbooks, and teaching materials are in the student's native language. (Education Code 306)

Identification and Assessment

Note: 5 CCR 11307 and 11511 require the district to administer a home language survey to all enrolled students and, for students who are determined by the home survey to have a primary language other than English, to follow up with administration of the California English Language Development Test (CELDT) as provided in the following paragraphs. According to the CDE's 2012-13 CELDT Information Guide, these requirements also apply to students in a transitional kindergarten program, who are expected to have the same level of services as kindergarten students; see BP 6170.1 - Transitional Kindergarten.

Upon enrollment in the district, each student's primary language shall be determined through use of a home language survey. (5 CCR 11307)

Any student who is identified as having a primary language other than English as determined by the home language survey, and who has not been previously identified as an English learner by a California public school or for whom there is no record of results from an administration of an English language proficiency test, shall be assessed for English proficiency using the CELDT. The test shall be administered between 60 calendar days before the date of first enrollment in a district school and 30 calendar days after the date of first enrollment, but not before July 1 of that school year. (5 CCR 11511)

The CELDT shall be administered in accordance with 5 CCR 11511-11516.7.

Note: 5 CCR 11516-11516.6 specify allowable variations and accommodations in CELDT administration. These variations and accommodations are generally the same as those allowed for the Standardized Testing and Reporting Program; see AR 6162.51 - Standardized Testing and Reporting Program. A matrix of allowable accommodations is available on the CDE's web site.

Variations and accommodations in test administration may be provided pursuant to 5 CCR 11516-11516.7. Any student with a disability shall be allowed to take the CELDT with those accommodations for testing that the student has regularly used during instruction and classroom assessment as delineated in the student's individualized education program (IEP) or Section 504 plan that are appropriate and necessary to address the student's individual needs. If he/she is unable to participate in the assessment or a portion of the assessment with such accommodations, he/she shall be administered an alternate assessment for English language proficiency as set forth in his/her IEP. (5 CCR 11516-11516.7)

(cf. 6152.51 - Standardized Testing and Reporting Program)
(cf. 6159 - Individualized Education Program)

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

Parental Notifications

Note: The following section specifies notifications that must be sent to parents/guardians regarding assessment results and available programs for English learners. The district may choose to combine these notifications with notifications required for parental exception waivers, as detailed in the section "Parental Exception Waivers" below. The CDE has developed sample notification letters, available on its web site in multiple translations, to notify parents/guardians of the initial identification of the student as an English learner or as initially fluent English proficient and to notify them of the results of the annual assessment.

Note: Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to their parents/guardians must be written in English and in the primary language and may be answered by the parent/guardian in either language.

Note: As provided in the following paragraph, 5 CCR 11511.5 requires the district to notify parents/guardians of their child's CELDT results within 30 calendar days following receipt of the results from the test contractor. According to the CDE's 2012-13 CELDT Information Guide, individual student performance results are received approximately eight weeks after the completed tests are sent to the test contractor for scoring.

The district shall notify parents/guardians of their child's results on the CELDT within 30 calendar days following receipt of the results from the test contractor. (5 CCR 11511.5)

(cf. 5145.6 - Parental Notifications)

At the beginning of each school year, parents/guardians shall be informed of the placement of their child in a structured English immersion program and shall be notified of an opportunity to apply for a parental exception waiver. (Education Code 310; 5 CCR 11309)

Note: The remainder of this section is for use by districts that receive federal Title III funds. Pursuant to Education Code 440 and 20 USC 7012, districts receiving federal Title III funds must notify parents/guardians of their child's assessment of English proficiency, as specified below.

Not later than 30 calendar days after the beginning of the school year, each parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title III funds shall receive notification of the assessment of his/her child's English proficiency. The notice shall include all of the following: (Education Code 440; 20 USC 7012)

1. The reason for the student's classification as an English learner
2. The level of English proficiency

3. A description of the program for English language development instruction, including a description of all of the following:

a. The manner in which the program will meet the educational strengths and needs of the student

b. The manner in which the program will help the student develop his/her English proficiency and meet age-appropriate academic standards

c. The specific exit requirements for the program, the expected rate of transition from the program into classrooms not tailored for English learners, and the expected rate of graduation from secondary school if applicable

d. Where the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP

4. Information regarding a parent/guardian's option to decline to allow the student to be enrolled in the program or to choose to allow the student to be enrolled in an alternative program

5. Information designed to assist a parent/guardian in selecting among available programs, if more than one program is offered

Parental Exception Waivers

Note: Pursuant to Education Code 311, parents/guardians may request a waiver of their child's placement in a structured English immersion program under the circumstances described below. See the accompanying Exhibit for a sample form that may be used to obtain and process the parent/guardian's waiver request.

A parent/guardian may, by personally visiting the school, request that the district waive the requirements pertaining to the placement of his/her child in a structured English immersion program if one of the following circumstances exists: (Education Code 310-311)

1. The student already possesses good English language skills, as measured by standardized tests of English vocabulary comprehension, reading, and writing, in which the student scores at or above the state average for his/her grade level or at or above the fifth-grade average, whichever is lower.

2. The student is age 10 years or older, and it is the informed belief of the principal and educational staff that an alternate course of study would be better suited to the student's rapid acquisition of basic English skills.

***Note: Education Code 311 provides that a waiver may be granted when the student has such special physical, emotional, psychological, or educational needs that an alternate course of study would be better suited to the student's overall educational development, as provided in item #3

below. The State Board of Education (SBE) has declared that the definition of "special needs" is broader than special education, or any other specific medical condition, in that expert documentation justifying the waiver need not be presented by the parent/guardian. Rather, the determination as to whether a child has "special needs" should be based on the parent/guardian's opinion that an alternative program is better for his/her child. According to the CDE, for a special education student, the IEP determines placement of that student, and therefore a waiver pursuant to this section is not required.***

3. The student already has been placed, for a period of not less than 30 calendar days during that school year, in an English language classroom and it is subsequently the informed belief of the principal and educational staff that the student has special physical, emotional, psychological, or educational needs and that an alternate course of educational study would be better suited to the student's overall educational development.

Note: 5 CCR 11309 mandates that districts establish procedures for granting parental exception waivers that contain the following two paragraphs. Pursuant to Education Code 311, waivers granted pursuant to item #3 above are subject to approval by the Superintendent under guidelines adopted by the Governing Board and ultimately subject to SBE guidelines.

Upon request for a waiver, the Superintendent or designee shall provide parents/guardians with a full written description and, upon request, a spoken description of the intent and content of the structured English immersion program, any alternative courses of study, all educational opportunities offered by the district and available to the student, and the educational materials to be used in the different educational program choices. For a request for waiver pursuant to item #3 above, the Superintendent or designee shall notify the parent/guardian that the student must be placed for a period of not less than 30 calendar days in an English language classroom and that the waiver must be approved by the Superintendent pursuant to any guidelines established by the Governing Board. (Education Code 310, 311; 5 CCR 11309)

The principal and educational staff may recommend a waiver to a parent/guardian pursuant to item #2 or #3 above. Parents/guardians shall be informed in writing of any recommendation for an alternative program made by the principal and staff and shall be given notice of their right to refuse to accept the recommendation. The notice shall include a full description of the recommended alternative program and the educational materials to be used for the alternative program as well as a description of all other programs available to the student. If the parent/guardian elects to request the alternative program recommended by the principal and educational staff, the parent/guardian shall comply with district procedures and requirements otherwise applicable to a parental exception waiver, including Education Code 310. (Education Code 311; 5 CCR 11309)

Note: If standardized tests are not available to measure a student's English language skills and for waivers pursuant to item #1 above, 5 CCR 11309 provides that the district may use equivalent measures as determined by the Board. The following optional paragraph should be revised to reflect district practice.

When evaluating waiver requests pursuant to item #1 above and other waiver requests for those

students for whom standardized assessment data are not available, other equivalent assessment measures may be used. These equivalent measures may include district standards and assessment and teacher evaluations of such students.

Parental exception waivers pursuant to item #2 above shall be granted if it is the informed belief of the principal and educational staff that an alternate course of educational study would be better suited to the student's rapid acquisition of basic English language skills. (Education Code 311)

Parental exception waivers pursuant to item #3 above shall be granted by the Superintendent if it is the informed belief of the principal and educational staff that, due to the student's special physical, emotional, psychological, or educational needs, an alternate course of educational study would be better suited to the student's overall educational development. (Education Code 311)

All parental exception waivers shall be acted upon within 20 instructional days of submission to the principal. However, parental waiver requests pursuant to item #3 above shall not be acted upon during the 30-day placement in an English language classroom. Such waivers shall be acted upon no later than 10 calendar days after the expiration of that 30-day English language classroom placement or within 20 instructional days of submission of the waiver to the principal, whichever is later. (5 CCR 11309)

Note: Education Code 310 provides that when 20 or more students in the same grade level at the same school receive a waiver, the school is required to offer an alternative class; otherwise it must allow the students to transfer to a public school in which such a class is offered. Districts that have questions about the requirement to offer a program should consult legal counsel as necessary.

Any individual school in which 20 students or more of a given grade level receive a waiver shall offer an alternative class where the students are taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. Otherwise, the students shall be allowed to transfer to a public school in which such a class is offered. (Education Code 310)

In cases where a parental exception waiver pursuant to item #2 or #3 above is denied, the parent/guardian shall be informed in writing of the reason(s) for the denial and advised that he/she may appeal the decision to the Board if the Board authorizes such an appeal, or to the court. (5 CCR 11309)

Waiver requests shall be renewed annually by the parent/guardian. (Education Code 310)

Reclassification/Redesignation

***Note: The following section reflects procedures established by law and state regulations for the reclassification of English learners to fluent English proficient. Education Code 313.5, as added by SB 1108 (Ch. 434, Statutes of 2012), requires the CDE to review the criteria, policies, and practices of a sampling of school districts and to recommend to the Legislature and the SBE,

by January 1, 2014 and again by January 1, 2017, any guidelines or regulatory or statutory changes needed to identify when English learners are prepared for the successful transition to classrooms and curricula that require English proficiency.***

The district shall continue to provide additional and appropriate educational services to English learners for the purposes of overcoming language barriers until they: (5 CCR 11302)

1. Demonstrate English language proficiency comparable to that of the district's average native English language speakers
2. Recoup any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers

English learners shall be reclassified as fluent English proficient when they are able to comprehend, speak, read, and write English well enough to receive instruction in an English language classroom and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study. (Education Code 52164.6)

Note: 5 CCR 11303 mandates that the district's reclassification process include the criteria specified in items #1-4 below. The CDE's 2012-13 CELDT Information Guide includes recommendations for assessing each of the following criteria.

The following measures shall be used to determine whether an English learner shall be reclassified as fluent English proficient: (Education Code 313; 5 CCR 11303)

1. Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the CELDT.
2. Participation of the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions related to the student.
3. Parent/guardian opinion and consultation. The Superintendent or designee shall provide the parent/guardian with notice and a description of the reclassification process and of his/her opportunity to participate in the process and shall encourage his/her involvement in the process.
4. Student performance on a statewide assessment of basic skills in English.

Note: 5 CCR 11304 requires the district to monitor the progress of reclassified students to ensure that their classification and placement are correct. During the Federal Program Monitoring process, CDE staff will check whether the district monitors the progress of reclassified students for at least two years and whether such monitoring includes a determination of additional academic support needed.

The Superintendent or designee shall monitor the progress of reclassified students to ensure their correct classification and placement. (5 CCR 11304)

Students shall be monitored for at least two years following their reclassification. As part of this evaluation, the Superintendent or designee shall identify whether the student needs any additional academic support to ensure his/her language and academic success.

Advisory Committees

Note: The following section should be revised to reflect district practice. Pursuant to 5 CCR 11308, parent/guardian advisory committees are required for any district with over 50 English learners and for schools with over 20 English learners. Duties of the advisory committee are specified in 5 CCR 11308. Also see BP/AR 5020 - Parent Rights and Responsibilities for information about the rights of parents/guardians of English learners.

At the district level when there are more than 50 English learners in the district and at each school with more than 20 English learners, parent/guardian advisory committees shall be maintained to serve the advisory functions specified in law. (5 CCR 11308)

Parents/guardians of English learners shall constitute committee membership in at least the same percentage as their children represent of the total number of students in the school. (Education Code 52176)

The district's English language advisory committee shall advise the Board on at least the following tasks: (5 CCR 11308)

1. The development of a district master plan of education programs and services for English learners, taking into consideration the school site plans for English learners
2. The districtwide needs assessment on a school-by-school basis
3. Establishment of a district program, goals, and objectives for programs and services for English learners
4. Development of a plan to ensure compliance with applicable teacher or aide requirements
5. Administration of the annual language census
6. Review of and comment on the district's reclassification procedures
7. Review of and comment on the written notification required to be sent to parents/guardians pursuant to 5 CCR 11300-11316

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)
(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

In order to assist advisory members in carrying out their responsibilities, the Superintendent or designee shall ensure that committee members receive appropriate training and materials. This training shall be planned in full consultation with the members. (5 CCR 11308)

(11/02 3/03) 11/12

CSBA Sample

Exhibit

Education For English Language Learners

E 6174

Instruction

PARENTAL EXCEPTION WAIVER EDUCATION CODE 311

Student's Name: _____ Grade: _____

School: _____ Date of Birth: _____

Student's Primary Language: _____

I request a waiver of the placement of my child in the school's structured/sheltered English immersion program for the following reason:

My child possesses good English language skills. (Education Code 311(a))

My child is 10 years of age or older and I believe that an alternate course of study is better suited to my child's rapid acquisition of English. (Education Code 311(b))

I believe that my child has special needs and that an alternate course of study is better suited to his/her educational development. (Education Code 311(c))

I understand that the objective for my child is to be taught English as rapidly and effectively as possible. I have been provided a full written description of the intent and content of the structured English immersion program; any alternative courses of study offered by the district and made available to my child; all educational opportunities offered by the district and made available to my child; and the educational materials to be used in the different educational program choices.

I have personally visited the school to apply for this waiver.

I understand that I must request that this waiver be reconsidered annually, each school year.

Parent/Guardian Signature: _____

Date: _____

Address: _____

City: _____ State: Zip: _____

Phone Number: _____

For School Use Only:

For waivers pursuant to Education Code 311(a), student's English standardized test scores:
(Scores must be at or above the state average for the child's grade level or above the 5th grade
average) _____

Waiver Granted/Denied: Date: _____

Signature: _____ Title: _____

(10/95 10/98) 11/12

CSBA Sample

Board Policy

Weekend/Saturday Classes

BP 6176

Instruction

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2012-13 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also see BP 2210 - Administrative Discretion Regarding Board Policy.

Cautionary Notice 2010-13: AB 1610 (Ch. 724, Statutes of 2010) amended Education Code 37252.2 and Government Code 17581.5 to relieve districts from the obligation, until July 1, 2013, to perform any activities that are deemed to be reimbursable state mandates under those sections. As a result, certain provisions of the following policy or administrative regulation that reflect those requirements may be suspended.

The Governing Board may provide classes on Saturday and/or Sunday in order to meet the academic needs of students.

(cf. 6111 - School Calendar)

***Note: Education Code 37223 authorizes the Board to establish weekend classes in any or all of the categories listed below. Items #1, 4 may be revised to reflect those weekend classes approved by the Board. ***

Weekend classes may include but are not limited to: (Education Code 37223)

1. Continuation classes

(cf. 6184 - Continuation Education)

***Note: Pursuant to Education Code 37223, voluntary attendance in special weekend activities for mentally gifted minors, as described in item #2, below cannot be included in the district's ADA computation. ***

2. Special day classes for mentally gifted minors

(cf. 6172 - Gifted and Talented Student Program)

3. Makeup classes for unexcused absences occurring during the week

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Truancy)

(cf. 6154 - Homework/Makeup Work)

4. The programs of a regional occupational center or regional occupational program

Note: Pursuant to Education Code 37252 and 37252.2, districts must offer supplemental instruction to students in grades 7-12 who are not making sufficient progress towards the exit examination required for high school graduation and students in grades 2-9 who are retained or recommended for retention pursuant to Education Code 48070.5. These programs may be offered on Saturdays, during summer, before school, after school, and/or during intersessions. Optional supplemental instructional programs that may be offered at these times are described in Education Code 37252.8 and 37253, as these sections were amended by AB 1136 (Ch. 402, Statutes of 2005). In addition, the Pupil Retention Block Grant (Education Code 41505-41506, as amended by AB 1136) allows block grant funding to be spent for the purposes of intensive reading or algebra programs described in Education Code 53025-53032 and 53091-53095, as these repealed statutes read on January 1, 2004, which may include Saturday programs. See BP/AR 6179 - Supplemental Instruction for descriptions of all these supplemental instructional programs.

Saturday classes also may be used to provide supplemental instruction for students who are failing to meet academic requirements and/or students who desire enrichment in core academic subjects in accordance with law, Board policy and administrative regulation. (Education Code 37252, 37252.2, 37252.8, 37253, 41505-41506)

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6179 - Supplemental Instruction)

Legal Reference:

EDUCATION CODE

37223 Weekend classes

37252-37254.1 Supplemental instruction

41505-41508 Pupil Retention Block Grant

41601 Reports of average daily attendance

42239 Summer school attendance computation

44824 Weekend classes, assignment of certificated employees

48070-48070.5 Promotion and retention, supplemental instruction

48205 Excused absence for personal reasons

48260 Truants, definition

51000-52706 General instructional programs, especially

51002 Development of local programs within guidelines

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

53025-53032 Intensive reading instruction

53091-53095 Intensive algebra instruction

(3/90 6/92) 11/00

CSBA Sample

Administrative Regulation

Weekend/Saturday Classes

AR 6176
Instruction

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect these requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also, see BP 2210-Administrative Discretion Regarding Board Policy.

***Note: The following optional regulation should be revised to reflect programs offered by the district. ***

Any class offered on a Saturday or Sunday pursuant to Education Code 37223, except in regional occupational centers or programs, shall be one offered Monday through Friday during the regular school week. (Education Code 37223)

(cf. 6111 - School Calendar)

Except in regional occupational centers or programs, weekend attendance shall not result in crediting any student with more than five days of attendance per week. (Education Code 37223)

Attendance at weekend classes offered pursuant to Education Code 37223 shall be voluntary, except that truants, as defined in Education Code 48260, may be required to attend makeup classes on one day of a weekend in order to make up lost instructional time. (Education Code 37223)

(cf. 5113.1 - Truancy)

A student shall be excused from a weekend class if it is held on a day when such attendance would be in conflict with his/her religious beliefs. (Education Code 37252-37253, 48205)

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

11/00

Summer Learning Programs

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also see BP 2210 - Administrative Discretion Regarding Board Policy.

Cautionary Notice 2010-13: AB 1610 (Ch. 724, Statutes of 2010) amended Education Code 37252.2 and Government Code 17581.5 to relieve districts from the obligation, until July 1, 2013, to perform any activities that are deemed to be reimbursable state mandates under those sections. As a result, certain provisions of the following policy or administrative regulation that reflect those requirements may be suspended.

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

The Governing Board recognizes that an extended break from the instructional program may result in significant learning loss, especially among disadvantaged and low-achieving students, and desires to provide opportunities during the summer for students to practice essential skills and make academic progress.

Summer programs offered by the district shall be aligned with district goals and curriculum. When feasible, summer programs shall blend high-quality academic instruction in core curricular and/or elective subjects with recreation, nutrition programs, social/emotional development, and support services that encourage attendance, student engagement in learning, and student wellness.

(cf. 0200 - Goals for the School District)
(cf. 3552 - Summer Meal Program)
(cf. 5030 - Student Wellness)
(cf. 5141.6 - School Health Services)
(cf. 5148 - Child Care and Development Program)
(cf. 6142.7 - Physical Education and Activity)
(cf. 6153 - School-Sponsored Trips)

Summer School

***Note: Summer school programs may be funded through a variety of sources that include, but are not limited to, state hourly reimbursement funding for supplemental instruction (Education

Code 37252, 37252.2) as described below, Title I funding (20 USC 6311-6322), supplemental funds as part of After School Education and Safety Program grants (Education Code 8482-8484.6), supplemental funds as part of 21st Century Community Learning Center grants (Education Code 8484.7-8484.9; 20 USC 7171-7176), and other federal, state, and district funds.***

Note: In addition, Education Code 54444.3 requires agencies receiving federal Title I Migrant Education funding to conduct summer school programs for eligible migrant students; see BP/AR 6175 - Migrant Education Program.

When funds are available, the Superintendent or designee, with Board approval, shall establish summer school day and/or evening classes.

(cf. 5148.2 - Before/After School Program)
(cf. 6171 - Title I Programs)
(cf. 6175 - Migrant Education Program)

Note: Pursuant to Education Code 37252 and 37252.2, districts must offer supplemental instruction to students in grades 7-12 who are not making sufficient progress toward passing the state exit examination required for high school graduation and students in grades 2-9 who are retained or recommended for retention pursuant to Education Code 48070.5. These programs and other optional supplemental instructional programs described in Education Code 37252.8 and 37253 may be offered during summer, on Saturdays, before school, after school, and/or during intercessions. In addition, the Pupil Retention Block Grant (Education Code 41505-41506) allows block grant funding to be spent for the purposes of intensive reading or algebra programs described in Education Code 53025-53032 and 53091-53095, as these repealed statutes read on January 1, 2004, which may include summer programs. See BP/AR 6179 - Supplemental Instruction for descriptions of all these supplemental instructional programs.

Note: The following optional paragraph is for use by districts that choose to offer supplemental instructional programs during the summer in accordance with law.

The district's summer school program may be used to provide supplemental instruction for students failing to meet academic requirements and/or students who desire enrichment in core academic subjects in accordance with law, Board policy, and administrative regulation. (Education Code 37252, 37252.2, 37252.8, 37253, 41505-41506; 5 CCR 11472)

(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 5147 - Dropout Prevention)
(cf. 6011 - Academic Standards)
(cf. 6143 - Courses of Study)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)
(cf. 6162.52 - High School Exit Examination)
(cf. 6176 - Weekend/Saturday Classes)

(cf. 6179 - Supplemental Instruction)

Note: The following optional list establishes enrollment priorities for the provision of summer school instruction and may be revised to reflect district practice. Items #1-2 establish priority for students eligible for mandatory supplemental instructional programs pursuant to Education Code 37252 and 37252.2. Item #3 should be deleted by districts that do not maintain grade 12.

Priority to enroll in summer school programs shall be given to district students who:

1. Are eligible for supplemental instruction on the basis of retention or recommendation for retention pursuant to Education Code 37252.2
2. Are eligible for supplemental instruction on the basis of insufficient progress toward passing the state high school exit examination pursuant to Education Code 37252
- ~~3. Need course credits in order to graduate from high school before the beginning of the next school year~~

OPTION 1: The remaining openings shall be offered to district students on a first-come first-served basis.

~~OPTION 2:~~ The remaining openings shall be offered to district students on a lottery basis.

Note: Although the determination of excused and unexcused absences is irrelevant for accounting purposes pursuant to Education Code 42238.8, verification of excused absences may still be relevant for purposes of awarding credit for summer school classes. The following optional paragraph should be modified to reflect district practice.

Because summer courses cover extensive instructional content in a relatively short time period, students who have more than three excused absences or one unexcused absence may not receive credit for summer session class(es) unless they make-up missed work in accordance with law, Board policy, and administrative regulation.

(cf. 5113 - Absences and Excuses)
(cf. 6154 - Homework/Make-Up Work)

Note: State funding is not available for transportation to summer school. To accommodate students and parents/guardians who need to provide their own transportation, some districts rotate the sites at which summer sessions are offered, as provided in the following optional paragraph.

Sites for summer school programs may be rotated in an effort to make summer school programs more accessible to all students, regardless of residence or regular attendance area, and to accommodate the maintenance needs of district schools.

Note: The following optional paragraph should be revised to reflect indicators for program evaluation that have been agreed upon by the Board and Superintendent, as well as a timeline for reports to the Board.

The Superintendent or designee shall annually report to the Board on summer school enrollment in the current year and previous year for the program as a whole and disaggregated by grade level, school that the students attend during the regular school year, and student population such as students from low-income families, students with disabilities, and English learners. In addition, he/she shall report on the extent to which students successfully achieved the academic outcomes established for the program.

Additional Summer Learning Opportunities

Note: The following optional section may be revised to reflect district practice and may be adapted for use during intercessions other than summer break. For further information about summer learning opportunities, see CSBA's policy brief School's Out, Now What? How Summer Programs Are Improving Student Learning and Wellness.

The Superintendent or designee may collaborate with parents/guardians, city and county agencies, community organizations, child care providers, and/or other interested persons to develop, implement, and build awareness of organized activities that support summer learning.

(cf. 1020 - Youth Services)

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

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

Strategies to support summer learning may include, but are not limited to:

1. Gathering and providing information to students and parents/guardians about summer reading programs scheduled to be conducted by public libraries or community organizations
2. Collaborating with the local parks and recreation agency and/or community organizations to provide day camps, sports programs, or other opportunities for physical education and activity

(cf. 1330.1 - Joint Use Agreements)

3. Collaborating with workforce development agencies, businesses, and community organizations to provide summer job training programs that include an academic component

(cf. 3260 - Fees and Charges)

(cf. 5113.2 - Work Permits)

(cf. 6178.1 - Work-Based Learning)

4. Encouraging reading in the home, such as providing lists of recommended reading to

students and parents/guardians, establishing a target number of books or pages, and providing prizes for achievement of reading goals

(cf. 6020 - Parent Involvement)

5. Assigning summer homework in core curricular subject(s) that is due at the beginning of the school year for extra credit

6. Conducting occasional, interactive "fun days" during the summer to provide activities related to art, music, science, technology, mathematics, environmental science, multicultural education, debate, or other subjects

7. Arranging opportunities for community service

(cf. 6142.4 - Service Learning/Community Service Classes)

Legal Reference:

EDUCATION CODE

8482-8484.6 After School Education and Safety Program

8484.7-8484.9 21st Century Community Learning Centers

37252-37254.1 Supplemental instruction

39837 Transportation to summer employment programs

41505-41508 Pupil Retention Block Grant

41976.5 Summer school programs, substantially disabled persons or graduating high school seniors

42238.8 Revenue limit for average daily attendance

42239 Summer school apportionments

48070-48070.5 Promotion and retention

51210 Areas of study for elementary schools

51220 Areas of study for grades 7-12

51730-51732 Powers of governing boards (authorization for elementary summer school classes)

54444.3 Summer program for migrant students

56345 Extended-year program for special education students

58700-58702 Credit towards summer school apportionments for tutoring and homework assistance

58806 Summer school apportionments

60851 Supplemental instruction toward exit examination

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

53025-53032 Intensive reading instruction

53091-53095 Intensive algebra instruction

CODE OF REGULATIONS, TITLE 5

3043 Extended school year, special education students

11470-11472 Summer school

UNITED STATES CODE, TITLE 20
6311-6322 Improving basic programs for disadvantaged students
7171-7176 21st Century Community Learning Centers

Management Resources:

CSBA PUBLICATIONS

School's Out, Now What? How Summer Programs Are Improving Student Learning and Wellness, Policy Brief, April 2013

NATIONAL SUMMER LEARNING ASSOCIATION PUBLICATIONS

Healthy Summers for Kids: Turning Risk into Opportunity, May 2012

New Vision for Summer School, 2010

RAND CORPORATION PUBLICATIONS

Making Summer Count: How Summer Programs Can Boost Children's Learning, 2011

WEB SITES

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

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

National Summer Learning Association: <http://www.summerlearning.org>

Partnership for Children and Youth: <http://partnerforchildren.org>

RAND Corporation: <http://www.rand.org>

Summer Matters: <http://summermatters2you.net>

(11/01 7/05) 4/13

CSBA Sample

Board Policy

Career Technical Education

BP 6178
Instruction

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect these requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also, see BP 2210-Administrative Discretion Regarding Board Policy.

Note: The following policy is for use by districts that maintain any of grades 7-12. Education Code 51220 requires that the adopted course of study for grades 7-12 include courses in career technical education (CTE); see BP/AR 6143 - Courses of Study.

Note: The Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV) (20 USC 2301-2414) provides (1) state basic grants for local programs of CTE for secondary and postsecondary students, and (2) tech prep grants for programs that incorporate at least two years of secondary education with two years of postsecondary education in a sequential course of study. In addition, secondary schools may offer CTE through partnership academies (Education Code 54690-54697), regional occupational centers and programs (ROC/Ps) (Education Code 52300-52335.12), and/or district-funded programs. Education Code 52372.5-52372.7, as amended by AB 790 (Ch. 616, Statutes of 2011), establish a pilot project to implement a limited number of districtwide "linked learning" programs integrating academic and technical study (sometimes called "multiple pathways") and describe components of such programs; see the accompanying administrative regulation.

Note: The following policy should be revised to reflect program(s) offered by the district and grade levels at which such programs shall be offered.

The Governing Board desires to provide a comprehensive career technical education (CTE) program in the secondary grades which integrates core academic instruction with technical and occupational instruction in order to increase student achievement, graduation rates, and readiness for postsecondary education and employment. The district's CTE program shall be designed to help students develop the academic, career, and technical skills needed to succeed in a knowledge- and skills-based economy. The program shall include a rigorous academic

component and provide students with a strong experience and understanding of all aspects of an industry.

(cf. 6143 - Courses of Study)
(cf. 6200 - Adult Education)

The district's CTE program shall focus on preparing students to enter current or emerging high-skill, high-wage, and/or high-demand occupations. CTE opportunities may be offered through linked learning programs, partnership academies, apprenticeship programs or orientation to apprenticeships, regional occupational centers or programs, tech prep programs, charter schools, small learning communities, or other programs that expose students to career options while preparing them for future careers in a given industry or interest area.

(cf. 0420.4 - Charter School Authorization)
(cf. 6178.2 - Regional Occupational Center/Program)

Note: Pursuant to 20 USC 2354, districts applying for Perkins IV funding must submit to the California Department of Education (CDE) a district plan which covers the same time period as the state plan required by 20 USC 2342; see the accompanying administrative regulation. In addition, the district must annually submit an application for funding which must be approved by the Governing Board.

The Board shall review and approve all district plans and applications for the use of state and/or federal funds supporting CTE.

Note: State model curriculum standards for CTE for grades 7-12 integrate the state's academic content standards with industry-specific knowledge and skills in 58 career pathways organized into 15 industry sectors: agriculture and natural resources; arts, media, and entertainment; building trades and construction; education, child development, and family services; energy and utilities; engineering and design; fashion and interior design; finance and business; health science and medical technology; hospitality, tourism, and recreation; information technology; manufacturing and product development; marketing, sales, and service; public services; and transportation. The state's curriculum framework for CTE provides guidance in implementing the state content standards. Any district that adopts a course of study that meets or exceeds the state model curriculum standards will be deemed to have satisfied the requirement of Education Code 51228 that the district offer students in grades 7-12 the opportunity to attain entry-level employment skills in business or industry upon high school graduation; see BP 6143 - Courses of Study.

The Board shall adopt district standards for CTE which meet or exceed the state's model content standards and describe the essential knowledge and skills that students enrolled in these courses are expected to master. The course curriculum shall be aligned with district-adopted standards and the state's curriculum framework.

(cf. 6011 - Academic Standards)
(cf. 6141 - Curriculum Development and Evaluation)

Note: The following two paragraphs are mandated for districts that receive funding through the targeted instructional improvement block grant (Education Code 41541) and choose to use such funds to develop and implement, in consultation with the ROC/P and community college serving the geographic area of the district, a CTE program for high school students in accordance with Education Code 52376. Pursuant to Education Code 52376, districts that receive supplemental funding or other funds for this purpose are mandated to adopt policies and procedures that include (1) comparison of the district's CTE curriculum, course content, and course sequence with the model state curriculum standards, and (2) review of CTE courses to determine the extent to which they may offer an alternative means for completing course requirements for high school graduation.

Note: In addition, beginning in the 2012-13 school year, Education Code 51225.3, as amended by AB 1330 (Ch. 621, Statutes of 2011), authorizes the Board to include a course in CTE as an alternative to the visual or performing arts or foreign language course requirement for high school graduation; see BP 6146.1 - High School Graduation Requirements.

At least every three years, the Board shall compare the district's curriculum, course content, and course sequence of CTE with the model state curriculum standards. (Education Code 52376)

The Superintendent or designee shall systematically review the district's CTE classes to determine the degree to which each class may offer an alternative means for completing and receiving credit for specific portions of the course of study prescribed by the district for high school graduation. The Board shall ensure that these classes are equivalent in content and rigor to the courses prescribed for graduation. (Education Code 52376)

(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.11 - Alternative Credits Toward Graduation)
(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

Note: Education Code 51760.1 authorizes districts, county offices of education, ROC/Ps, and partnership academies to provide work-based learning opportunities which may include, but are not limited to, work experience education as defined in Education Code 51764, community classrooms or cooperative CTE programs as defined in Education Code 52372.1, and job shadowing as defined in Education Code 51769; see BP/AR 6178.1 - Work-Based Learning. In addition, although not specified in state law, other examples of work-based learning opportunities cited in the CDE's publication Multiple Pathways to Student Success: Envisioning the New California High School include student internships/field study, apprenticeships, service learning, work in social/civic enterprises or school-based enterprises such as student stores, and technology-based or other simulated work experiences.

The Superintendent or designee shall develop partnerships with local businesses and industries to ensure that course sequences, career technical and integrated curriculum, classroom instruction and projects, and assessments have real-world relevance and reflect labor market needs and priorities. He/she also shall work to develop connections with businesses, postsecondary institutions, community organizations, and/or other employers to provide students with actual or

simulated work-based learning opportunities.

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

(cf. 5113.2 - Work Permits)

(cf. 6178.1 - Work-Based Learning)

The Superintendent or designee shall collaborate with postsecondary institutions to ensure that the district's program is articulated with postsecondary programs in order to provide a sequential course of study. Articulation opportunities may include dual or concurrent enrollment in community college courses.

(cf. 6172.1 - Concurrent Enrollment in College Classes)

Note: The following optional paragraph may be revised to reflect district practice. Among the criteria for admission to the University of California (UC) or California State University (CSU) system is a requirement that high school students satisfactorily complete 15 units of specified courses ("a-g" courses). These include a growing number of CTE courses that connect knowledge of academic content with practical or work-related applications. Education Code 51229 requires that districts annually provide parents/guardians of students in grades 9-12 with (1) a brief explanation of the a-g course requirements; (2) a list of UC and CSU web sites that provide related information and a list of certified a-g courses; (3) a brief description of what CTE is, as defined by the CDE; (4) the Internet address for the portion of the CDE web site where students can learn more about CTE; and (5) information about how students may meet with school counselors to help them choose courses that will meet college admission requirements and/or to enroll in CTE courses; see AR 6143 - Courses of Study and E 5145.6 - Parental Notifications.

Note: In addition, districts that include a course in CTE as an alternative to the visual or performing arts or foreign language course requirement for high school graduation, as authorized by Education Code 51225.3, are required by Education Code 48980 to provide a list of CTE courses offered by the district that satisfy the a-g course requirements for college admission and to specify which requirements they satisfy. Districts that do not allow this alternative graduation requirement should modify the paragraph below accordingly.

Note: As a condition of receiving funds under the Supplemental School Counseling Program, Education Code 52378 requires the district's counseling program to provide specified services, including an individualized review of a student's career goals as well as the academic and CTE opportunities and community and workplace experiences available to support those goals; see BP/AR 6164.2 - Guidance/Counseling Services.

The Superintendent or designee shall inform all secondary students and their parents/guardians about the CTE experiences available in the district, CTE courses that satisfy college admission criteria, and, if applicable, CTE courses that satisfy high school graduation requirements. In addition, secondary students shall receive individualized career guidance and academic counseling which provides information about academic and CTE opportunities related to the student's career goals.

(cf. 5145.6 - Parental Notifications)
(cf. 6164.2 - Guidance/Counseling Services)

Note: Teachers of technical, trade, or vocational courses must possess a single subject credential or a designated subjects credential issued by the Commission on Teacher Credentialing (CTC) which authorizes teaching CTE courses. The designated subjects CTE credential is available in 15 subjects which reflect the 15 industry sectors identified in the state's model curriculum standards; see AR 4112.2 - Certification. In order to obtain the preliminary designated subjects credential, teachers must have at least three years of work experience directly related to each industry sector specified on the credential.

Note: Education Code 44257.3, as added by AB 1304 (Ch. 259, Statutes of 2011), authorizes the CTC to develop program standards for the issuance of a "recognition of study in linked learning" demonstrating completion of a CTC-approved program in linked learning teaching methods. The recognition of study must not be considered a type of authorization, used as a condition of employment, replace subject matter competence requirements, or used in making decisions related to reductions in employee positions.

Note: For districts applying for Perkins IV funding, 20 USC 2354 requires the district plan to address ongoing staff development for CTE teachers and administrators; see the accompanying administrative regulation.

The Superintendent or designee shall ensure that teachers of CTE courses possess the qualifications and credentials necessary to teach their assigned courses. He/she also shall provide teachers and administrators with professional development designed to enhance their knowledge of standards-aligned CTE and shall provide opportunities for CTE teachers to collaborate with teachers of academic courses in the development and implementation of integrated curriculum models.

(cf. 4112.2 - Certification)
(cf. 4131 - Staff Development)
(cf. 4331 - Staff Development)

The Superintendent or designee shall provide counselors and other guidance personnel with professional development that includes, but is not limited to, information about current workforce needs and trends, requirements of the district's CTE program, work-based learning opportunities, and postsecondary education and employment options following high school.

Note: The following paragraph is for use by districts that receive funding through Perkins IV for either basic CTE programs or tech prep programs pursuant to 20 USC 2301-2414.

Upon written request from a nonprofit private school within the geographical area served by the district, the Superintendent or designee shall consult with private school representatives in a timely and meaningful manner and may provide for the participation of private school secondary

students in the district's programs and activities funded under the federal Carl D. Perkins Career and Technical Education Act. To the extent practicable, the Superintendent or designee also shall, upon request, permit participation of CTE teachers, administrators, and other personnel from private schools in the district's inservice and preservice professional development programs funded through the Perkins Act. (20 USC 2397)

Note: The following paragraph is optional. Education Code 17078.72 provides funding for improving and expanding CTE programs through construction of new facilities, remodeling of existing facilities, and/or purchase of equipment.

The Superintendent or designee shall regularly assess district needs for facilities, technologies, and equipment to increase students' access to the district's CTE program.

(cf. 0440 - District Technology Plan)
(cf. 3440 - Inventories)
(cf. 3512 - Equipment)
(cf. 7110 - Facilities Master Plan)

Nondiscrimination

Note: The following paragraph is for use by districts that receive Perkins IV funding but may be adapted for use by other districts. Pursuant to 20 USC 2354, the district plan for Perkins IV funding must describe how individuals who are members of "special populations," as defined in 20 USC 2302, will not be discriminated against. In addition, a district that receives federal aid is required by 34 CFR 100.B (Appendix B-IV), 104.8, and 106.9 to take "continuing steps" to notify students, parents/guardians, employees, employee organizations, and applicants for admission and employment that it does not discriminate in its educational programs or activities. See BP 0410 - Nondiscrimination in District Programs and Activities.

Note: In the Federal Program Monitoring (FPM) process, CDE staff will check to ensure that the district complies with requirements to (1) ensure equitable participation of special population students through outreach, recruitment, enrollment, and placement activities; (2) identify and adopt strategies to overcome barriers to access or success in the program; (3) ensure that counseling materials and activities, including student program selection and career/employment selection, and promotional and recruitment efforts are nondiscriminatory; and (4) advise students, parents/guardians, employees, and the general public, prior to the beginning of the school year, that all CTE opportunities are offered without regard to race, color, national origin, sex, or disability in accordance with 34 CFR 100.B (Appendix B-IV).

The district's program shall provide equal access to and shall not unlawfully discriminate against students who are members of special populations. Special populations include, but are not limited to, students with disabilities; students from economically disadvantaged families, including foster youth; single parents and single pregnant females; displaced homemakers; students with limited English proficiency; and students preparing for nontraditional fields. Nontraditional fields include occupations or fields of work, including careers in computer science, technology, and other emerging high-skill occupations, for which individuals from one

gender constitute less than 25 percent of the individuals employed in each such occupation or field of work. (20 USC 2302, 2354, 2373)

Note: Pursuant to 34 CFR 100.B (Appendix B-IV), the notice specified below may be made in local newspapers, publications or media reaching target populations, or by other means, and should include a brief summary of program offerings, admission criteria, and the name and contact information of the person designated to coordinate Title IX and Section 504 compliance activity.

Prior to the beginning of each school year, the Superintendent or designee shall advise students, parents/guardians, employees, and the general public that all CTE opportunities are offered without regard to any actual or perceived characteristic protected from discrimination by law. (34 CFR 100.B, 104.8, 106.9)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1312.3 - Uniform Complaint Procedures)

Note: 34 CFR 100.B (Appendix B-IV) requires that, when the population within the district contains a community of persons with limited English language skills, the above notification shall be disseminated in the languages of the community. See BP 5145.6 - Parental Notifications for state requirements pertaining to the translation of parental notifications.

The above notification shall be disseminated in languages other than English as needed and shall state that the district will take steps to ensure that the lack of English language skills will not be a barrier to admission and participation in the district's CTE program. (20 USC 2354; 34 CFR 100.B)

School and Community Involvement

Note: Education Code 8070 requires the Board to appoint an advisory committee composed of representatives from specified groups, as detailed below. During the FPM process, CDE staff will review whether the district has appointed such a committee.

The Board shall appoint a CTE advisory committee to develop recommendations on the district's CTE program and to serve as a liaison between the district and potential employers. The committee shall consist of at least one student, teacher, business representative, industry representative, school administrator, member of the general public knowledgeable about the disadvantaged, and representative of the field office of the California Employment Development Department. (Education Code 8070)

(cf. 1220 - Citizen Advisory Committees)

***Note: The following paragraph is for use by districts that receive Perkins IV funding but may be adapted for use by other districts. 20 USC 2354 requires that the persons specified below be involved in the development, implementation, and evaluation of CTE programs funded by

Perkins IV. One way of accomplishing this is to include representatives of these groups on the CTE advisory committee described above. Pursuant to the 2008-2012 State Plan for Career Technical Education, the district must hold at least one annual business and industry advisory committee meeting.***

The district also shall involve parents/guardians; students; academic and CTE teachers; administrators; career guidance and academic counselors; representatives of tech prep consortia if applicable, business and industry, labor organizations, and special populations; and other interested individuals in the development, implementation, and evaluation of CTE programs. (20 USC 2354)

Program Evaluation

Note: The following section is for use by districts that receive Perkins IV funding but may be adapted for use by other districts. Pursuant to 20 USC 2323, each district receiving Perkins IV funding must be evaluated annually by the state to determine whether the district is making substantial progress in achieving specific performance level targets on core indicators as detailed in the state plan. The following paragraph reflects indicators specified in the 2008-2012 State Plan for Career Technical Education. Districts are required to enter data electronically through the CDE's Perkins Data System.

Note: Pursuant to 20 USC 2343, if the district falls below 90 percent on any of these performance level targets, the district will be required to develop and implement an improvement plan. The state plan further provides that if the district falls below 90 percent on three or more performance levels or below 60 percent on any one performance level, then the district will be required to submit a detailed action plan that describes the strategies to be implemented for bringing the district to the 90 percent performance level within two years. A district scoring in the lowest percentage of overall performance, as determined by a composite ranking of measures, will be subject to Perkins program monitoring. Ultimately, a district that fails to submit the required program improvement plan and/or fails to make the required improvements is subject to sanctions that could result in the loss of a portion or all of its allocated funds.

The Board shall monitor the achievement of students participating in the district's CTE program in order to determine the need for program improvements. The Superintendent or designee shall annually report to the Board and the California Department of Education on program enrollment and completion rates, including enrollment and completion of programs in nontraditional fields as defined in 20 USC 2302; student academic assessment results; attainment of career and technical skill proficiencies; attainment of a high school diploma or equivalent; graduation rates; and subsequent placement in postsecondary education or advanced training, military service, or employment. Data shall be disaggregated, in accordance with 20 USC 2323, by race, ethnicity, gender, disability status, migrant status, English proficiency, and economic disadvantage status and for each special population as defined in 20 USC 2302 and listed in the section "Nondiscrimination" above.

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

(cf. 6162.51 - Standardized Testing and Reporting Program)
(cf. 6162.52 - High School Exit Examination)
(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:

EDUCATION CODE

1205 Classification of counties
8006-8156 Career technical education
17078.70-17078.72 Career technical education facilities
33430-33432 Health science and medical technology grants
35168 Inventory of equipment
41505-41508 Pupil Retention Block Grant
41540-41544 Targeted instructional improvement block grant
44257.3 CTC recognition of study in linked learning teaching methods
44260-44260.1 Designated subjects career technical education credential
44260.9 Designated subjects career technical education credential
48430 Legislative intent; continuation education schools and classes
48980 Parental notifications
51220-51229 Courses of study, grades 7-12
51760-51769.5 Work experience education
52300-52499.66 Career technical education
52519-52520 Adult education, occupational training
53080-53084 School-to-career initiatives
53086 California Career Resource Network
54690-54699.1 California Partnership Academies
54750-54760 California Partnership Academies, green technology and goods movement occupations
56363 Related services for students with disabilities; specially designed career technical education
66205.5-66205.9 Approval of career technical education courses for admission to California colleges
88500-88551 Community college economic and workforce development program

GOVERNMENT CODE

54950-54963 Brown Act

LABOR CODE

3070-3099.5 Apprenticeships

CODE OF REGULATIONS, TITLE 5

1635 Credit for work experience education
3051.14 Specially designed career technical education for students with disabilities
10070-10075 Work experience education
10080-10092 Community classrooms
10100-10111 Cooperative vocational education
11500-11508 Regional occupational centers and programs
11535-11538 Career technical education contracts with private postsecondary schools

11610-11611 Regional adult and vocational education councils
CODE OF REGULATIONS, TITLE 8
200-240 Apprenticeships
UNITED STATES CODE, TITLE 20
2301-2414 Carl D. Perkins Career and Technical Education Act of 2006
6301-6578 Improving the Academic Achievement of the Disadvantaged
CODE OF FEDERAL REGULATIONS, TITLE 34
76.730-76.731 Records related to federal grant programs
80.32 Equipment acquired with federal funds
80.42 Record retention
100.B Appendix B Guidelines for eliminating discrimination in career technical education programs
104.1-104.39 Section 504 of the Rehabilitation Act of 1973
106.1-106.61 Discrimination on the basis of sex, effectuating Title IX

Management Resources:

CSBA PUBLICATIONS

Orientation to Apprenticeship Overview, Construction Management Task Force Fact Sheet, November 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

2008-2012 State Plan for Career Technical Education

Multiple Pathways to Student Success: Envisioning the New California High School, 2010

Regional Occupational Centers and Programs Operations Handbook March 2008

Model Programs and Practices: Setting Standards for Regional Occupational Centers and Programs (ROCPs), rev. October 2007

Career Technical Education Framework for California Public Schools, Grades Seven Through Twelve, January 2007

California Career Technical Education Model Curriculum Standards, Grades Seven Through Twelve, May 2005

Management of Vocational Education Equipment, April 2000

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS, DIVISION OF
APPRENTICESHIP STANDARDS PUBLICATIONS

Orientation to Apprenticeships: A Guide for Educators, January 2001

WEB SITES

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

Association for Career and Technical Education: <http://www.acteonline.org>

California Association of Regional Occupational Centers and Programs: <http://www.carocp.org>

California Career Resource Network: <http://www.californiacareers.info>

California Department of Education, Career Technical Education: <http://www.cde.ca.gov/ci/ct>

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

California Department of Industrial Relations: <http://www.dir.ca.gov>

California Workforce Investment Board: <http://www.calwia.org>

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

University of California, a-g Course Submissions: http://www.ucop.edu/a-gGuide/ag/course_submissions

U.S. Department of Education, Office of Vocational and Adult Education:

<http://www.ed.gov/about/offices/list/ovae/pi/cte/index.html>

U.S. Department of Labor, Bureau of Labor Statistics: <http://www.bls.gov>

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CSBA Sample

Board Policy

Work-Based Learning

BP 6178.1

Instruction

***Note: The following optional policy is for use by districts maintaining middle and/or high schools and should be revised to reflect district practice. ***

***Note: Under the state plan for career technical education (CTE), each district receiving funds under the Carl D. Perkins Career and Technical Education Act (20 USC 2301-2414) is required to include specified components in its CTE program, including practical application and experience through actual or simulated work-based learning assignments. Other districts may offer work-based learning opportunities at their discretion. Also see BP/AR 6178 - Career Technical Education. ***

The Governing Board desires to facilitate the preparation of secondary school students for college and career by providing work-based learning opportunities which link classroom learning with real-world experiences. Work-based learning opportunities offered by the district shall be designed to teach the skills, attitudes, and knowledge necessary for successful employment and to reinforce mastery of both academic and career technical education (CTE) standards.

(cf. 6000 - Concepts and Roles)

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

(cf. 6178 - Career Technical Education)

(cf. 6178.2 - Regional Occupational Center/Program)

***Note: The following paragraph may be revised to reflect the program(s) available in the district. Education Code 51760.1 authorizes districts, county offices of education, regional occupational centers/programs, and partnership academies to provide work-based learning opportunities which may include, but are not limited to, work experience education (WEE), community classrooms or cooperative CTE programs, and job shadowing experiences, as described below. See the accompanying administrative regulation for legal requirements pertaining to these programs. In addition, although not delineated in state law, other examples of work-based learning opportunities cited in the California Department of Education's publication *Multiple Pathways to Student Success: Envisioning the New California High School* include student internships/field study, apprenticeships, service learning, work in social/civic enterprises or school-based enterprises such as student stores, and technology-based or other simulated work experiences. ***

Work-based learning opportunities offered by the district may include paid and/or unpaid work experiences, including, but not limited to, work experience education as defined in Education

Code 51764, cooperative CTE or community classrooms as defined in Education Code 52372.1, job shadowing as defined in Education Code 51769, student internships, apprenticeships, service learning, employment in social/civic or school-based enterprises, and technology-based or other simulated work experiences.

(cf. 6142.4 - Service Learning/Community Service Classes)

***Note: The following optional paragraph may be revised to reflect district practice. Education Code 51760.1 encourages districts to work with any local workforce investment board youth councils and workforce investment boards established by Education Code 51760.2 to coordinate work-based learning opportunities and facilitate regional planning. ***

The Superintendent or designee shall involve local businesses or business organizations in planning and implementing work-based learning opportunities that support the district's vision and goals for student learning and local workforce development efforts. He/she also may work with postsecondary institutions, community organizations, and others to identify opportunities for work-based learning.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 1220 - Citizen Advisory Committees)

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

(cf. 6020 - Parent Involvement)

***Note: Districts that offer WEE programs are required by 5 CCR 10070-10071, as amended by Register 2011, No. 12, to develop a written training agreement with each employer with specified components and assurances. 5 CCR 10087 and 10108 require the development of a training agreement and individual student training plans for community classrooms and cooperative CTE programs. Districts that do not offer these specific programs may delete or revise the following paragraph. ***

When required by law, the Superintendent or designee shall develop a written training agreement with the employer that describes the conditions and requirements to be met by all parties and shall develop an individual training plan for each student which outlines the objectives or competencies that the student is expected to accomplish at the work site. (5 CCR 10070-10071, 10087, 10108)

District staff shall coordinate with the workplace supervisor or mentor to ensure appropriate guidance and supervision of participating students and maximum educational benefit from placement in the program.

***Note: Education Code 49160 prohibits any person, firm, or corporation from employing a minor under age 18 without a work permit issued by the proper education authority, with specified exceptions. See BP/AR 5113.2 - Work Permits. Work permits are not required for unpaid work-based learning opportunities. Districts that offer only unpaid programs should delete the following paragraph. ***

A minor student shall be issued a work permit before beginning employment through a paid work-based learning program in accordance with law, Board policy, and administrative regulation. (Education Code 49113, 49160)

(cf. 5113.2 - Work Permits)

All laws or rules applicable to minors in employment relationships shall be applicable to students enrolled in work-based learning programs. (Education Code 51763)

***Note: The following optional paragraph may be revised to reflect district practice. According to the CDE's Work Experience Education Guide, students participating in a paid work-based learning program must be covered by their employer for workers' compensation insurance pursuant to Education Code 51769. Students participating in an unpaid work-based learning program must be covered by the district's insurance, unless the employer elects to provide such coverage. ***

***Note: In addition, Education Code 35208 requires districts to insure against liability. Pursuant to Education Code 51760, the Governing Board may choose to purchase liability insurance for students participating in work-based learning programs off school grounds or may require such students to purchase insurance and pass on all or a portion of the costs to the district, at the discretion of the Board. ***

The Superintendent or designee shall ensure that any student participating in a work-based learning program off school grounds is covered under the employer's or district's insurance, as applicable, in the event the student is injured.

(cf. 3530 - Risk Management/Insurance)

(cf. 5143 - Insurance)

***Note: 5 CCR 10075 establishes requirements related to the qualifications of WEE teacher-coordinators. As amended by Register 2011, No. 12, 5 CCR 10075 provides that the teacher-coordinator may possess any valid preliminary, professional clear, or life credential or other nonintern teaching credential that authorizes the teacher to teach in California K-12 schools. Pursuant to 5 CCR 10080 and 10100, teachers of community classrooms and cooperative CTE programs must be certificated CTE teachers. ***

The Superintendent or designee shall ensure that any teacher/coordinator of a work-based learning program possesses the appropriate credential issued by the Commission on Teacher Credentialing. (5 CCR 10075, 10080, 10100)

(cf. 4112.2 - Certification)

The Superintendent or designee shall maintain records for each student's participation in the program, including, but not limited to, the student's individualized training plan, his/her employment hours and job site, work permit if applicable, employer's report of student's

attendance and job performance, the teacher/coordinator's consultations and observations, and the student's grade and credits earned.

(cf. 5125 - Student Records)

***Note: The following optional paragraph may be revised to reflect indicators agreed upon by the Board and Superintendent for evaluating program effectiveness. ***

The Superintendent or designee shall periodically report to the Board regarding program implementation and effectiveness, including, but not limited to, rates of student participation in work-based learning programs and assessment results of participating students.

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

35208 Liability insurance
46144 Minimum school day for work experience program
46147 Exception for minimum day; students in last semester or quarter of grade 12
46300 Method of computing ADA
48402 Enrollment in continuation education, minors not regularly employed
49110-49119 Permits to work
49160 Permits to work, duties of employer
51760-51769.5 Work-based learning
52300-52499.66 Career technical education
54690-54697 Partnership academies
56026 Students with exceptional needs
52372.1 Community classrooms and cooperative career technical education programs

LABOR CODE

1285-1312 Employment of minors
1391-1394 Working hours for minors
3070-3099.5 Apprenticeship
3200-6002 Workers' compensation and insurance

CODE OF REGULATIONS, TITLE 5

1635 Credit for work experience education
10070-10075 Work experience education
10080-10090 Community classrooms
10100-10111 Cooperative career technical education programs

UNITED STATES CODE, TITLE 20

2301-2414 Carl D. Perkins Career and Technical Education Act of 2006

CODE OF FEDERAL REGULATIONS, TITLE 29

570.35a Work experience programs

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Multiple Pathways to Student Success: Envisioning the New California High School, 2010

2008-2012 California State Plan for Career Technical Education, 2008

Career Technical Education Framework for California Public Schools: Grades Seven Through Twelve, 2007

Work-Experience Education Guide

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

Child Labor Laws, 2000

WEST ED PUBLICATIONS

Work-Based Learning in California: Opportunities and Models for Expansion, 2009

WEB SITES

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

California Association of Work Experience Educators: <http://www.cawee.org>

California Department of Education, Work Experience Education:

<http://www.cde.ca.gov/ci/ct/we>

California Department of Industrial Relations: <http://www.dir.ca.gov>

Linked Learning Alliance: <http://www.linkedlearning.org>

WestEd: <http://www.wested.org>

CSBA Sample

Board Policy

Alternative Schools/Programs Of Choice

BP 6181

Instruction

Note: Education Code 58500-58512 authorize the Governing Board to establish and maintain one or more alternative schools, or separate class groups within traditional schools, which offer a different structure, learning philosophy, or academic emphasis. Examples of such schools and programs are on the California Department of Education's (CDE) web site and include magnet schools, schools organized around a curricular theme, independent study, "schools without walls" utilizing community facilities and resources, online learning, newcomer centers, and "school-within-a-school" programs. The CDE refers to these as "alternative schools or programs of choice" to distinguish them from alternative schools for at-risk students, such as community day schools, continuation schools, and opportunity schools.

The Governing Board desires to provide a variety of innovative educational programs to accommodate students' diverse learning needs and interests, foster student engagement in the schools, and enhance student achievement. Toward this end, the Board may establish and maintain alternative schools or programs of choice.

A district alternative school or program of choice may differ from the traditional educational program in its academic emphasis, sequence of curriculum, educational philosophy, instructional strategy, structure, setting, size, scheduling, targeted student population, decision-making process, and/or other components. All alternative schools or programs of choice shall offer enrolled students the opportunity to acquire the knowledge and skills necessary to achieve district content standards in core academic subjects and shall provide access to the course of study required for high school graduation.

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6158 - Independent Study)

(cf. 6172.1 - Concurrent Enrollment in College Classes)

(cf. 6178 - Career Technical Education)

Note: Education Code 58502 allows a parent/guardian to request that the Board establish an alternative school or program of choice. The following optional paragraph extends this authority to staff and other interested persons.

Any staff member, parent/guardian of any student, or other interested person may request the Board to establish an alternative school or program of choice. The Superintendent or designee shall establish procedures and criteria for reviewing proposals. Based on such criteria, he/she

shall evaluate all proposals received and present his/her recommendation to the Board for action.

Note: Education Code 58509 authorizes the Superintendent of Public Instruction, upon the district's application, to grant an alternative school an administrative waiver of all Education Code provisions except those specifically related to alternative schools (Education Code 58500-58512) and earthquake safety. As with all waiver requests, the CDE's Alternative School of Choice Waiver Request form contains spaces for certifying that employee bargaining units, the public, and advisory committees or councils have had opportunities for input.

As necessary to provide flexibility to alternative schools or programs of choice to improve student performance and/or streamline operations, the Superintendent or designee may request that the Superintendent of Public Instruction waive any provision of the Education Code except provisions specified in Education Code 58509.

(cf. 0420 - School Plans/Site Councils)

The Superintendent or designee shall establish processes to ensure communication among staff in the alternative schools or programs of choice and staff in the regular educational program in order to share information and ideas.

Program Evaluation

Note: Education Code 58510 requires that the district conduct an annual evaluation of each alternative school of choice which includes testing of enrolled students' basic skills, identification of variables that may have affected achievement, and input from teachers, parents/guardians, and students. The CDE's Guidelines for Annual Evaluations and Reports for Alternative Schools and Programs of Choice, available on its web site, clarify that testing of basic skills can be accomplished through the state's Standardized Testing and Reporting Program. In addition, the guidelines specify that, when identifying variables that may have affected student achievement, the focus should be on features of the school or program that differentiate it from traditional schools and programs, rather than on student characteristics. Surveys or questionnaires are commonly used to solicit input from teachers, parents/guardians, and students.

Note: Pursuant to Education Code 52052 and 5 CCR 1068-1074, alternative schools of choice that meet eligibility requirements approved by the State Board of Education (e.g., those that serve highly mobile or at-risk students) may participate in the state's alternative schools accountability model and not be included in the district's Academic Performance Index rankings.

The Superintendent or designee shall conduct an annual evaluation of each alternative school or program of choice which includes testing of basic skills for student participants and which identifies the variables that may have affected student academic achievement. The evaluation process shall include input from teachers, parents/guardians, and students from the alternative school or program of choice. (Education Code 58510)

Evaluation reports shall be sent to the Superintendent of Public Instruction on or before August 1 following the close of the school year. (Education Code 58510)

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - Standardized Testing and Reporting Program)

Prior to submitting the evaluation report to the Superintendent of Public Instruction, the Superintendent or designee shall report the evaluation results to the Board. The Board shall review the effectiveness of the school or program in meeting program objectives, compare student achievement data with that of students in other district schools, evaluate changes in the school or program over time, and make program modifications as needed.

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:

EDUCATION CODE

35160.5 Intradistrict open enrollment

41505-41508 Pupil Retention Block Grant

48980 Parental notifications

52052 Academic Performance Index

58500-58512 Alternative schools and programs of choice

CODE OF REGULATIONS, TITLE 5

1068-1074 Alternative schools accountability model

11705 Charter schools as alternative schools

COURT DECISIONS

American Civil Rights Foundation v. Los Angeles Unified School District, (2008) 169 Cal.App.4th 436

Management Resources:

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Creating and Sustaining Successful K-8 Magnet Schools, September 2008

Innovations in Education: Successful Magnet High Schools, September 2008

WEB SITES

California Department of Education, Alternative Schools of Choice:

<http://www.cde.ca.gov/sp/eo/as>

Foundation for California Community Colleges, Early College High School Initiative:

<http://www.foundationccc.org/ECHS>

U.S. Department of Education, Office of Innovation and Improvement:

<http://www.ed.gov/about/offices/list/oii>

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CSBA Sample

Administrative Regulation

Alternative Schools/Programs Of Choice

AR 6181
Instruction

Note: The following optional administrative regulation may be revised to reflect district practice.

Notifications

Note: Education Code 58501 sets forth a "Notice of Alternative Schools" which must be sent to parents/guardians at the beginning of each year, as provided below. This notice must be sent along with the annual notification required by Education Code 48980; see BP/E 5145.6 - Parental Notifications.

At the beginning of each school year, the "Notice of Alternative Schools" shall be sent to all parents/guardians as set forth in Education Code 58501. During the entire month of March of each year, a copy of this notice shall be posted at each school in at least two places normally visible to students, teachers, and visiting parents/guardians. (Education Code 58501)

(cf. 5145.6 - Parental Notifications)

Copies of the law providing for alternative schools or programs of choice (Education Code 58500-58512) shall be made available in the district office and each school office to any interested parent/guardian, teacher, or student. (Education Code 58501)

Proposals

All proposals for the establishment of an alternative school or program of choice shall:

1. Address the district's vision, goals, and academic standards

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 6011 - Academic Standards)

2. Demonstrate that the number of students interested in enrolling in the alternative school or program of choice is sufficient to meet desired student-teacher staffing ratios

(cf. 6151 - Class Size)

3. Demonstrate that teachers are willing to work within the school or program

4. Demonstrate that the proposed operational plan conforms with district timelines and makes equitable use of district staff, facilities, and resources
5. Provide a statement of the specific anticipated costs of implementing the proposal as well as funding sources, including outside funding sources and/or district support
6. Include a comprehensive plan for an annual evaluation of the program to be carried out by the district

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

Note: The California Department of Education's web site recommends that districts consider organizing a committee to process requests and make recommendations, as provided in the optional paragraph below.

The Superintendent or designee may establish an advisory committee of staff, parents/guardians, and community members to evaluate proposals for alternative schools or programs of choice and make recommendations to the Superintendent.

(cf. 1220 - Citizen Advisory Committees)

Enrollment

The district may establish alternative schools or programs of choice in each attendance area and/or on a districtwide basis with enrollment open to all students districtwide. (Education Code 58505)

(cf. 5116.1 - Intradistrict Open Enrollment)

Students enrolled in alternative schools or programs of choice shall be selected entirely from volunteers. (Education Code 58503)

Alternative schools and programs of choice shall comply with state and federal law and Board policy regarding nondiscrimination in district programs.

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

Previous classroom performance shall not be a criterion limiting any student from the opportunity to attend an alternative school or program of choice. (Education Code 58504)

When an alternative class group is established within a school, the Superintendent or designee shall ensure that students currently enrolled in the school will not be displaced.

Operations

The district shall maintain and fund alternative schools or programs of choice at the same level of support as other district educational programs for students of the same age level. (Education Code 58507)

(cf. 3100 - Budget)

Teachers employed in alternative schools or programs of choice shall be selected entirely from volunteers. (Education Code 58503)

(cf. 4113 - Assignment)

Course credits earned in an alternative school or program of choice shall be equivalent to the credits earned in other district schools. Students enrolled in such schools or programs shall be expected to complete all district graduation requirements and shall earn a regular diploma.

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6162.52 - High School Exit Examination)

Note: The following optional paragraph may be revised to reflect district practice. Education Code 58512 authorizes the Governing Board to provide in whole or in part for the transportation of students attending an alternative school of choice. In lieu of providing such transportation, the Board may reimburse students' parents/guardians a sum not to exceed the cost of actual and necessary travel incurred. In no case shall the district's state apportionment for transportation expenses be increased because of the operation of an alternative school of choice. Districts that charge transportation fees may wish to clarify that these fees will be charged regardless of what school the student attends.

Students enrolled in alternative schools may be eligible for district transportation in the same manner as students attending other district schools.

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

(12/92 7/00) 7/09

CSBA Sample

Administrative Regulation

Home And Hospital Instruction

AR 6183
Instruction

Note: Pursuant to Education Code 48206.5, any district which, prior to January 1, 1986, maintained a program to provide individual instruction to students who have a temporary disability may continue to operate the program as it existed prior to that time.

A student with a temporary disability which makes school attendance impossible or inadvisable shall receive individual instruction in the student's home or in a hospital or other residential health facility, excluding state hospitals. This instruction applies to students incurring a physical, mental or emotional disability after which they can reasonably be expected to return to regular day classes or an alternative education program without special intervention. It does not apply to students identified as individuals with exceptional needs pursuant to Education Code 56026. (Education Code 48206.3)

(cf. 6158 - Independent Study)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

Home or hospital instruction shall be provided only by teachers with valid California teaching credentials who consent to the assignment. (Education Code 44865)

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

Note: Pursuant to Education Code 48200, persons aged 6-18 years are required to attend "full time day school" for the full time designated as the length of the school day by the Governing Board. Education Code 48206.3 provides that each hour of home or hospital instruction will count as one day of attendance; therefore, home/hospital students aged 6-18 must receive at least one hour of instruction for every day of instruction offered by the district in the regular education program (usually five days a week). Districts may provide more than five hours of instruction per week but, for apportionment purposes, cannot claim more days of attendance for such students than its calendar provides.

The district shall offer at least one hour of instruction for every day of instruction offered by the district in the regular education program. No student shall be credited with more than five days of attendance per calendar week or credited with more than the total number of calendar days that regular classes are offered by the district in any fiscal year. (Education Code 48200, 48206.3)

***Note: The following two paragraphs are optional and may be revised to reflect district

practice.***

Insofar as possible, the teacher providing home or hospital instruction shall consult with the student's current classroom teacher(s) so as to provide a continuity of instruction that enables the student to stay abreast with the regular school program.

The Superintendent or designee may require verification through any reasonable means that the student requires home instruction. In addition, this verification shall also state that the disabling condition will not expose the teacher to a contagious disease that can be transmitted through casual contact. Home or hospital instruction shall not be denied to students with Hepatitis B, herpes or HIV/AIDS, as long as the home or hospital practices current preventive protocol as determined by the U.S. Centers for Disease Control.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5141.22 - Infectious Diseases)

Nondistrict Students

A student of another district who is temporarily disabled and confined to a hospital or health facility within this district shall be eligible to receive individual instruction in this district. (Education Code 48207)

In such circumstances, it is the responsibility of the parent/guardian to notify the district of the student's presence in a qualifying hospital. (Education Code 48208)

Upon receiving such notification, the Superintendent or designee shall: (Education Code 48208)

1. Within five working days of the notification, determine whether the student is able to receive individualized instruction and, if so, when it shall begin. Instruction shall begin no later than five working days after the Superintendent or designee has determined that the student is able to receive individualized instruction.

2. Within five working days of the beginning of the individualized instruction, the Superintendent or designee shall provide written notification to the district in which the student was previously enrolled stating that the student shall not be counted by that district for purposes of computing average daily attendance, effective the date on which individualized instruction began.

Alternatively, the Superintendent or designee may enter into an agreement with the district in which the student was previously enrolled to have that district provide the individualized instruction. (Education Code 48208)

Parental Notifications

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians that: (Education Code 48208, 48980)

1. Individual instruction is available for temporarily disabled students as prescribed by Education Code 48206.3.
2. If a student becomes temporarily disabled, it is the parent/ guardian's responsibility to notify the receiving district of the student's presence in a qualifying hospital.

(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE

44865 Qualifications for home teachers

45031 Home teachers

48200 Minimum school day

48206.3 Pupils with temporary disabilities; individual instruction; definitions; computing average daily attendance

48206.5 Continuation of individual instruction programs for students with temp. disabilities

48207 Pupils with temporary disabilities in hospitals out- side of school district; compliance with residency requirements

48208 Presence of pupils with temporary disabilities in qualifying hospitals; notice by parents or guardians; commencement of individualized instruction

48980 Required notification of rights and availability of nutrition and individualized instruction programs

51800-51802 Employment of home teachers

CODE OF REGULATIONS, TITLE 5

421 Method of verification

423 Prolonged illness

(3/87 6/89) 10/98

CSBA Sample

Board Policy

Facilities Master Plan

BP 7110

Facilities

***Note: The following optional policy may be revised to reflect district practice. Pursuant to the School Facility Program (Education Code 17070.10-17079.30), the State Allocation Board (SAB) and Office of Public School Construction administer state funding programs for new construction, modernization, career technical education facilities, charter school facilities, critically overcrowded school facilities, facility hardships, seismic mitigation, high performance incentives (environmentally efficient schools), joint use programs, labor compliance, overcrowding relief, emergency repairs, and deferred maintenance. ***

***Note: For additional information about the facilities master planning process, see CSBA's fact sheet Facilities Master Planning. In addition, CSBA's Facilities Planning program provides assistance with enrollment projections and/or the development of facilities master plans. ***

***Note: Although not required by law, the California Department of Education's (CDE) publication Educational Specifications: Linking Design of School Facilities to Educational Program recommends that the district's facilities master plan be adopted by formal resolution of the Governing Board. ***

The Governing Board recognizes the importance of long-range planning for school facilities in order to address changes in student enrollment and in the district's educational program needs. The Superintendent or designee shall develop, for Board approval, a master plan for district facilities which describes the district's anticipated short- and long-term facilities needs and priorities.

(cf. 7000 - Concepts and Roles)
(cf. 7160 - Charter School Facilities)
(cf. 7210 - Facilities Financing)

Plan Development

The district's facilities master plan shall be based on an assessment of the condition and adequacy of existing facilities, a projection of future enrollments, and alignment of facilities with the district's vision for the instructional program.

(cf. 7111 - Evaluating Existing Buildings)

To solicit broad input into the planning process, the Superintendent or designee may establish a facilities advisory committee consisting of staff, parents/guardians, and business, local

government, and other community representatives. He/she also shall ensure that the public is informed of the need for construction and modernization of facilities and of the district's plans for facilities.

(cf. 1220 - Citizen Advisory Committees)

At least 45 days prior to completion of any facilities plan that relates to the potential expansion of existing school sites or the necessity to acquire additional school sites, the Superintendent or designee shall notify and provide copies of the plan or any relevant and available information to the planning commission or agency of the city or county with land use jurisdiction within the district. (Government Code 65352.2)

(cf. 7131 - Relations with Local Agencies)

If the city or county commission or agency requests a meeting, the Superintendent or designee shall meet with the commission or agency within 15 days following the notification. Items that the parties may discuss at the meeting include, but are not limited to, methods of coordinating planning with proposed revitalization efforts and recreation and park programs, options for new school sites, methods of maximizing the safety of persons traveling to and from the site, and opportunities for financial assistance. (Government Code 65352.2)

***Note: The following optional paragraph may be revised to reflect district practice. In its Public School Construction Cost Reduction Guidelines, the SAB recommends that facilities master plans be reevaluated whenever a new construction project is initiated or at intervals not exceeding five years. ***

The master plan shall be regularly reviewed and updated as necessary to reflect changes in the educational program, existing facilities, finances, or demographic data.

Plan Components

***Note: The CDE's publication Educational Specifications: Linking Design of School Facilities to Educational Program (Appendix 1) recommends components that should be addressed in the facilities master plan. Items #1-8 below are optional and may be revised to reflect district practice. ***

The facilities master plan shall include:

1. A statement of purpose, including district goals, philosophy, and related policies
2. A description of the planning process
3. Demographics of the community, such as economic trends, migration patterns, employment base, residential base, socioeconomic makeup, historical school enrollments, and inventory of physical resources and needs

4. A description of the educational program, such as grade-level organization, class size, staffing patterns, technology plans, special programs and support services, and other educational specifications

5. Analysis of the safety, adequacy, and equity of existing facilities and potential for expansion, including the adequacy of classrooms, school cafeterias and food preparation areas, physical activity areas, playgrounds, parking areas, and other school grounds

(cf. 3514 - Environmental Safety)

(cf. 3517 - Facilities Inspection)

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 5030 - Student Wellness)

(cf. 5141.7 - Sun Safety)

(cf. 5142 - Safety)

(cf. 6142.7 - Physical Education and Activity)

6. Site selection criteria and process

7. Development of a capital planning budget and identification of potential funding sources

8. Policy for reviewing and updating the plan

Planning shall ensure that school facilities meet the following minimum standards: (5 CCR 14001)

1. Are aligned with the district's educational goals and objectives

(cf. 0000 - Vision)

2. Provide for maximum site enrollment at school facilities

3. Are located on a site that meets California Department of Education standards as specified in 5 CCR 14010

(cf. 7150 - Site Selection and Development)

4. Are designed for the environmental comfort and work efficiency of the occupants

5. Are designed to require a practical minimum of maintenance

6. Are designed to meet federal, state, and local statutory requirements for structure, fire, and public safety

7. Are designed and engineered with flexibility to accommodate future needs

***Note: 5 CCR 14030 delineates detailed standards for developing plans for the design and

construction of school facilities. All school districts must comply with these standards, whether a project is state funded or locally funded. Other legal requirements for facilities plans, including Education Code 16011, 16322, and 17251, vary depending on the funding source and type of project. ***

***Note: Pursuant to the Americans with Disabilities Act (ADA) (42 USC 12101-12213) and 28 CFR 35.150 and 35.151, district facilities must be accessible to and usable by individuals with disabilities. In achieving compliance, a district need not make structural changes to existing facilities if other methods are effective and the district can demonstrate that the structural change would result in a fundamental alteration in the nature of the activity or an undue financial or administrative burden. However, starting March 15, 2012, all newly constructed facilities must comply with the 2010 ADA Standards for Accessible Designs pursuant to 28 CFR 35.151, as amended by 75 Fed. Reg. 178. CSBA's ADA Compliance Program offers a variety of accessibility services including, but not limited to, facilities inspections and planning to transition facilities into full ADA compliance. ***

***Note: 24 CCR 101 et seq. ("CalGreen") establishes both mandatory requirements and voluntary standards for "green" building which apply to all new construction and are applicable to K-12 schools. CalGreen addresses five major areas: (1) planning and design, (2) energy efficiency, (3) water efficiency, (4) material conservation and resource efficiency; and (5) indoor environmental quality. ***

Plans for the design and construction of new school facilities also shall meet the standards described in 5 CCR 14030, green building standards pursuant to 24 CCR 101 et seq., the Americans with Disabilities Act pursuant to 42 USC 12101-12213, and any other requirements applicable to the funding source and type of project.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 3510 - Green School Operations)

***Note: Subject to the availability of funds, districts may apply pursuant to Education Code 17077.40-17077.45 to fund joint use projects which are part of (1) a qualifying new construction project that will either increase the size and/or create extra costs beyond that necessary for school use of the multipurpose room, gymnasium, child care facility, library, or teacher education facility; or (2) a modernization project or a stand-alone project to provide for a multipurpose room, gymnasium, child care facility, library, or teacher education facility at a school that does not have the type of facility needed or has an inadequate facility. ***

To facilitate the efficient use of public resources when planning for new construction or modernization of school facilities, the district may consider designs that facilitate joint use of the facility with a local governmental agency, public postsecondary institution, or nonprofit organization.

(cf. 1330.1 - Joint Use Agreements)

Legal Reference:

EDUCATION CODE

16011 Long-range comprehensive master plan
16322 California Department of Education services
17017.5 Approval of applications for projects
17070.10-17079.30 Leroy F. Greene School Facilities Act
17251 Powers and duties of California Department of Education
17260-17268 Plans and specifications for school facilities
17280-17317 Field Act
17365-17374 Fitness for occupancy
17405 Relocatable structures; lease requirements
35275 New school planning; cooperation with recreation and park authorities

GOVERNMENT CODE

53090-53097.5 Regulation of local agencies by counties and cities
65352.2 Communicating and coordinating of school sites
65995.6 School facilities needs analysis

CODE OF REGULATIONS, TITLE 2

1859-1859.199 Leroy F. Greene School Facilities Act

CODE OF REGULATIONS, TITLE 5

14001 Minimum standards
14010 Site selection standards
14030-14036 Standards, planning, and approval of school facilities

CODE OF REGULATIONS, TITLE 24

101 et seq. Green building standards code

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

Management Resources:

CSBA PUBLICATIONS

Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, September 2009
Facilities Master Planning, Fact Sheet, November 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Schools of the Future Report, September 2011
Educational Specifications: Linking Design of School Facilities to Educational Program, 1997
Guide for the Development of a Long-Range Facilities Plan, 1986

OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS

An Overview of the State School Facility Programs, rev. October 2011
School Facility Program Handbook, 2008

STATE ALLOCATION BOARD PUBLICATIONS

Public School Construction Cost Reduction Guidelines, 2000

WEB SITES

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

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

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

(2/96 11/01) 3/12

Charter School Facilities

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

The Governing Board believes that all students, including those attending charter schools, should have access to adequate facilities that are safe and support student learning.

*****Note: CSBA's publication Charter Schools: A Manual for Governance Teams recommends that the Governing Board and charter school enter into a memorandum of understanding detailing terms and conditions including, but not limited to, use of facilities, payment for facilities, compliance with applicable building codes and health and safety codes, indemnification and liability insurance, and compliance with district operations and maintenance policies. *****

Facilities to be used by a charter school shall be specified in the school's charter pursuant to Education Code 47605 and also may be addressed in a written memorandum of understanding between the district and charter school.

(cf. 0420.4 - Charter School Authorization)
(cf. 0420.41 - Charter School Oversight)

As applicable, charter school facilities shall comply with the California Building Standards Code adopted by the local building enforcement agency pursuant to 24 CCR 101 et seq. or the Field Act pursuant to Education Code 17280-17317 and 17365-17374. (Education Code 47610, 47610.5)

*****Note: Pursuant to Education Code 47614, as added by Proposition 39 (2000), and 5 CCR 11969.1-11969.10, the district must make facilities available, upon request, to a charter school "operating in the district." A charter school is "operating in the district" if it is either currently serving students who are entitled to attend a district school or has identified at least 80 students who are entitled to attend a district school and are meaningfully interested in enrolling in the charter school for the following year. The facilities provided by the district must be furnished, equipped, and reasonably equivalent to those in other district schools. See the accompanying administrative regulation for definitions and the detailed process and timelines that the district must follow in evaluating a charter school's request. *****

*****Note: Pursuant to 5 CCR 11969.2, charter school facilities may be located at more than one site if the charter school's students cannot be accommodated on any single district site, provided that the district minimizes the number of sites and considers student safety. In Ridgecrest Charter School v. Sierra Sands Unified School District, an appellate court held that a district must begin with the assumption that all charter school students will be assigned to a single school site and then adjust other factors to accommodate this goal. How those factors will be weighed and whether those factors would make a single school site feasible will be a case-by-case determination. Districts with questions on this issue should consult legal counsel. *****

Upon request, the Board shall make facilities available to an eligible charter school operating in the district, as defined in law and administrative regulation. In accordance with law, such facilities shall be contiguous, furnished, equipped, and sufficient to accommodate all the charter school's in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other district schools. The Board shall make reasonable efforts to provide the charter school with facilities near where the charter school wishes to locate and shall not move the charter school unnecessarily. If the district's preliminary

proposal or final notification of space does not accommodate the charter school at a single school site, the Board shall make a specific finding that the charter school could not be accommodated at a single site and shall adopt a written statement of reasons explaining the finding. (Education Code 47614; 5 CCR 11969.1-11969.10)

(cf. 7110 - Facilities Master Plan)

The district shall not be required to use unrestricted general fund revenues to rent, buy, or lease facilities for charter schools. (Education Code 47614)

(cf. 3100 - Budget)

*****Note: The Charter School Facilities Program (Education Code 17078.52-17078.66) allows charter schools that provide site-based instruction to access state facility funding, either directly or through the district where the school will be physically located, for construction of new facilities or rehabilitation of existing district facilities for charter school use. Preference is given to applications from charter schools in overcrowded school districts, schools in low-income areas, nonprofit charter schools, and those that use existing district facilities. Pursuant to 2 CCR 1859.172, title to the facilities may be held by the district or, under certain conditions, by a local governmental entity or by the charter school itself. *****

*****Note: In addition, subject to the annual Budget Act, charter schools may apply for funding under the Charter School Facility Grant Program (Education Code 47614.5), a noncompetitive grant program that provides assistance with facilities rent and lease expenditures. Eligible charter schools are those that have at least 70 percent of students eligible for free or reduced-price meals or are physically located in an elementary school attendance area where at least 70 percent of students are eligible for free or reduced-price meals. Charter schools occupying existing district or county office of education facilities and charter schools receiving reasonably equivalent facilities pursuant to Education Code 47614 are not eligible. *****

The Superintendent or designee may assist eligible charter schools in applying for state facilities funding for new construction or rehabilitation of facilities pursuant to Education Code 17078.52-17078.66 and/or for rent and lease expenditures pursuant to Education Code 47614.5.

Legal Reference:

EDUCATION CODE

17070.10-17080 *Leroy F. Greene School Facilities Act of 1998, including:*

17078.52-17078.66 *Charter schools facility funding; state bond proceeds*

17280-17317 *Field Act*

46600 *Interdistrict attendance agreements*

47600-47616.5 *Charter Schools Act*

48204 *Residency requirements for school attendance*

GOVERNMENT CODE

53094 *Authority to render zoning ordinance inapplicable*

53097.3 *Charter school ordinances*

CODE OF REGULATIONS, TITLE 2

1859.2 *Definitions*

1859.31 *Classroom inventory*

1859.160-1859.172 *Charter school facilities program, new construction*
CODE OF REGULATIONS, TITLE 5

11969.1-11969.10 *Charter school facilities*

COURT DECISIONS

Bullis Charter School v. Los Altos School District, (2011) 200 Cal.App.4th 1022

Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986

Sequoia Union High School District v. Aurora Charter High School (2003) 112 Cal.App.4th 185

ATTORNEY GENERAL OPINIONS

80 Ops. Cal. Atty. Gen. 52 (1997)

Management Resources:

CSBA PUBLICATIONS

The Role of the Charter School Authorizer, Online Course

Charter Schools: A Manual for Governance Teams, rev. 2009

Charter School Facilities and Proposition 39: Legal Implications for School Districts, 2005

OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS

School Facility Program Handbook, May 2008

WEB SITES

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

California Charter Schools Association: <http://www.charterassociation.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/cs>

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

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

(7/08) 3/12

Charter School Facilities

***Note: The following administrative regulation is optional. Education Code 47614, as added by Proposition 39 (2000), and 5 CCR 11969.1-11969.10 require that, upon request by an eligible charter school, the district make available facilities that are reasonably equivalent to facilities provided to other district schools. ***

Definitions

Average daily classroom attendance (ADA) or classroom ADA is ADA for classroom-based apportionment as used in Education Code 47612.5. (5 CCR 11969.2)

In-district classroom ADA is classroom ADA attributable to in-district students. (5 CCR 11969.2)

In-district students are those charter school students who are entitled to attend a district school. Students eligible to attend district schools based on an interdistrict attendance agreement or parent/guardian employment shall be considered students of the district where they reside. (5 CCR 11969.2)

(cf. 5111.1 - District Residency)

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

(cf. 5117 - Interdistrict Attendance)

Operating in the district means the charter school is either currently providing public education to in-district students or has identified at least 80 in-district students who are meaningfully interested in enrolling in the charter school for the following year, regardless of whether the district is or is proposed to be the chartering entity and whether or not the charter school has a facility inside the district's boundaries. (Education Code 47614; 5 CCR 11969.2)

Reasonably equivalent facilities are facilities that are sufficient to accommodate charter school students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district. Reasonable equivalency shall be determined based on a comparison group of district schools with similar grade levels, the capacity of facilities, and the condition of facilities, as described below in the section "Submission and Review of Facilities Requests." (5 CCR 11969.2, 11969.3)

Furnished and equipped means the facilities include reasonably equivalent furnishing necessary to conduct classroom instruction and to provide for student services that directly support classroom instruction as found in the comparison group schools established under 5 CCR 11969.3(a) and that the facilities have equipment that is reasonably equivalent to the comparison group schools. Equipment means property that does not lose its identity when removed from its location and is not changed materially or consumed immediately (e.g., within one year). Equipment has relatively permanent value and its purchase increases the total value of the district's physical properties. Examples include furniture, vehicles, machinery, motion picture film, videotape, furnishings that are not an integral part of the building or building system, and

certain intangible assets such as major software programs. Furnishings and equipment acquired for a school site with nondistrict resources are excluded when determining reasonable equivalence. (5 CCR 11969.2)

Contiguous facilities are those facilities contained on a school site or immediately adjacent to a school site. If the in-district classroom ADA of the charter school cannot be accommodated on any single school site, contiguous facilities also include facilities located at more than one site, provided that the district minimizes the number of sites assigned and considers student safety. If none of the district-operated schools has grade levels similar to the charter school, then a contiguous facility shall be an existing facility that is most consistent with the needs of students in the grade levels served at the charter school. (5 CCR 11969.2, 11969.3)

Conversion charter school is a charter school established through the conversion of an existing public school. (Education Code 47605)

Eligibility for District Facilities

A charter school shall be operating in the district, as defined above, before it submits a request for facilities. A new or proposed charter school operating in the district is eligible to request facilities for a particular fiscal year only if it submits its charter petition before November 1 of the fiscal year preceding the year for which facilities are requested. A new charter school is entitled to be allocated and/or provided access to facilities only if it receives approval of its charter petition before March 15 of the fiscal year preceding the year for which facilities are requested. (5 CCR 11969.9)

(cf. 0420.4 - Charter School Authorization)

Submission and Review of Facilities Requests

The following procedures shall apply to a charter school's request for facilities:

1. On or before November 1, a charter school shall submit a written request for facilities to the Superintendent or designee for the next fiscal year. The request shall include: (Education Code 47614; 5 CCR 11969.2, 11969.9)
 - a. Reasonable projections of in-district and total ADA and in-district and total classroom ADA, based on ADA claimed for apportionment, if any, in the fiscal year prior to the fiscal year in which the facilities request is made, adjusted for expected changes in enrollment in the forthcoming fiscal year

Projections of in-district ADA, in-district classroom ADA, and the number of in-district students shall be broken down by grade level and by the district school that the students would otherwise attend.

*****Note: The following paragraph is optional. 5 CCR 11969.2 provides that the district need not include nonclassroom-based charter school students in the ADA calculation, unless it so chooses. *****

Nonclassroom ADA may be included in the ADA calculation only to the extent of instructional time that students generating nonclassroom ADA are actually in the classroom under the direct supervision and control of a charter school employee, and only if the district and the charter school agree upon the time(s) that the facilities devoted to students generating nonclassroom-based ADA will be used.

- b. A description of the methodology for the projections
- c. If relevant (i.e., when a charter school is not yet open or to the extent an operating charter school projects a substantial increase in ADA), documentation of the number of in-district students meaningfully interested in attending the charter school that is sufficient for the district to determine the reasonableness of the projection, but that need not be verifiable for precise arithmetical accuracy
- d. The charter school's operational calendar
- e. Information regarding the district's school site and/or general geographic area in which the charter school wishes to locate
- f. Information on the charter school's educational program that is relevant to assignment of facilities, if any

*****Note: The following optional paragraph may be revised to reflect district practice. Pursuant to 5 CCR 11969.9, the district may require the charter school to submit its request on a form available from the California Department of Education (CDE) or another form specified by the district. The district may also require the charter school to either distribute a reasonable number of copies of the request for review by other interested parties or otherwise make the request available for review. *****

In submitting a facilities request, the charter school shall use a form specified by the district. The charter school shall distribute a reasonable number of copies of the written request to parents/guardians, school staff, and/or other interested parties, or shall otherwise make the request available for review.

2. On or before December 1, the district shall review the charter school's projections of in-district and total ADA and in-district and total classroom ADA, express any objections in writing, and state the projections the district considers reasonable. If the district does not express any objections in writing and state its own projections by the deadline, the charter school's projections are no longer subject to challenge and the district shall base its offer of facilities on those projections. (5 CCR 11969.9)
3. On or before January 2, the charter school shall respond to any objections expressed by the district and to the district's attendance projections provided pursuant to item #2 above. The charter school shall reaffirm or modify its previous projections as necessary to respond to the information received from the district pursuant to item #2. If the charter school does not respond by January 2, the district's projections provided pursuant to item #2 are no longer subject to challenge and the district shall base its offer of facilities on

those projections. (5 CCR 11969.9)

4. The district shall determine what facilities it will offer to the charter school, ensuring that the facilities are reasonably equivalent to other district facilities. (5 CCR 11969.3)

If a charter school was established through the conversion of an existing public school pursuant to Education Code 47605(a)(2), the condition of the facility previously used by the district shall be considered to be reasonably equivalent for the first year the charter school uses the facility. (5 CCR 11969.3)

For any other charter school, reasonable equivalency shall be based on the following criteria as detailed in 5 CCR 11969.3: (5 CCR 11969.3)

*****Note: In determining whether the offered facilities are sufficient to accommodate the charter school students in reasonably equivalent conditions, 5 CCR 11969.3 requires the district to develop a comparison group of district-operated schools with similar grade levels, as provided below. 5 CCR 11969.3 provides different methods for selecting the comparison group for districts with high schools depending on whether or not students attend high school based on attendance areas. *****

*****Note: If none of the district-operated schools has grade levels similar to the charter school, then a "reasonably equivalent" facility is an existing facility most consistent with the needs of students in the grade levels served at the charter school. The district is not required to modify a school site to accommodate the charter school's grade-level configuration; however, the district and charter school may enter into an agreement to modify an existing school site with the costs to be paid by the charter school, the district, or jointly. *****

- a. A comparison group of district schools with similar grade levels

If a charter school's grade-level configuration is different from the configuration of the district's schools, the district shall not pay for the modification of a school site to accommodate the charter school's configuration.

*****Note: 5 CCR 11969.3 provides that the number and size of teaching and nonteaching spaces must be considered in determining reasonable equivalency, as provided below. In Bullis Charter School v. Los Altos School District, the appellate court concluded that, when considering nonteaching spaces, districts must consider all nonteaching spaces available at the comparison group schools, even if some facilities (e.g., tennis court, walkways, child care facilities) are present at some but not all of the comparison schools. It also held that overall size, such as acres per student, must be considered and that calculations of the amount of space being occupied by the charter school must be reduced when the charter school is sharing a facility. *****

- b. Capacity, including equivalency of the ratio of teaching stations (classrooms), specialized classroom space, and nonteaching space to ADA
- c. Condition of facilities, as determined by assessing such factors as age of facilities (from last modernization), quality of materials, and state of maintenance, including:

- (1) School site size

- (2) Condition of interior and exterior surfaces
- (3) Condition of mechanical, plumbing, electrical, and fire alarm systems, including conformity to applicable codes
- (4) Availability and condition of technology infrastructure
- (5) Condition of the facility as a safe learning environment, including, but not limited to, the suitability of lighting, noise mitigation, and size for intended use
- (6) Condition of the facility's furnishing and equipment
- (7) Condition of athletic fields and/or play area space

(cf. 7111 - *Evaluating Existing Buildings*)

*****Note: 5 CCR 11969.2 requires that charter school facilities be contiguous, as provided in item #5 below. If the district's preliminary or final facilities offer does not accommodate the charter school's students at a single school site, the Governing Board must make that specific finding and adopt a written statement of reasons explaining the finding; see the accompanying Board policy. *****

5. On or before February 1, the district shall prepare a written preliminary proposal regarding the space to be allocated to the charter school and/or to which the charter school is to be provided access. In evaluating and accommodating the charter school's request, the charter school's in-district students shall be given the same consideration as students in the district's schools, subject to the requirement that the facilities provided must be contiguous. At a minimum, the preliminary proposal shall include: (5 CCR 11969.2, 11969.3, 11969.9)
 - a. The projections of in-district classroom ADA on which the proposal is based
 - b. The specific location(s) of the space
 - c. All conditions pertaining to the space, including a draft of any proposed agreement pertaining to the charter school's use of the space
 - d. The projected pro rata share amount and a description of the methodology used to determine that amount
 - e. A list and description of the comparison group schools used in developing the district's preliminary proposal and a description of the difference between the preliminary proposal and the charter school's request submitted pursuant to item #1 above
6. On or before March 1, the charter school shall respond in writing to the district's preliminary proposal made pursuant to item #5 above and shall express any concerns, including differences between the preliminary proposal and the charter school's request,

and/or make a counter proposal. (5 CCR 11969.9)

7. On or before April 1, having reviewed any concerns and/or counter proposals made by the charter school pursuant to item #6 above, the district shall submit, in writing, a final notification of the space to be offered to the charter school. The notification shall include a response to the charter school's concerns and/or counter proposal, if any. The final notification shall specifically identify: (5 CCR 11969.9)
 - a. The teaching stations, specialized classroom spaces, and nonteaching station spaces offered for the exclusive use of the charter school and the teaching stations, specialized classroom spaces, and nonteaching spaces to which the charter school is to be provided access on a shared basis with district-operated programs
 - b. Arrangements for sharing any shared space
 - c. The assumptions of in-district classroom ADA for the charter school upon which the allocation is based, and if the assumptions are different than those submitted by the charter school pursuant to item #3 above, a written explanation of the reasons for the differences
 - d. The specific location(s) of the space
 - e. All conditions pertaining to the space
 - f. The pro rata share amount
 - g. The payment schedule for the pro rata amount, which shall take into account the timing of revenues from the state and from local property taxes
8. By May 1 or within 30 days after the district notification pursuant to item #7 above, whichever is later, the charter school shall notify the district in writing whether or not it intends to occupy the offered space. (5 CCR 11969.9)

The charter school's notification may be withdrawn or modified before this deadline. After the deadline, if the charter school has notified the district that it intends to occupy the offered space, the charter school is committed to paying the pro rata share amount as identified. If the charter school does not notify the district by this deadline that it intends to occupy the offered space, then the space shall remain available for district programs and the charter school shall not be entitled to use facilities of the district in the following fiscal year. (5 CCR 11969.9)

Availability of Facilities

The space allocated to the charter school by the district, or the space to which the district provides the charter school access, shall be furnished, equipped, and available for occupancy at least 10 working days prior to the first day of instruction of the charter school. For good cause, the district may reduce the period of availability to a period of not less than seven working days.

(5 CCR 11969.9)

Space allocated for use by the charter school, subject to sharing arrangements, shall be available for the charter school's entire school year regardless of the district's instructional year or class schedule. (5 CCR 11969.5)

For a conversion charter school, the school site identified in the school's charter shall be made available to the charter school for its second year of operation and thereafter upon annual request for facilities from the district pursuant to this administrative regulation. If, as a result of a material revision of the charter, either the location of the conversion charter school is changed or the district approves the operation of additional sites by the school, then the school may request, and the district shall provide, facilities in accordance with law, the revised charter, and this administrative regulation. (5 CCR 11969.3)

Written Agreement Regarding Facilities Operations

The district and charter school shall negotiate an agreement regarding the use of and payment for the space which contains, at a minimum, the information included in the district's final notification pursuant to item #7 in the section "Submission and Review of Facilities Requests" above. (5 CCR 11969.9)

A reciprocal hold-harmless/indemnification provision shall be established between the district and the charter school. The charter school shall maintain general liability insurance naming the district as an additional insured in order to indemnify the district for any damage and losses. The district shall maintain first party property insurance for the facilities allocated to the charter school. (5 CCR 11969.9)

(cf. 3530 - Risk Management/Insurance)

Responsibilities for facility maintenance and improvements shall be as follows: (5 CCR 11969.4, 11969.9)

1. The district shall be responsible for:
 - a. Modifications necessary to maintain the facility in accordance with applicable building codes pursuant to Education Code 47610 or 47610.5
 - b. Replacement of district-provided furnishings and equipment in accordance with district schedules and practices
 - c. Projects eligible to be included in the district's deferred maintenance plan
2. The charter school shall be responsible for the ongoing operations and maintenance of facilities, furnishings, and equipment.

The charter school shall not sublet or use the facilities for purposes other than those that are

consistent with district policies and practices without permission of the Superintendent or designee. (5 CCR 11969.5)

(cf. 1330 - Use of School Facilities)

Facilities, furnishings, and equipment provided to a charter school by the district shall remain the property of the district. (5 CCR 11969.4)

*****Note: Education Code 47614 authorizes the district to charge the charter school a pro-rata share of the district facilities costs which the district has paid with unrestricted general fund resources. 5 CCR 11969.7 specifies the formula for calculating the district's facilities costs. 5 CCR 11969.7 requires charter schools to annually report to the CDE the per-square foot cost charged by the district and for the CDE to post the information on its web site. The district may provide the CDE with explanatory information regarding its charges, which shall also be posted on the CDE's web site.*****

The district may charge the charter school, in accordance with 5 CCR 11969.7, for a pro rata share of the district's facilities costs for activities related to keeping the physical plant open, comfortable, and safe for use and keeping the grounds, buildings, and equipment in working condition. Such activities include maintaining safety in buildings, on grounds, and in the vicinity of schools; plant maintenance and operations; facilities acquisition and construction; and facilities rents and leases. (Education Code 47614; 5 CCR 11969.2)

The charter school shall report actual in-district and total ADA and classroom ADA to the district every time that the charter school reports ADA for apportionment purposes. If the charter school generates less ADA than projected, the following provisions shall apply to any overallocated space: (Education Code 47614; 5 CCR 11969.3, 11969.8, 11969.9)

1. The charter school shall reimburse the district for the overallocated space as set forth in 5 CCR 11969.8, unless the district agrees, in response to the notification by the charter school of overallocation, to exercise its sole discretion to use the overallocated space for district programs.
2. In the case of a conversion charter school, the overallocated space shall not be subject to reimbursement under the following circumstances:
 - a. The school notifies the district, by February 1 of its first year of operation, that it will have overallocated space in the following fiscal year. In such cases, the district may occupy all or a portion of the space identified. A charter school that wants to recover space surrendered to the district shall apply to the district and the district shall evaluate the application in accordance with law and this administrative regulation.
 - b. Based on the State Board of Education's waiver of attendance area requirements in Education Code 47605(d)(1), the district makes a decision, between November 1 and June 30, to change the school's attendance area in the forthcoming fiscal year.

Mediation of Disputes

If a dispute arises between the district and a charter school pursuant to Education Code 47614 or 5 CCR 11969.1-11969.10, both parties may agree to settle the dispute using mediation, in accordance with the following procedures: (5 CCR 11969.10)

1. If both parties agree to mediation, the initiating party shall select a mediator, subject to the agreement of the responding party. If the parties are unable to agree on a mediator, the initiating party shall request the CDE to appoint a mediator within seven days to assist the parties in resolving the dispute. The mediator shall meet with the parties as quickly as possible.
2. Within seven days of the selection or appointment of the mediator, the party initiating the dispute resolution process shall send a notice to the responding party and the mediator. The notice shall include the following information:
 - a. Name, address, and phone numbers of designated representatives of the parties
 - b. A statement of the facts of the dispute, including information regarding the parties' attempts to resolve the dispute
 - c. The specific sections of the statute or regulations that are in dispute
 - d. The specific resolution sought by the initiating party
3. Within seven days of receiving the notice, the responding party shall file a written response.
4. The mediation shall be entirely informal in nature. Each party shall share copies of exhibits upon which its case is based with the other party. The relevant facts shall be elicited in a narrative fashion to the extent possible, rather than through examination and cross-examination of witnesses.
5. Any agreement reached by the parties shall be in writing and shall not set a precedent for any other case.
6. The mediation shall be terminated if the district and the charter school fail to meet within the specified timelines, have not reached an agreement within 15 days from the first meeting held by the mediator, or if the mediator declares an impasse.
7. The costs of the mediation shall be divided equally between the parties and paid promptly.

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Board Policy

Mello Roos Districts

BP 7212

Facilities

Note: The Mello-Roos Community Facilities Act (Government Code 53311-53368.3) authorizes school districts to establish a community facilities district (also referred to as a Mello-Roos district) for school facility purposes. The boundaries of the community facilities district may include the entire school district, but usually include only a portion of the district, such as an area with new housing developments. The bonds sold by the community facilities district are paid for by a parcel tax or assessment on the properties within that community facilities district's boundaries.

Note: AB 373 (Ch. 670, Statutes of 2007) made numerous changes to the laws regarding community facilities districts as well as the laws governing school facilities improvement districts, including amending Education Code 15302 to delete the prohibition on a new school facilities improvement district from including the territory of an existing community facilities district. See BP 7213 - School Facilities Improvement Districts. Because the laws regarding formation of a Mello-Roos district are complex, districts should consult legal counsel, as appropriate.

The Governing Board desires to provide adequate facilities in order to enhance student learning and to help the district achieve its vision for educating district students. To that end, the Board may order the formation of a community facilities/Mello-Roos district for the acquisition or improvement of school facilities when, in the Board's judgment, it is advisable and in the best interest of district students and the community.

(cf. 7110 - Facilities Master Plan)
(cf. 7111 - Evaluating Existing Buildings)
(cf. 7210 - Facilities Financing)
(cf. 7211 - Developer Fees)
(cf. 7213 - School Facilities Improvement Districts)

Note: Government Code 53312.7, as amended by AB 373 (Ch. 670, Statutes of 2007), mandates that districts establishing a community facilities district first adopt local goals and policies, as specified below. Government Code 53312.7 also mandates a district policy giving attendance priority to children of residents in the community facilities district. For language fulfilling this mandate, see BP 5116 - School Attendance Boundaries.

Prior to forming a community facilities district, the Board shall consider and adopt local goals and policies that include the following elements: (Government Code 53312.7)

1. The priority that various facilities shall have for financing through the community facilities district, including public facilities to be owned and operated by other public agencies and services to be provided by other public agencies
2. The credit quality to be required of bond issues and criteria to be used in evaluating the credit quality
3. Steps by which prospective property purchasers will be fully informed about their related taxpaying obligations
4. Criteria for evaluating the equity of tax allocation formulas, including desirable and maximum amounts of special tax to be levied against any parcel
5. Definitions, standards, and assumptions to be used in appraisals required by Government Code 53345.8

(cf. 5116 - School Attendance Boundaries)

***Note: Pursuant to Government Code 53318, the Governing Board may initiate the proceedings to establish a community facilities district. In addition, Government Code 53318 specifies that the Board must institute such proceedings when two members of the Board have filed a written request or a specified percentage of voters or landowners in the district file a written petition requesting that the district establish a community facilities district. The petition or request must describe the boundaries of the territory and specify the types of facilities and services to be financed by the proposed district. ***

The Board may initiate the proceedings to establish a community facilities district. In addition, the Board shall initiate such proceedings when any two Board members have filed a written request or a specified percentage of voters or landowners have filed a petition requesting such a district be formed. (Government Code 53317)

Note: As amended by AB 373 (Ch. 670, Statutes of 2007), Government Code 53320 requires that, within 90 days after the request or petition has been filed and any fee required under Government Code 53318 has been paid, the Board must adopt a resolution of intention to establish a community facilities district. Specified components of the resolution are listed in Government Code 53321 and include, but are not limited to, a description of the boundaries of the district and a description of the public facilities and services that will be financed by the proposed district. Legal requirements for the hearing are detailed in Government Code 53323-53325.

Upon Board action to form a community facilities district or receipt of a petition or request, the Board shall adopt a resolution of intention and conduct a hearing in accordance with law. The resolution shall fix the time and place for holding a public hearing on the establishment of the community facilities district which shall be within 30-60 days after the adoption of the resolution. Notice of the hearing shall be given by publishing a copy of the resolution of intention in a newspaper of general circulation pursuant to Government Code 6061, starting at

least seven days before the hearing, and shall include the requirements specified in Government Code 53322 and 53322.4. (Government Code 53321, 53322, 53322.4)

If, after the hearing, the Board determines to establish a community facilities district, the Board shall adopt a resolution of formation in accordance with law. (Government Code 53325, 53325.1)

Upon approval by two-thirds of the voters in the proposed community facilities district, the tax may be levied. The proceeds of any bonds, notes, or other securities issued pursuant to the Mello-Roos Community Facilities Act shall be deposited or invested in accordance with Government Code 53356.03.

Legal Reference:

EDUCATION CODE

15300-15425 School facilities improvement districts

17060-17066 Joint venture school facilities construction projects

GOVERNMENT CODE

6061 One time notice

53311-53368.3 Mello-Roos Community Facilities Act of 1982

53753 Assessment notice and hearing requirements

53753.5 Exemptions

54954.1 Mailed notice to property owners

54954.6 New or increased tax or assessment; public meetings and hearings; notice

65970-65981 School facilities development project

65995 Levies against development projects

CODE OF REGULATIONS, TITLE 2

1859-1859.106 School facility program

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: School Facilities Management, 2006

WEB SITES

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

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

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

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

territory within the jurisdiction of the school district, including the option of including the territory of an existing Mello-Roos community facilities district. (Education Code 15301)

(cf. 7212 - Mello-Roos Districts)

The Superintendent or designee shall establish procedures consistent with Education Code 15100-15262 governing the financing of bonds, bond elections, and the issuance and sale of bonds.

Board Resolution of Intention

Note: Pursuant to Education Code 15266, the Board may decide to pursue the authorization of bonds in the school facilities improvement district with the approval of either 66.67 percent or 55 percent of the voters within the proposed territory of the improvement district. If the Board decides to proceed with 55 percent voter approval, the district must comply with the same accountability provisions required for the passage of general obligation bonds with a 55 percent threshold, as detailed in Education Code 15264-15288. These accountability provisions include, but are not limited to, setting a limit as to the maximum amount of the bond, requiring that the proposition submitted to the voters list the specific projects that will be funded by the bond, and requiring the district to conduct an annual performance audit and form a citizens' oversight committee to inform the public about the use of bond revenue. For more details regarding these accountability provisions, including the specifics of the oversight committee, see BP/AR 7214 - General Obligation Bonds.

***Note: As amended by AB 3063 (Ch. 289, Statutes of 2006), Education Code 15266 requires that an election for the formation of a school facilities improvement district requiring approval of 55 percent of the voters be held only during a regularly scheduled local election at which all of the electors of the school facilities improvement district are entitled to vote. ***

The Board may pursue the authorization and issuance of bonds by approval of either 66.67 percent majority or 55 percent majority of the voters within the proposed territory of the school facilities improvement district and shall adopt a resolution of intent to form an improvement district. In order to proceed with an election requiring a 55 percent approval of the voters, two-thirds of the Board shall agree to such an election and the district shall comply with the accountability provisions, including the requirements regarding the citizens' oversight committee, required for 55 percent approval set forth in Education Code 15264-15288. (Education Code 15266)

(cf. 7214 - General Obligation Bonds)
(cf. 9323.3 - Actions by the Board)

The Board's resolution of intention shall state all of the following: (Education Code 15320)

1. The Board's intention to form the proposed school facilities improvement district
2. The purpose for which the proposed district is to be formed

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Board Policy

School Facilities Improvement Districts

BP 7213

Facilities

Note: Education Code 15300-15303 allow for the creation of a school facilities improvement district to issue general obligation bonds for school facilities within a specific geographical area of the district's territory. Education Code 15303 specifies that a district may create a school facilities improvement district only if the County Board of Supervisors has adopted a resolution to make the law applicable in the county. SB 113 (Ch. 332, Statutes of 2009) amended Education Code 15303 to specify that the supervisors' resolution may make the law operative in the county generally or to one or more school or community college districts.

Note: Because the laws regarding formation of a school facilities improvement district are complex, districts should consult legal counsel, as appropriate. The following policy is optional.

The Governing Board desires to provide adequate facilities in order to enhance student learning and to help the district achieve its vision for educating district students.

(cf. 7110 - Facilities Master Plan)
(cf. 7111 - Evaluating Existing Buildings)
(cf. 7210 - Facilities Financing)

***Note: AB 373 (Ch. 670, Statutes of 2007) makes numerous changes to the statutes governing school facilities improvement districts, including amending Education Code 15301 to no longer prohibit a new school facilities improvement district from including the territory of an existing Mello-Roos community facilities district. In addition, AB 373 added Education Code 15101.75 and repealed Education Code 15302 to specify that any bonds issued by a school facilities improvement district are subject to the provisions that govern general obligation bonds, including the purposes of those bonds as specified in Education Code 15100. ***

Note: Prior to forming a school facilities improvement district, the Governing Board must make a finding, as specified below.

The Board has determined that it is necessary and in the best interest of the district to form a school facilities improvement district to finance any or all of the improvements set forth in Education Code 15100 and finds that the overall cost of financing the bonds issued would be less than the overall cost of other school financing options available to the district including, but not limited to, issuing bonds pursuant to the Mello-Roos Community Facilities Act. The Board shall define the boundaries of the school facilities improvement district to include any portion of

3. The estimated cost of the school facilities improvement project
4. That any taxes levied for financing general obligation bonds issued to finance the project shall be levied exclusively upon the lands in the proposed school facilities improvement district
5. That a map showing the exterior boundaries of the proposed district is on file with the Board and available for public inspection, and that these boundaries meet the requirements of Education Code 15301
6. The time and place for a Board hearing on the formation of the proposed district
7. That any interested persons, including all persons owning lands in the district or in the proposed school facilities improvement district, may appear and be heard at the above hearing

The Board shall hold the hearing as specified in its resolution and may, at the hearing, adopt a resolution proposing modifications of its above-stated purposes. (Education Code 15322, 15323)

Note: AB 373 (Ch. 670, Statutes of 2007) amended Education Code 15321 to delete the requirement that a notice of the hearing be posted in at least three public places.

Notice of the hearing shall be given by publishing a copy of the resolution of intention in a newspaper of general circulation pursuant to Government Code 6066, starting at least 14 days before the hearing. No other notice shall be required. (Education Code 15321)

When hearings are concluded, the Board may, by resolution, order the formation of a school facilities improvement district with the boundaries described in the resolution. The resolution shall state the estimated cost of carrying out described purposes and shall number and designate the improvement district as specified in Education Code 15326. (Education Code 15326)

Legal Reference:

EDUCATION CODE

- 15100-15111 Purposes for authorizing bonds
- 15120-15262 Election procedures and issuance of bonds
- 15264-15288 Accountability in local school construction
- 15300-15425 School facilities improvement districts

GOVERNMENT CODE

- 6066 Two weeks' notice
- 50075-50077.5 Voter-approved special taxes
- 50079 School districts; qualified special taxes
- 53175-53187 Integrated Financing District Act
- 53753 Assessment notice and hearing requirements
- 53753.5 Exemptions

54954.1 Mailed notice to property owners

54954.6 New or increased tax or assessment; public meetings and hearings; notice

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: School Facilities Management, 2006

WEB SITES

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

CSBA, District and Financial Services, Proposition 39 Bond Performance Audit Program:

<http://www.csba.org/Services/Services/DistrictServices/Proposition39BondAudits.aspx>

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

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

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

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Board Policy

General Obligation Bonds

BP 7214

Facilities

Note: Article 16, Section 18 of the California Constitution permits school districts to issue bonds for the construction of school facilities with either a 66.67 percent or 55 percent approval by local voters. To qualify for the lower 55 percent (Proposition 39) threshold, districts must use the bond funds for more limited purposes and fulfill additional accountability requirements, as specified in this Board policy and accompanying administrative regulation.

Note: Education Code 15100 sets forth conditions under which the Governing Board may call for a bond election. Pursuant to Education Code 15266, these conditions must be satisfied if the Board is seeking either the 66.67 percent or 55 percent approval threshold. The following paragraph is consistent with Education Code 15100.

Note: In 88 Ops.Cal.Atty.Gen. 46 (2005), the Attorney General opined that a school district may use district funds to hire a consultant to assess the feasibility of developing a bond measure and to assess the public's support and opposition. However, according to the Attorney General, a district may not use district funds to hire a consultant to develop and implement a strategy to build a coalition to support the bond because such activities would be an impermissible use of public funds for campaign purposes in violation of Education Code 7054. For further discussion regarding use of district funds for political purposes, see BP 1160 - Political Processes.

The Governing Board recognizes that school facilities are an essential component of the educational program and that the Board has a responsibility to ensure that the district's facilities needs are met in the most cost-effective manner possible. When the Board determines that it is in the best interest of district students, it may order an election on the question of whether bonds shall be issued to pay for school facilities.

(cf. 1160 - Political Processes)

(cf. 7110 - Facilities Master Plan)

(cf. 7210 - Facilities Financing)

Note: For bonds requiring a 55 percent majority, Education Code 15268 and 15270 set limits as to the maximum amount of the bond and the tax rate that may be levied as a result of the bond. Limitations for bonds requiring a 66.67 percent majority are detailed in Education Code 15102-15109.

The Board shall determine the appropriate amount of the bonds in accordance with law.

***Note: Education Code 15122.5 requires the inclusion of the statement specified in the

following paragraph in the ballot for a bond measure, when any of the projects to be funded by the bond will require state matching funds.***

When any project to be funded by bonds will require state matching funds for any phase of the project, the ballot for the bond measure shall include a statement as specified in Education Code 15122.5, advising voters that, because the project is subject to approval of state matching funds, passage of the bond measure is not a guarantee that the project will be completed. (Education Code 15122.5)

Bonds Requiring 55 Percent Approval by Local Voters

Note: Pursuant to Education Code 15266, upon adoption of the resolution specified below, the district must comply with the accountability provisions required for the 55 percent threshold, even if the bond ultimately passes by a 66.67 percent majority of the voters.

The Board may decide to pursue the authorization and issuance of bonds by approval of 55 percent majority of the voters pursuant to Article 13A, Section 1(b)(3) and Article 16, Section 18(b) of the California Constitution. If two-thirds of the Board agrees to such an election, the Board shall vote to adopt a resolution to incur bonded indebtedness if approved by a 55 percent majority of the voters. (Education Code 15266)

(cf. 9323.2 - Actions by the Board)

Note: Education Code 15266 requires that the bond election be held only during a regularly scheduled local election at which all of the electors (voters) in the district are entitled to vote. Therefore, those school districts whose boundaries encompass more than one city or county or whose board members are elected by trustee area must ensure that the bond election is on a ballot in which all of the electors in the district are entitled to vote, such as a statewide primary, general, or special election.

The bond election may only be ordered at a primary or general election, a statewide special election, or a regularly scheduled local election at which all of the electors of the school district are entitled to vote. (Education Code 15266)

Bonded indebtedness incurred by the district shall be used only for the following purposes: (California Constitution Article 13A, Section 1(b)(3) and 1(b)(3)(A))

1. The construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities
2. The acquisition or lease of real property for school facilities

The proposition approved by the voters shall include the following accountability requirements: (California Constitution Article 13A, Section 1(b)(3))

1. A requirement that proceeds from the sale of the bonds be used only for the purposes

specified in items #1-2 above, and not for any other purposes including teacher and administrative salaries and other school operating expenses

2. A list of specific school facility projects to be funded and certification that the Board has evaluated safety, class size reduction, and information technology needs in developing that list

(cf. 0440 - District Technology Plan)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 6151 - Class Size)

Note: The question of whether or not bond proceeds may be used to pay the costs of the audits required pursuant to items #3-4 below should be referred to the district's legal counsel. However, an Attorney General opinion (87 Ops.Cal.Atty.Gen. 157 (2004)) supports the use of bond proceeds to pay the salaries of district employees to the extent they perform administrative oversight work on bond projects. According to the opinion, because these audits are expressly required by Proposition 39 and are directly related to the bond projects rather than routine school operations, these project administration costs may be considered as coming within the purposes specified in California Constitution Article 13A, Section 1(b)(3)(A) and therefore are an appropriate expenditure of bond proceeds.

Note: The performance audit described in item #3 may include an evaluation of the planning, financing, and implementation of the overall facilities program. To assist districts with this requirement, CSBA provides a Proposition 39 Bond Performance Audits service; see CSBA's web site for further information.

3. A requirement that the Board conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed

4. A requirement that the Board conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects

Note: If the district has a general obligation bond approved under the 55 percent threshold, Education Code 15278 requires that the Board appoint a citizens' oversight committee. See the accompanying administrative regulation for requirements related to the composition and duties of the committee.

If a district general obligation bond requiring a 55 percent majority is approved by the voters, the Board shall appoint an independent citizens' advisory oversight committee. This committee shall be appointed within 60 days of the date that the Board enters the election results in its minutes pursuant to Education Code 15274. (Education Code 15278)

(cf. 1220 - Citizen Advisory Committees)
(cf. 9324 - Minutes and Recordings)

The Superintendent or designee shall ensure that the annual, independent performance and

financial audits conducted pursuant to items #3 and #4 above are issued in accordance with the U.S. Comptroller General's Government Auditing Standards. He/she shall submit the audits to the citizens' oversight committee by March 31 of each year. (Education Code 15286)

Bonds Requiring 66.67 Percent Approval by Local Voters

The Board may decide to pursue the authorization and issuance of bonds by approval of 66.67 percent majority of the voters pursuant to Education Code 15100 and Article 13A, Section 1(b)(2) of the California Constitution. If a majority of the Board agrees to such an election, or upon a petition of the majority of the qualified electors residing in the district, the Board shall adopt a resolution ordering an election on the question of whether to incur bonded indebtedness if approved by a 66.67 percent majority of the voters. (Education Code 15100)

Note: Pursuant to Education Code 15101, an election for a bond measure that requires 66.67 percent approval may be held only on specified days. Districts using this option should coordinate efforts with their local elections officials to ensure compliance with law.

The bond election may be ordered to occur on any Tuesday, except a Tuesday that is a state holiday or the day before or after a state holiday, is within 45 days before or after a statewide election unless conducted at the same time as the statewide election, or is an established election date pursuant to Elections Code 1000 or 1500. (Education Code 15101)

Bonds shall be sold to raise money for any of the following purposes: (Education Code 15100)

1. Purchasing school lots
2. Building or purchasing school buildings
3. Making alterations or additions to school building(s) other than as may be necessary for current maintenance, operation, or repairs
4. Repairing, restoring, or rebuilding any school building damaged, injured, or destroyed by fire or other public calamity
5. Supplying school buildings and grounds with furniture, equipment, or necessary apparatus of a permanent nature
6. Permanently improving school grounds
7. Refunding any outstanding valid indebtedness of the district, evidenced by bonds or state school building aid loans
8. Carrying out sewer or drain projects or purposes authorized in Education Code 17577
9. Purchasing school buses with a useful life of at least 20 years

10. Demolishing or razing any school building with the intent to replace it with another school building, whether in the same location or in any other location

Except for refunding any outstanding indebtedness, any of the purposes listed above may be united and voted upon as a single proposition by order of the Board and entered into the minutes. (Education Code 15100)

Note: The following paragraph is optional. Districts that have had approval of a bond with 66.67 percent majority vote are not required by law to appoint a citizens' oversight committee but may, at their discretion, form an oversight committee under requirements and guidelines adopted by the Board.

The Board may appoint a citizens' oversight committee to review and report to the Board and the public as to whether the expenditure of bond revenues complies with the intended purposes of the bond.

Certificate of Results

Note: The following section applies to bond elections requiring either a 55 percent or 66.67 percent approval by local voters. Pursuant to Elections Code 15372, following a bond election, the county elections official must submit a certificate of the election results to the Board, which then must provide certification to the County Board of Supervisors, as specified below.

If the certificate of election results received by the Board shows that the appropriate majority of the voters is in favor of issuing the bonds, the Board shall record that fact in its minutes. The Board shall then certify to the County Board of Supervisors all proceedings it had in connection with the election results. (Education Code 15124, 15274)

Resolutions Regarding Sale of Bonds

Note: The following section applies to bond elections requiring either a 55 percent or 66.67 percent approval by local voters. Pursuant to Education Code 15140, bonds may be offered for sale by either the County Board of Supervisors or the County Superintendent of Schools. However, the County Board of Supervisors may adopt a resolution authorizing a district to sell bonds on its own behalf when the district has not received a qualified or negative certification in its most recent interim financial report; see BP/AR 3460 - Financial Reports and Accountability.

***Note: In addition to districts' authority to issue bonds pursuant to Education Code 15100-15254, Government Code 53506-53509 provide them with an alternative method. However, the requirements under this alternative method are different from those applicable under Education Code 15100. Under the alternative method, (1) the Board can offer the bonds for sale directly without going through the County Board of Supervisors or County Superintendent of Schools; (2) the maturity date of the bond is up to 40 years, contrary to Education Code 15144 which limits the maturity to 25 years; and (3) the maximum interest rate allowed is 12 percent, contrary to the maximum rate of 8 percent set by Education Code 15143.

Districts using the alternative method may need to further modify this policy and accompanying administrative regulation and should consult with legal counsel as necessary.***

Following passage of the bond measure by the appropriate majority of voters, the Board shall pass a resolution directing the issuance and sale of bonds. The resolution shall prescribe the total amount of bonds to be sold and may also prescribe the maximum acceptable interest rate, not to exceed eight percent, and the time(s) when the whole or any part of the principal of the bonds shall be payable, which shall not be more than 25 years from the date of the bonds. However, if the Board elects to issue the bonds pursuant to Government Code 53508, the maximum acceptable interest rate shall not exceed 12 percent and the time(s) when the whole or any part of the principal shall be payable shall not be more than 40 years. (Education Code 15140; Government Code 53508)

Note: Boards should be aware of their responsibility to be good stewards of district resources and should take steps to ensure prudence in the expenditure of those resources. Thus, the Board should carefully compare all available funding instruments, such as current interest bonds, capital appreciation bonds, and convertible capital appreciation bonds, and whether the bonds will be sold by competitive or negotiated sale, when determining the method by which approved bonds will be funded. Pursuant to Education Code 15146, the Board's comparison should include the suitability of each option for the project to be financed; the projected interest rates, debt service ratios, and other costs associated with each option; prepayment and repayment terms; and other relevant factors. Districts deciding on a method of bond sale and kinds of bonds to sell are encouraged to review CSBA's Governance Brief Bond Sales - Questions and Considerations for Districts.

Prior to the sale of bonds, the Board shall disclose, as an agenda item at a public meeting, either in the bond issuance resolution or a separate resolution, all of the following information: (Education Code 15146; Government Code 53508.9)

1. Express approval of the method of sale (i.e., competitive, negotiated, or hybrid)
2. Statement of the reasons for the method of sale selected
3. Disclosure of the identity of the bond counsel, and the identities of the bond underwriter and the financial adviser if either or both are utilized for the sale, unless these individuals have not been selected at the time the resolution is adopted, in which case the Board shall disclose their identities at the public meeting occurring after they have been selected
4. Estimates of the costs associated with the bond issuance, including, but not limited to, bond counsel and financial advisor fees, printing costs, rating agency fees, underwriting fees, and other miscellaneous costs and expenses of issuing the bonds

After the sale, the Board shall be presented with the actual issuance cost information and shall disclose that information at the Board's next scheduled meeting. The Board shall ensure that an itemized summary of the costs of the bond sale and all necessary information and reports regarding the sale are submitted to the California Debt and Investment Advisory Commission.

(Education Code 15146; Government Code 53509.5)

Bond Anticipation Notes

Note: The following optional section applies to bonds required to be passed by both 55 percent and 66.67 percent of local voters and may be revised to reflect district practice. Pursuant to Education Code 15150, a district is authorized to issue a bond anticipation note, when the Board determines by resolution that it is in the best interest of the district, to finance a facilities project on an interim basis in anticipation of the sale of bonds that has been approved by voters. The note may only be issued in accordance with law and subject to terms and conditions prescribed by the Board.

Whenever the Board determines that it is in the best interest of the district, it may, by resolution, issue a bond anticipation note, on a negotiated or competitive-bid basis, to raise funds that shall be used only for a purpose authorized by a bond that has been approved by the voters of the district in accordance with law. (Education Code 15150)

Note: Education Code 15150, as amended by AB 794 (Ch. 715, Statutes of 2012), clarifies that interest on a bond anticipation note may be paid at maturity from the proceeds of the sale of the bond in anticipation of which it was issued or paid periodically from a property tax levied for that purpose if certain conditions are satisfied.

Payment of principal and interest on any bond anticipation note shall be made at note maturity, not to exceed five years, from the proceeds derived from the sale of the bond in anticipation of which that note was originally issued or from any other source lawfully available for that purpose, including state grants. Interest payments may also be made from such sources. However, interest payments may be made periodically and prior to note maturity from an increased property tax if the following conditions are met: (Education Code 15150)

1. A resolution of the Board authorizes the property tax for that purpose.
2. The principal amount of the bond anticipation note does not exceed the remaining principal amount of the authorized but unissued bonds.

Note: Pursuant to Education Code 15268 and 15270, the bond anticipation notes may only be issued if the tax rate levied to pay interest on the notes periodically would not cause the district to exceed \$30 per \$100,000 of assessed value of property for an elementary or high school district and \$60 per \$100,000 of assessed value of property for a unified district. The district may revise the following paragraph to reflect the applicable tax rate limitation.

The notes may be issued only if the tax rate levied to pay interest on the notes periodically would not cause the district to exceed the tax rate limitations set forth in Education Code 15268 or 15270, as applicable.

Legal Reference:

EDUCATION CODE

- 7054 Use of district property, campaign purposes
- 15100-15254 Bonds for school districts and community college districts
- 15264-15288 Strict Accountability in Local School Construction Bonds Act of 2000
- 17577 Sewers and drains
- 17584.1 Deferred maintenance, reports
- 47614 Charter school facilities

ELECTIONS CODE

- 324 General election
- 328 Local election
- 341 Primary election
- 348 Regular election
- 356 Special election
- 357 Statewide election
- 1302 School district election
- 15372 Elections official certificate

GOVERNMENT CODE

- 1090-1099 Prohibitions applicable to specified officers
- 1125-1129 Incompatible activities
- 8855 California Debt and Investment Advisory Commission
- 53506-53509.5 General obligation bonds
- 53580-53595.5 Bonds
- 54952 Definition of legislative body, Brown Act

CALIFORNIA CONSTITUTION

- Article 13A, Section 1 Tax limitation
- Article 16, Section 18 Debt limit

COURT DECISIONS

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

ATTORNEY GENERAL OPINIONS

- 88 Ops.Cal.Atty.Gen. 46 (2005)
- 87 Ops.Cal.Atty.Gen. 157 (2004)

Management Resources:

CSBA PUBLICATIONS

- Bond Sales - Questions and Considerations for Districts, Governance Brief, December 2012
- Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates, Fact Sheet, February 2011

WEB SITES

- CSBA: <http://www.csba.org>
- California Debt and Investment Advisory Commission: <http://www.treasurer.ca.gov/cdiac>
- California Department of Education: <http://www.cde.ca.gov>
- California Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

CSBA Sample

Administrative Regulation

General Obligation Bonds

AR 7214
Facilities

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also see BP 2210 - Administrative Discretion Regarding Board Policy.

Election Notice

Note: Notice and ballot requirements for bond elections are specified in Education Code 15120-15126. Additional requirements for bond measures with a 55 percent (Proposition 39) threshold are contained in Education Code 15272.

Whenever the Governing Board orders an election on the question of whether general obligation bonds shall be issued to pay for school facilities, the Superintendent or designee shall ensure that election notice and ballot requirements comply with Education Code 15120-15126 and 15272, as applicable.

Citizens' Oversight Committee

Note: The following optional section is for use by districts that have appointed an independent citizens' oversight committee, as required by Education Code 15278 for districts that have had a general obligation bond approved under the 55 percent threshold. The section may also be adapted for use by districts that have had approval of a bond with 66.67 percent majority vote that choose to appoint an oversight committee at their discretion; see the accompanying Board policy.

If a bond is approved under the 55 percent majority threshold pursuant to Proposition 39 (Article 13A, Section 1(b)(3) and Article 16, Section 18(b) of the California Constitution), then the district's citizens' oversight committee shall consist of at least seven members, including, but not limited to: (Education Code 15282)

1. One member active in a business organization representing the business community located within the district
2. One member active in a senior citizens organization
3. One member active in a bona fide taxpayers' organization
4. One member who is a parent/guardian of a child enrolled in the district
5. One member who is a parent/guardian of a district student and is active in a parent-teacher organization, such as the Parent Teacher Association or school site council

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

(cf. 1230 - School-Connected Organizations)

Members of the citizens' oversight committee shall be subject to the conflict of interest prohibitions regarding incompatibility of office pursuant to Government Code 1125-1129 and financial interest in contracts pursuant to Government Code 1090-1099. (Education Code 15282)

(cf. 9270 - Conflict of Interest)

No employee, Board member, vendor, contractor, or consultant of the district shall be appointed to the citizens' oversight committee. (Education Code 15282)

Note: Pursuant to Education Code 15282, as amended by AB 1199 (Ch. 73, Statutes of 2012), members of a citizens' oversight committee may now serve for three consecutive terms rather than two.

Members of the citizens' oversight committee shall serve for a minimum term of two years without compensation and for no more than three consecutive terms. (Education Code 15282)

The purpose of the citizens' oversight committee shall be to inform the public concerning the expenditure of bond revenues. The committee shall actively review and report on the proper expenditure of taxpayers' money for school construction and shall convene to provide oversight for, but not limited to, the following: (Education Code 15278)

1. Ensuring that bond revenues are expended only for the purposes described in Article 13A, Section 1(b)(3) of the California Constitution including the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities
2. Ensuring that, as prohibited by Article 13A, Section 1(b)(3)(A) of the California Constitution, no funds are used for any teacher and administrative salaries or other school operating expenses

In furtherance of its purpose, the committee may engage in any of the following activities:
(Education Code 15278)

1. Receiving and reviewing copies of the annual, independent performance and financial audits required by Article 13A, Section 1(b)(3)(C) and (D) of the California Constitution

(cf. 3460 - Financial Reports and Accountability)

2. Inspecting school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of Article 13(A), Section 1(b)(3) of the California Constitution

3. Receiving and reviewing copies of any deferred maintenance proposals or plans developed by the district, including any reports required by Education Code 17584.1

4. Reviewing efforts by the district to maximize bond revenues by implementing cost-saving measures, including, but not limited to, the following:

a. Mechanisms designed to reduce the costs of professional fees

b. Mechanisms designed to reduce the costs of site preparation

c. Recommendations regarding the joint use of core facilities

(cf. 1330.1 - Joint Use Agreements)

d. Mechanisms designed to reduce costs by incorporating efficiencies in school site design

e. Recommendations regarding the use of cost-effective and efficient reusable facility plans

(cf. 7110 - Facilities Master Plan)

The district shall, without expending bond funds, provide the citizens' oversight committee with any necessary technical assistance and shall provide administrative assistance in furtherance of the committee's purpose and sufficient resources to publicize the committee's conclusions.
(Education Code 15280)

Note: Pursuant to Government Code 54952, open meeting laws (the Brown Act) apply to any commission, committee, board, or other body created by formal action of the Governing Board, regardless of whether that body is permanent or temporary, decision-making or advisory.

All citizens' oversight committee proceedings shall be open to the public and noticed in the same manner as proceedings of the Board. Committee meetings shall be subject to the provisions of the Ralph M. Brown Act. (Education Code 15280; Government Code 54952)

(cf. 9320 - Meetings and Notices)

The citizens' oversight committee shall issue regular reports, at least once a year, on the results of its activities. Minutes of the proceedings and all documents received and reports issued shall be a matter of public record and shall be made available on the district's web site. (Education Code 15280)

(cf. 1113 - District and School Web Sites)

(cf. 1340 - Access to District Records)

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

The citizens' oversight committee may be disbanded following its review of the final performance and financial audits.

Reports

Note: The following section applies to all bond elections.

Within 30 days after the end of each fiscal year, the district shall submit to the County Superintendent of Schools a report concerning any bond election(s) containing the following information: (Education Code 15111)

1. The total amount of the bond issue, bonded indebtedness, or other indebtedness involved
2. The percentage of registered electors who voted at the election
3. The results of the election, with the percentage of votes cast for and against the proposition

(11/10 3/12) 11/12

CSBA Sample

Board Policy

Naming Of Facility

BP 7310

Facilities

Note: The following optional policy may be revised to reflect district criteria for naming new and existing school facilities.

The Governing Board shall name district schools and other district-owned or leased buildings, grounds, and facilities in recognition of:

1. Individuals, living or deceased, and entities that have made outstanding contributions, including financial contributions, to the school community
2. Individuals, living or deceased, who have made contributions of statewide, national, or worldwide significance
3. The geographic area in which the school or building is located

The Board encourages community participation in the process of selecting names. A citizen advisory committee shall be appointed to review name suggestions and submit recommendations for the Board's consideration.

(cf. 1220 - Citizen Advisory Committees)

Any name adopted for any new school shall not be so similar to the name of any existing district school as to result in confusion to members of the community.

Before adopting any proposed name, the Board shall hold a public hearing at which members of the public will be given an opportunity to provide input.

(cf. 9320 - Meetings and Notices)

When naming or renaming a district school, building, or facility, the Board may specify the duration for which the name shall be in effect.

Memorials

Upon request, the Board shall consider planting commemorative trees, erecting monuments, or dedicating buildings, parts of buildings, athletic fields, gardens, or other district facilities, in memory of deceased students, staff members, community members, and benefactors of the district.

Naming Rights

The Board may grant to any person or entity the right to name any district building or facility. In doing so, the Board shall enter into a written agreement which shall:

1. Specify the benefits to the district from entering into the agreement
2. State the roles and responsibilities of the parties to the agreement, including whether or not the Board shall retain the power to approve any proposed name
3. Provide details related to the naming right granted, including the building, grounds, or facility involved and the duration for which the name shall be in effect
4. Prohibit any message, image, or other depiction that advocates or endorses the use of drugs, tobacco, or alcohol, encourages unlawful discrimination against any person or group, or promotes the use of violence or the violation of any law or district policy

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

(cf. 1325 - Advertising/Promotions)

(cf. 3290 - Gifts, Grants and Bequests)

5. Reserve the authority to terminate the naming right if it determines that the grantee, subsequent to receiving the naming right, has engaged in any of the prohibited acts stated in item #4 above or other criminal or unlawful acts that might bring the district into disrepute

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

(2/86 2/96) 7/11

(OCT 2013 updates)

CSBA Sample

Board Bylaw

Public Statements

BB 9010

Board Bylaws

Note: Pursuant to Government Code 54960, the district attorney or any interested person can sue the Governing Board in order to stop or prevent violations of the Brown Act or to determine whether any Board rule or action which penalizes or otherwise discourages the expression of one or more of its members is valid or invalid under law. The following optional bylaw may be modified as appropriate.

The Governing Board recognizes the responsibility of Board members in their role as community leaders to participate in public discourse on matters of civic or community interest, including those involving the district, and their right to freely express their personal views. However, to ensure communication of a consistent, unified message regarding district issues, Board members are expected to respect the authority of the Board to choose its representatives to communicate its positions and to abide by established protocols.

Note: Many districts designate the Board president and/or Superintendent to communicate with the public on behalf of the district. Any district that has designated another position for this responsibility may revise the following paragraph to reflect district practice.

All public statements authorized to be made on behalf of the Board shall be made by the Board president or, if appropriate, by the Superintendent or other designated representative.

(cf. 2110 - Superintendent Responsibilities and Duties)

(cf. 9121 - President)

(cf. 9200 - Limits of Board Member Authority)

When speaking for the district, the Board encourages its spokespersons to exercise restraint and tact and to communicate the message in a manner that promotes public confidence in the Board's leadership.

Board spokespersons shall not disclose confidential information or information received in closed session except when authorized by a majority of the Board. (Government Code 54963)

(cf. 9005 - Governance Standards)

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

When speaking to community groups, members of the public, or the media, individual Board members should recognize that their statements may be perceived as reflecting the views and positions of the Board. Board members have a responsibility to identify personal viewpoints as

such and not as the viewpoint of the Board.

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

In addition, the Board encourages members who participate on social networking sites, blogs, or other discussion or informational sites to conduct themselves in a respectful, courteous, and professional manner and to model good behavior for district students and the community. Such electronic communications are subject to the same standards and protocols established for other forms of communication, and the disclosure requirements of the California Public Records Act may likewise apply to them.

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

(cf. 1340 - Access to District Records)

(cf. 9012 - Board Member Electronic Communications)

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

GOVERNMENT CODE

6250-6270 California Public Records Act

54960 Actions to stop or prevent violation of meeting provisions

54963 Confidential information in closed session

Management Resources:

WEB SITES

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

CSBA Sample

Board Bylaw

Board Committees

BB 9130

Board Bylaws

Note: The following optional bylaw may be revised to reflect district practice. This bylaw addresses the establishment and operation of Governing Board subcommittees consisting of less than a quorum of the Board and other standing and advisory committees created by the Board. See BP/AR 1220 - Citizen Advisory Committees for further information about committees that include members of the community and/or stakeholder groups, including examples of citizen advisory committees that are generally created by formal Board action. For information about committees created by the Superintendent or designee to advise the administration, see BP 2230 - Representative and Deliberative Groups.

The Governing Board may establish a committee whenever it determines that such a committee would benefit the district by providing diverse viewpoints, specialized knowledge or expertise, or increased efficiency. Such committees may be subcommittees of the Board or committees that include members of the community, staff, or other stakeholder groups.

(cf. 1220 - Citizen Advisory Committees)

(cf. 2230 - Representative and Deliberative Groups)

(cf. 9140 - Board Representatives)

Upon establishing a committee, the Board shall clearly define the committee's purpose, any timeline for completion of assigned responsibilities, any stakeholder groups or individuals to be represented on the committee, length of time that committee members are expected to serve, and expectations for reporting to the Board and/or the Superintendent or designee. Unless specifically authorized by the Board to act on its behalf, the committee shall act in an advisory capacity.

Except for subcommittees of the Board, committee members shall, as appropriate, be recommended by the Superintendent or designee and appointed by the Board president, subject to Board approval.

(cf. 9121 - President)

The Superintendent or designee shall provide committee members with information and assistance necessary for the fulfillment of the committee's charges, and may serve as a non-voting advisor to the committee at the discretion of the Board.

Whenever so charged, committees may actively seek input and participation by parents/guardians, staff, community, and students and may consult with local public boards and

agencies.

Any committee not required by law may be dissolved when its duties or term has been completed or whenever the Board deems necessary.

Committee Meetings

Note: Unless otherwise exempted by law, Government Code 54952 provides that open meeting laws (the Brown Act) apply to any commission, committee, board, or other legislative body created by formal action of the Board, regardless of whether that body is permanent or temporary, decision making or advisory; also see BP/AR 1220 - Citizen Advisory Committees. These requirements include posting a meeting notice or agenda at least 72 hours before a regular meeting or 24 hours before a special meeting pursuant to Government Code 54954.2 and 54956; see BB 9320 - Meetings and Notices.

Note: In Frazer v. Dixon Unified School District, the court held that the adoption of a Board policy that required the appointment of a curriculum committee to advise the Superintendent, and in turn the Board, was a committee created by "formal Board action" within the meaning of Government Code 54952. Therefore, the committee's meetings were subject to the Brown Act.

Note: The district should consult legal counsel when questions arise regarding the applicability of Brown Act requirements to district or school committees.

Unless otherwise exempted by law, Board-created committees shall provide public notice of their meetings and conduct meetings in accordance with Government Code 54950-54963 (the Brown Act).

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

However, Board subcommittees composed solely of less than a quorum of the members of the Board are not subject to open meeting laws unless they are standing committees. Standing committees of the Board, irrespective of membership, are those that have a continuing subject matter jurisdiction or a meeting schedule established by action of the Board. (Government Code 54952)

Note: In 79 Ops.Cal.Atty.Gen. 69 (1996), the Attorney General has clarified that open meeting laws apply if the standing committee has the responsibility of providing advice at the Board's request on budgets, audits, contracts, and personnel matters.

Standing committees with a continuing subject matter jurisdiction include, but are not limited to, those responsible for providing advice on budgets, audits, Board policy, contracts, and personnel matters at the Board's request.

(cf. 3100 - Budget)

(cf. 3430 - Investing)
(cf. 9310 - Board Policies)

Note: Pursuant to Government Code 54952.2, the Brown Act is not violated if Board members who are not members of a standing committee attend the committee meeting only as "observers." In 81 Ops.Cal.Atty.Gen. 156 (1998), the Attorney General clarified that those Board members attending the meeting as "observers" may not ask questions or make statements at the meeting and that they must sit in the areas designated for members of the public.

When a majority of the members of the Board attend an open and noticed meeting of a standing committee, the Board members who are not members of the standing committee shall attend only as observers. (Government Code 54952.2)

Whenever any advisory or standing committee, including a committee not otherwise subject to the Brown Act, posts a meeting agenda at least 72 hours in advance of the meeting, that meeting shall be considered as a regular meeting of the Board for purposes of the Brown Act and therefore must be held within district boundaries unless otherwise authorized by law. (Government Code 54954)

Note: In 80 Ops.Cal.Atty.Gen. 308 (1997), the Attorney General determined that sessions of a district liaison council that was formed by the board to interview candidates for district superintendent and to make a recommendation to the board were not required to be open to the public. The Attorney General concluded that, because a legislative body is authorized under Government Code 54957 to hold closed sessions during a regular or special meeting to consider the appointment or employment of a public employee (see BB 9321 - Closed Session Purposes and Agendas), that authority also extends to committees that are delegated by the legislative body to perform related duties. The following paragraph reflects this opinion.

Note: In addition, in 92 Ops.Cal.Atty.Gen. 102, the Attorney General concluded that a joint labor management benefits committee that is a product of the collective bargaining process between labor and management and is implemented in a collective bargaining agreement is not a committee created by the board. Therefore, such a committee is not required to comply with the Brown Act and is authorized to hold closed sessions.

Committees may meet in a closed session during a regular or special meeting only for those purposes specifically authorized by law for closed sessions held by the Board.

(cf. 9321 - Closed Session Purposes and Agendas)

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35024 Executive committee

35160 Authority of governing boards

35160.1 Broad authority of school districts

GOVERNMENT CODE

54950-54963 The Brown Act, especially:

54952 Legislative body, definition

54952.2 Definition of meeting

54954 Time and place of regular meetings; special meetings; emergencies

54954.3 Opportunity for public to address legislative body

54957 Closed session purposes

COURT DECISIONS

Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781

ATTORNEY GENERAL OPINIONS

81 Ops.Cal.Atty.Gen. 156 (1998)

80 Ops.Cal.Atty.Gen. 308 (1997)

79 Ops.Cal.Atty.Gen. 69 (1996)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 2009

WEB SITES

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

National School Boards Association: <http://www.nsba.org>

CSBA Sample

Board Bylaw

Limits Of Board Member Authority

BB 9200

Board Bylaws

Note: The following bylaw is optional.

The Governing Board recognizes that the Board is the unit of authority over the district and that a Board member has no individual authority. Board members shall hold the education of students above any partisan principle, group interest, or personal interest.

- (cf. 1160 - Political Processes)
- (cf. 9000 - Role of the Board)
- (cf. 9005 - Governance Standards)
- (cf. 9270 - Conflict of Interest)
- (cf. 9323 - Meeting Conduct)

Note: Boards should carefully review the following paragraph and modify it to reflect district practice.

Unless agreed to by the Board as a whole, individual members of the Board shall not exercise any administrative responsibility with respect to the schools or command the services of any school employee. Individual Board members shall submit requests for information to the Superintendent. Board members shall refer Board-related correspondence to the Superintendent for forwarding to the Board or for placement on the Board's agenda, as appropriate.

- (cf. 1340 - Access to District Records)
- (cf. 4112.6/4212.6/4312.6 - Personnel Files)
- (cf. 9011 - Disclosure of Confidential/Privileged Information)
- (cf. 9322 - Agenda/Meeting Materials)

Individual Board members do not have the authority to resolve complaints. Any Board member approached directly by a person with a complaint should refer the complainant to the Superintendent or designee so that the problem may receive proper consideration and be handled through the appropriate district process.

- (cf. 1312.1 - Complaints Concerning District Employees)
- (cf. 1312.2 - Complaints Concerning Instructional Materials)
- (cf. 1312.3 - Uniform Complaint Procedures)
- (cf. 1312.4 - Williams Uniform Complaint Procedures)
- (cf. 3320 - Claims and Actions Against the District)
- (cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

***Note: The following paragraph is optional. Pursuant to Education Code 51101, parents/guardians have the right to observe and/or volunteer in their child's classroom. Although this right is not affected upon election to the Board, Board members who have children attending district schools should be aware of their status as Board members and the effect of that status on district employees. ***

A Board member whose child is attending a district school should be aware of his/her role as a Board member when interacting with district employees about his/her child. Because his/her position as a Board member may inhibit the performance of school personnel, the Board member should inform the Superintendent or designee before volunteering in his/her child's classroom.

(cf. 1240 - Volunteer Assistance)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

Note: Pursuant to Government Code 54952.7, the Board may require a copy of the Brown Act to be given to each Board member and to any person elected to the Board who has not assumed office. The following paragraph is optional.

The Superintendent or designee shall provide a copy of the state's open meeting laws (Brown Act) to each Board member and to anyone who is elected to the Board but has not yet assumed office.

Board members and persons elected to the Board who have not yet assumed office are responsible for complying with the requirements of the Brown Act. (Government Code 54952.1)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

7054 Use of district property

35010 Control of district; prescription and enforcement of rules

35100-35351 Governing boards, especially:

35160-35184 Powers and duties

35291 Rules

35292 Visits to schools (Board members)

51101 Rights of parents/guardians

GOVERNMENT CODE

54950-54962 The Ralph M. Brown Act, especially:

54952.1 Member of a legislative body of a local agency

54952.7 Copies of chapter to members of legislative body

Management Resources:

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardsmanship, 1996

WEB SITES

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

(2/94 3/04) 7/06

CSBA Sample

Board Bylaw

Governing Board Elections

BB 9220

Board Bylaws

Note: Education Code 35107 details eligibility for Governing Board membership as specified below. In 81 Ops.Cal.Atty.Gen. 98 (1998), the Attorney General opined that the residency requirement in Education Code 35107 is a continuing requirement for holding the office during the entire term of the Board member.

Note: Pursuant to Elections Code 20, as added by AB 2410 (Ch. 160, Statutes of 2012), any person who has been convicted of a felony involving bribery, offering of a bribe, embezzlement or theft of public funds, extortion, perjury, or of conspiracy to commit any of these crimes, under California law or the law of any other state, the federal government, or a foreign government or country, is ineligible to be elected or to hold state or local public office unless he/she has received a pardon from the Governor or other authority as specified.

Note: In addition, a person is ineligible to hold public office if he/she is not registered to vote. Elections Code 2201 lists the causes for cancelling an individual's voter registration and making him/her ineligible to hold public office as including legally established mental incompetency, proof that the person is presently imprisoned or on parole for conviction of a felony, or official notification that the voter is registered in another country or state.

Any person is eligible to be a member of the Governing Board, without further qualifications, if he/she is 18 years of age or older, a citizen of California, a resident of the school district, a registered voter, and not legally disqualified from holding civil office. Any person who has been convicted of a felony involving the giving, accepting, or offering of a bribe, embezzlement or theft of public funds, extortion, perjury, or conspiracy to commit any such crime, under California law or the law of another state, the United States of America, or another country, is not eligible to be a candidate for office or be a Board member except when he/she has been granted a pardon in accordance with law. (Education Code 35107; Elections Code 20)

Note: Pursuant to Education Code 35107, a district employee elected to serve on the district Board must resign his/her employment before being sworn into office as a Board member.

Note: Pursuant to Education Code 1006, as added by AB 1662 (Ch. 499, Statutes of 2012), employees of a school district may now be eligible to run for the county board of education seat as long as their school district employer is not within the jurisdiction of the county board.

A district employee elected to the Board shall resign his/her employment before being sworn in or shall have his/her employment automatically terminated upon being sworn into office.
(Education Code 35107)

(cf. 9224 - Oath of Affirmation)
(cf. 9270 - Conflict of Interest)

Note: Pursuant to Elections Code 1302 and 10404.5, districts are authorized to request consolidation of their Board elections with the local municipal or state primary or general elections. Whenever a change is made to a district's election cycle, the terms of office of incumbent Board members must be extended accordingly. In addition, before making any rule changes that may affect voting in their elections, districts within Kings, Monterey, and Yuba counties must obtain prior approval of the U.S. Department of Justice (preclearance), pursuant to 42 USC 1973-1973aa-6 (the federal Voting Rights Act). For these reasons, districts should explore the full ramifications of proposed changes to their election rules and should consult legal counsel when necessary.

To reduce costs associated with conducting elections, the Board may consolidate Board elections with the local municipal or statewide primary or general election. Board election procedures shall be conducted in accordance with state and federal law.

(cf. 9110 - Terms of Office)

Electing Board Members

Note: Pursuant to Education Code 5019, except in a school district governed by a board of education subject to a city or city and county charter, each County Committee on School District Organization is authorized, for the districts within its jurisdiction, to establish trustee areas, rearrange boundaries of trustee areas, increase, decrease, or abolish trustee areas, and recommend any of three alternate methods of electing Board members as specified below and in Education Code 5030. A proposal for any of the purposes described above may be initiated by the County Committee, by a petition filed by voters, or by the governing board of the school district. Option 1 below is for districts that use the "by trustee area" method to elect Board members (i.e., voters in each trustee area elect the candidate to represent their area), Option 2 is for districts that use the "at-large" method (i.e., all voters cast ballots for all candidates within the district), and Option 3 is for districts that use the "from trustee area" or "hybrid" method (i.e., Board members must reside within designated trustee areas but are elected by voters throughout the district "at-large").

Note: Pursuant to Education Code 1000-1001, elections to fill county boards of education are required to be conducted based on the "by trustee area" voting method.

OPTION 1: (Election by trustee area)

The district is divided into trustee areas and each trustee area shall be represented by a Board member who resides in and is elected by voters residing within that trustee area. Trustee areas shall be balanced by population as required by state and federal law.

***Note: To ensure equitable representation, Education Code 5019.5 requires any district using

Option 1 to adjust its trustee area boundaries following each decennial federal census.***

Prior to March 1 following the year in which the results of each decennial federal census are released, the Board shall adjust the boundaries of the district's trustee areas based on population figures as validated by the Population Research Unit of the Department of Finance. (Education Code 5019.5)

Note: Any district that selects Option 2 or 3 should ensure that its decision is consistent with Elections Code 14025-14032 (the California Voting Rights Act (CVRA)) which prohibits the use of the "at-large" voting method for elections within jurisdictions with a history of "racially polarized voting" (i.e., difference between voters of a protected class and voters in the rest of the jurisdiction in the choice of candidates preferred). Any district seeking more information about the CVRA and its possible effects should consult legal counsel.

~~OPTION 2: (Election using "at-large" voting method)~~

Board members may reside anywhere within the district's boundaries and shall be elected by all voters in the district.

Note: The extent, if any, to which a district using the "from trustee area/hybrid" method (Option 3) is required to balance its trustee areas by population is unclear; see *Dusch v. Davis*. Any district using Option 3 should consult with legal counsel regarding whether to population balance its trustee areas.

~~OPTION 3: (Election from trustee area/hybrid method)~~

Each Board member shall reside within the trustee area that he/she represents but shall be elected by all voters in the district.

Note: The remainder of this section is for districts using Option 2 or 3 and may be revised to reflect district practice. Such districts should periodically monitor the demographics within their geographical boundaries to ensure that no violation of the CVRA occurs. Any district found in violation of the CVRA could be held liable for attorneys' fees and legal costs.

To ensure ongoing compliance with the California and federal Voting Rights Acts, the Board may review the district's Board election method to determine whether any modification is necessary due to changes in the district's population or any of its racial, color, or language minority group composition. The review shall be based on the Superintendent or designee's report to the Board after the release of each decennial federal census.

Note: Converting from an "at-large" (Option 1) to a "by trustee area" (Option 2) voting method involves complex issues of law regarding matters such as the redrawing of maps, required approvals, and transition dates. Any district that is considering switching to "by trustee area" election method should consult legal counsel as necessary.

If the Board determines that a change is necessary, it shall adopt a resolution at an open meeting

specifying the change(s) and shall, in accordance with Education Code 5019 or other applicable provisions of law, obtain approval from the county committee on school district organization having jurisdiction over the district.

(cf. 9320 - Meetings and Notices)

Campaign Conduct

Note: Education Code 35177 has long authorized boards, by resolution, to limit campaign expenditures and/or contributions for candidates in board elections. However, in June 2006, the U.S. Supreme Court held in *Randall v. Sorrell* that limits on campaign expenditures are unconstitutional and violate a candidate's right to free speech. The court did hold that limits on contributions to candidates could be constitutional if such limits are not overly restrictive, allow candidates to compete in the race, and do not operate to protect incumbents. However, because Education Code 35177 provides no mechanism for the district to enforce any contribution limits set by the Board, such limits would be completely voluntary, and other candidates and the Board would have no remedy in the event of noncompliance by a candidate. It is strongly recommended that, before adopting voluntary contribution limits under the authority granted in Education Code 35177, the Board consult legal counsel in order to ensure that the district's limits satisfy legal restrictions.

Note: Pursuant to Elections Code 20440, county election officials present each candidate running for public office with a voluntary Code of Fair Campaign Practices for the candidate to sign. The pledge states the candidate's intent to conduct his/her campaign openly and fairly and provides that the candidate may not use or permit negative prejudice based on another candidate's race, religion, physical or mental disability, sex, gender, sexual orientation, or any other prohibited category of discrimination listed in Government Code 12940. Although neither the district nor opposing candidates have authority to enforce the pledge if it is violated, a candidate's signature is a matter of public record. The following optional paragraph expresses the Board's desire that candidates for Board membership sign and abide by the terms of the pledge.

In order to help protect the public's trust in the electoral process as well as the public's confidence in the Board and district, the Board encourages all candidates to sign and adhere to the principles in the Code of Fair Campaign Practices pursuant to Elections Code 20440.

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

(cf. 9005 - Governance Standards)

Statement of Qualifications

***Note: Prior to the beginning of the nominating period, Elections Code 13307 requires the Board to determine whether to have the district assume the costs of producing candidate statements of qualifications (Option 1 below) or to charge candidates for the costs (Option 1 below). In 85 Ops.Cal.Atty.Gen. (2002), the Attorney General opined that Elections Code 13307, which authorizes the district to pay for the cost of distributing candidate statements, does

not conflict with Education Code 7054, which prohibits the use of district resources for campaign purposes. According to the Attorney General, distributing campaign statements cannot be considered campaigning for any particular candidate in a partisan manner so as to conflict with the Education Code prohibition.***

OPTION 1: In order to help defray the costs of campaigning for the Board, the district shall pay the cost of printing, handling, translating, and mailing candidate statements filed pursuant to Elections Code 13307.

OPTION 2: The district shall assume no part of the cost of printing, handling, translating, or mailing of candidate statements filed pursuant to Elections Code 13307. As a condition of having candidate statements included in the voter's pamphlet, the district may require candidates to pay their estimated pro rata share of these costs to the district in advance pursuant to Elections Code 13307.

Note: The following paragraph applies to both of the above options.

On the 125th day prior to the day fixed for the general district election, the Board secretary or his/her designee shall deliver a notice, bearing the secretary's signature and district seal, to the county elections official describing both of the following: (Elections Code 10509)

1. The elective offices of the district to be filled at the general election and which offices, if any, are for the balance of an unexpired term
2. Whether the district or the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307

(cf. 9223 - Filling Vacancies)

Note: Pursuant to Elections Code 13307, the candidate's statement is limited to 200 words (Option 1 below), unless the Board has authorized an increase to a 400-word maximum (Option 2 below).

OPTION 1: Candidate statements shall be limited to no more than 200 words. (Elections Code 13307)

OPTION 2: Candidate statements shall be limited to no more than 400 words. (Elections Code 13307)

Tie Votes in Board Member Elections

Note: Education Code 5016 requires the Board to decide, before conducting any election, whether a potential tie will be resolved by lot or with a runoff election. Option 1 is for use by districts that will make this determination prior to each election. For districts that do not re-determine the method at each election, Option 2 provides for the use of lots to determine the winner in case of a tie in every election while Option 3 provides for a runoff election.

Note: Education Code 5016 requires the County Superintendent of Schools to provide certification of a tie vote in an election to the district Board.

OPTION 1: Before each election, the Board shall establish whether a potential tie is to be resolved by lot or with a runoff election. (Education Code 5016)

After an election for which the Board has decided to resolve a tie by lot, the Board shall immediately notify the candidates who received the tie votes of the time and place where the candidates or their representatives should appear before the Board. The Board at that time shall determine the winner by lot. (Education Code 5016)

After an election for which the Board has decided to resolve a tie with a runoff election, the Board shall schedule the runoff election in accordance with law. (Education Code 5016)

OPTION 2: Whenever a tie makes it impossible to determine which of two or more candidates has been elected to the Board, the Board shall immediately notify the candidates who received the tie votes of the time and place where the candidates or their representatives should appear before the Board. The Board at that time shall determine the winner by lot. (Education Code 5016)

OPTION 3: Whenever a tie makes it impossible to determine which of two or more candidates has been elected to the Board, the Board shall schedule a runoff election in accordance with law. (Education Code 5016)

Legal Reference:

EDUCATION CODE

1000 Composition, and trustee area, county board of education

1006 Qualifications for holding office, county board of education

5000-5033 Elections

5220-5231 Elections

5300-5304 General provisions (conduct of elections)

5320-5329 Order and call of elections

5340-5345 Consolidation of elections

5360-5363 Election notice

5380 Compensation (of election officer)

5390 Qualifications of voters

5420-5426 Cost of elections

5440-5442 Miscellaneous provisions

7054 Use of district property

35107 Eligibility; school district employees

35177 Campaign expenditures or contributions

35239 Compensation of governing board member of districts with less than 70 ADA

ELECTIONS CODE

20 Public office eligibility
1302 Local elections, school district election
2201 Grounds for cancellation
4000-4004 Elections conducted wholly by mail
10400-10418 Consolidation of elections
10509 Notice of election by secretary
10600-10604 School district elections
13307 Candidate's statement
13309 Candidate's statement, indigence
14025-14032 California Voting Rights Act
20440 Code of Fair Campaign Practices

GOVERNMENT CODE

1021 Conviction of crime
1097 Illegal participation in public contract
12940 Nondiscrimination, Fair Employment and Housing Act
81000-91014 Political Reform Act

PENAL CODE

68 Bribes
74 Acceptance of gratuity
424 Embezzlement and falsification of accounts by public officers
661 Removal for neglect or violation of official duty

CALIFORNIA CONSTITUTION

Article 2, Section 2 Voters, qualifications
Article 7, Section 7 Conflicting offices
Article 7, Section 8 Disqualification from office

UNITED STATES CODE, TITLE 42

1973-1973aa-6 Voting Rights Act

COURT DECISIONS

Rey v. Madera Unified School District, (2012) 138 Cal. Rptr. 3d 192
Randall v. Sorrell, (2006) 126 S.Ct. 2479
Sanchez v. City of Modesto, (2006) 51 Cal.Rptr.3d 821
Dusch v. Davis, (1967) 387 U.S. 112

ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 49 (2002)
83 Ops.Cal.Atty.Gen. 181 (2000)
81 Ops.Cal.Atty.Gen. 98 (1998)
69 Ops.Cal.Atty.Gen. 290 (1986)

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>
California Secretary of State's Office: <http://www.ss.ca.gov>
Fair Political Practices Commission: <http://www.fppc.ca.gov>
Institute for Local Self Government: <http://www.ca-ilg.org>

CSBA Sample

Board Bylaw

Oath Or Affirmation

BB 9224

Board Bylaws

Note: The oath or affirmation required of Board members pursuant to Article 20, Section 3, of the California Constitution is the same as that required by Government Code 3100-3109 for public employees. See E-4112.3/4212.3/4312.3 - Oath or Affirmation for the text of the oath. Government Code 1303 provides that any person who exercises any function of a public office without taking the oath of office is guilty of a misdemeanor, and Government Code 1367 provides that no compensation or reimbursement for expenses shall be paid unless the officer has taken the oath or affirmation.

Note: The district should consult legal counsel if a Board member raises a bona fide religious concern about taking the state-required oath.

Prior to entering upon the duties of their office, all Governing Board members shall take the oath or affirmation required by law. (California Constitution, Article 20, Section 3; Government Code 1360)

(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)

Note: In addition to the persons listed below, Education Code 60 specifies state-level officers who may administer the oath.

The oath may be administered and certified by a Board member, secretary or assistant secretary to the Board, Superintendent, deputy or assistant superintendent, principal, or County Superintendent of Schools or any other person authorized in Education Code 60.

The executed oath shall be filed with the County Clerk. (Government Code 1363)

Legal Reference:

EDUCATION CODE

60 Persons authorized to administer and certify oaths

GOVERNMENT CODE

1303 Misdemeanor for failure to take oath

1360-1369 Oath of office

3100-3109 Oath or affirmation of allegiance

CALIFORNIA CONSTITUTION

Article 20, Section 3 Oath of office

COURT DECISIONS

Chilton v. Contra Costa Community College District (1976) 55 Cal. App. 3d 544

Vogel v. County of Los Angeles (1967) 68 Cal. 2d 18, 22

(9/91) 7/03

CSBA Sample

Board Bylaw

Board Development

BB 9240

Board Bylaws

Note: The following optional bylaw may be amended to reflect district practice.

Citizens elected to the Governing Board are entrusted with the responsibility of governing district schools. The Board recognizes that its members need training that helps them understand their responsibilities, stay abreast of new developments in education, and develop boardsmanship skills.

Note: Pursuant to Government Code 54952.2, added by SB 36 (Ch. 1137, Statutes of 1993), a "meeting" subject to Brown Act requirements does not include the attendance of a majority of the Board's members at a conference or similar public gathering, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the Board.

All Board members may attend conferences for the purpose of Board development. Board business shall not be discussed at conferences.

(cf. 9230 - Orientation)

(cf. 9320 - Meetings and Notices)

Board members shall report to the Board, orally or in writing, as soon as possible on the inservice activities they attend.

Note: CSBA recommends that inservice training and travel expenses be budgeted as separate items. While inservice training is essential to maintain an effective, well-informed Board, travel expenses are incurred for a variety of reasons.

Funds for Board development shall be budgeted annually for each Board member.

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

Legal Reference:

EDUCATION CODE

33360 Department of Education and statewide association of school district boards; annual workshop

GOVERNMENT CODE

54950-54963 The Ralph M. Brown Act, especially

54952.2 Meeting

(7/84 12/87) 6/94

CSBA Sample

Board Bylaw

Remuneration, Reimbursement And Other Benefits

BB 9250

Board Bylaws

Compensation

Note: Education Code 35120 authorizes Governing Board members to receive compensation for their services, with a maximum amount prescribed based on the district's average daily attendance (ADA) for the prior school year.

Note: The district should select the appropriate option below. If the Board selects Option 1, it may, at its discretion, revise the paragraph to reflect the maximum amount applicable to its ADA. If the Board elects to receive less than the maximum amount provided in law, it should select Option 2 and specify the amount.

OPTION 1: Each member of the Governing Board may receive the maximum monthly compensation as provided for in Education Code 35120.

OPTION 2: Each member of the Governing Board may receive a monthly compensation of \$ _____. (Education Code 35120)

OPTION 3: The members of the Governing Board view their Board service as a voluntary contribution to the community and elect not to receive the compensation to which they are entitled pursuant to Education Code 35120.

Note: The remainder of this section is for use by districts that selected Option 1 or 2 above.

On an annual basis, the Board may increase the compensation of Board members beyond the limit delineated in Education Code 35120 in an amount not to exceed five percent based on the present monthly rate of compensation. (Education Code 35120)

Board members are not required to accept payment for meetings attended.

Any member who does not attend all Board meetings during the month is eligible to receive only a percentage of the monthly compensation equal to the percentage of meetings he/she attended, unless otherwise authorized by the Board in accordance with law. (Education Code 35120)

Note: Pursuant to Education Code 35120, the Board may adopt a resolution authorizing a Board member to be compensated for meetings he/she missed under specified circumstances. See the accompanying exhibit for a sample resolution.

A member may be compensated for meetings he/she missed when the Board, by resolution, finds that he/she was performing designated services for the district at the time of the meeting or that he/she was absent because of illness, jury duty, or a hardship deemed acceptable by the Board. (Education Code 35120)

Student Board members shall receive no compensation for meetings attended. (Education Code 35012)

(cf. 9150 - Student Board Members)

Note: The following optional paragraph is for use by any board whose quorum also serves as another legislative body that receives additional compensation. Pursuant to Government Code 54952.3, the disclosure requirements described below are not applicable if the compensation of the legislative body is set by statute.

Whenever a quorum of Board members serves as another legislative body which will meet simultaneously or in serial order to a Board meeting, the Board clerk or a member of the Board shall verbally announce the amount of any additional compensation or stipend that each member will be entitled to receive as a result of convening the simultaneous or serial meeting. (Government Code 54952.3)

Reimbursement of Expenses

Note: The district is allowed to reimburse Board members for expenses incurred when performing district business. Pursuant to Government Code 8314, it is unlawful for any elected official to use or permit others to use public resources for personal purposes which are not authorized by law. As defined, "personal purposes" include activities for personal enjoyment, private gain or advantage, or an outside endeavor not related to agency business, but do not include the incidental and minimal use of public resources (e.g., equipment or office space) for personal purposes, including an occasional telephone call.

Board members shall be reimbursed for actual and necessary expenses incurred when performing authorized services for the district. Expenses for travel, telephone, business meals, or other authorized purposes shall be in accordance with policies established for district personnel and at the same rate of reimbursement.

(cf. 1160 - Political Processes)

(cf. 3100 - Budget)

(cf. 3350 - Travel Expenses)

(cf. 3513.1 - Cellular Phone Reimbursement)

Note: Education Code 35044 authorizes reimbursement for Board members for travel expenses incurred when performing services directed by the Board. If the district wishes to require prior Board approval for travel and/or for certain kinds of trips (e.g., out-of-state travel), it should modify the following paragraph accordingly.

Board members shall be reimbursed for travel expenses incurred when performing services directed by the Board. (Education Code 35044)

(cf. 9240 - Board Development)

Note: The remainder of this section is optional and may be revised to reflect district practice.

Authorized purposes may include, but are not limited to, attendance at educational seminars or conferences designed to improve Board members' skills and knowledge; participation in regional, state, or national organizations whose activities affect the district's interests; attendance at district or community events; and meetings with state or federal officials on issues of community concern.

Personal expenses shall be the responsibility of individual Board members. Personal expenses include, but are not limited to, the personal portion of any trip, tips or gratuities, alcohol, entertainment, laundry, expenses of any family member who is accompanying the Board member on district-related business, personal use of an automobile, and personal losses and traffic violation fees incurred while on district business.

Any questions regarding the propriety of a particular type of expense should be resolved by the Superintendent or designee before the expense is incurred.

Note: The following optional paragraph should be deleted if the district does not issue credit cards to Board members. A policy statement issued by the Institute for Local Government, although primarily applicable to city and county governments, indicates that many local agencies have decided not to issue credit cards to local officials because of the potential for confusing an agency credit card with a personal card and the negative consequences of personal use of an agency card.

Board members may use district-issued credit cards while on official district business and consistent with the limits established for district personnel. Personal expenses shall not be charged on a district-issued credit card, even if the Board member intends to subsequently reimburse the district for the personal charges.

Health and Welfare Benefits for Current Board Members

Note: The following section is optional. The district has the option of providing health and welfare benefits to Board members pursuant to Government Code 53201 and 53205 and has flexibility in selecting the types of coverage and the methods of payment for such coverage. Pursuant to Government Code 53200, health and welfare benefits may include, but are not limited to, hospital, medical, surgical, dental, disability, group life, legal expense, and income protection insurance or benefits. However, Internal Revenue Service Publication 571 indicates that, as elected officials, Board members are not eligible to participate in district programs for the purchase of tax sheltered annuities pursuant to 26 USC 403 and 26 CFR 1.403(b)-2.

Note: Pursuant to Government Code 53208.5, the health and welfare benefits of a Board member can be no greater than that received by nonsafety employees of the district or, if the district has different benefit structures, no greater than the most generous schedule of benefits being received by any category of nonsafety employees. Nonsafety employees are those employees not otherwise included in Government Code 20420-20445 defining "safety members" for purposes of membership in the Public Employees' Retirement System. Government Code 53208.5 also provides that Board members shall not be eligible to accrue multiple health and welfare benefits from two or more public agencies for concurrent service, unless the Board member serves as a regular full-time employee in a separate public agency.

Note: Government Code 53202 authorizes the district to contract with one or more insurers, health service organizations, or legal service organizations for health and welfare benefits. Alternatively, the district may approve an existing health care arrangement between a Board member and an insurer or health care provider. In 83 Ops.Cal.Atty.Gen. 124 (2000), the Attorney General opined that, if the district chooses to approve such an arrangement, the district may pay for this benefit by way of reimbursement to the Board member who has paid for the benefit instead of direct district payment to the insurer. However, according to the Attorney General, a district may not make cash payments to Board members in lieu of providing them with health insurance benefits.

Board members may participate in the health and welfare benefits program provided for district employees.

(cf. 4154/4254/4354 - Health and Welfare Benefits)

Health and welfare benefits for Board members shall be no greater than that received by the district's nonsafety employees with the most generous schedule of benefits. (Government Code 53208.5)

Note: The district may choose and/or revise any of the following options to reflect district practice.

OPTION 1: The district shall pay the premiums required for Board members electing to participate in the district health and welfare benefits program to the same extent that it pays for district employees.

OPTION 2: Board members who elect to participate shall pay the full cost of premiums.

OPTION 3: The district shall pay \$_____ as a reimbursement for costs of approved health plans that have been paid by Board members.

Note: The following optional paragraph is for use by districts that choose to pay all or a portion of premiums, dues, or other charges for health and welfare benefits for a Board member's spouse or dependent children, as authorized by Government Code 53205.1. The district may revise the paragraph to specify a different portion of payment.

Note: Pursuant to Family Code 297.5, registered domestic partners have the same rights, protections, and benefits as spouses under California law. Therefore, to the extent that the district provides health benefits under state law to spouses of Board members, the same coverage must be provided to registered domestic partners.

Note: Pursuant to Health and Safety Code 1373 and Insurance Code 10277, the age at which a person ceases to be a dependent child is age 26 years or higher as specified in the health plan, unless otherwise provided under a plan that qualifies as a grandfathered plan pursuant to 42 USC 18011. In addition, a health services plan or insurer is required to continue coverage for a dependent child who attains the age specified in the plan if he/she is incapable of self-sustaining employment by reason of a physically or mentally disabling injury, illness, or condition and is chiefly dependent on the subscriber or insured for support. Health and Safety Code 1373 and Insurance Code 10277 also require that, if the plan provides coverage for a dependent child who is over age 26 and enrolled at a secondary or postsecondary educational institution, continued coverage must be provided during any break in the school calendar and during a medical leave of absence as specified.

Health and welfare benefits provided to Board members shall be extended at the same level to their spouse/registered domestic partner and to their eligible dependent children as specified in law and the health plan.

Health and Welfare Benefits for Former Board Members

Note: The following section is optional. Government Code 53201 authorizes the district to pay premiums for health and welfare benefits for former Board members under the limited circumstances described below. Any district that does not offer benefits to former Board members should delete this entire section.

Former Board members may participate in the health and welfare benefits program provided for district employees under the conditions specified below.

Note: Government Code 53208.5 provides that Board members may not receive benefits greater than those provided to district employees, as provided below. Thus, if a district's collective bargaining agreement specifies that employee eligibility for benefits terminates at age 65, then Board member benefits will also terminate at that time. Districts with such circumstances may expand the following paragraph to indicate the limits of the benefits.

Health and welfare benefits for former Board members shall be no greater than those received by district nonsafety employees with the most generous schedule of benefits. (Government Code 53208.5)

***Note: Pursuant to Government Code 53201, a district may pay premiums for health and welfare benefits for former Board members only if all of the following conditions are satisfied: (1) the district paid for benefits for former Board members before January 1, 1994; (2) the former Board member served in office after January 1, 1981; (3) the former Board member's

term began before January 1, 1995; and (4) the former Board member served for 12 or more years. If the district did not pay benefits for former Board members before January 1, 1994, benefits may be provided to former Board members only on a self-pay basis, even if a former member has served in office for the requisite amount of time.***

Note: In *Thorning v. Hollister School District*, the court of appeal ruled that a board policy adopted during the board member's term of office has the effect of vesting him/her with those benefits and that the board cannot subsequently unilaterally withdraw those benefits from those board members.

Note: Option 1 below is for use only by districts that paid health and welfare benefits for former board members before January 1, 1994 and choose to continue to do so. Option 2 is for use by districts that are either ineligible to pay for such benefits because they did not pay for former board member benefits before January 1, 1994, have no qualified board members, or choose not to pay for such benefits.

Note: Because this is a complex area of law, it is strongly recommended that the district consult with legal counsel before offering paid health benefits to former Board members.

OPTION 1: (Benefits paid by district)

The district shall pay the premiums for health and welfare benefits of any former Board member who served in office after January 1, 1981, began his/her term before January 1, 1995, and has served for 12 or more years. (Government Code 53201)

Note: The following paragraph is optional. If the district allows Board members elected on or after January 1, 1995 to continue benefits at their own expense after leaving service, as authorized by Government Code 53201, it may revise the following paragraph to require more than one term of service at its discretion.

Any other former Board member who served at least one term may participate in the health and welfare benefits program at his/her own expense if coverage is in effect at the time he/she leaves office. (Government Code 53201)

OPTION 2: (Benefits paid by former Board member)

Note: At its discretion, the Board may revise the following paragraph to require more than one term of office.

Any former Board member leaving the Board after at least one term of office may participate in the health and welfare benefits program at his/her own expense if coverage is in effect at the time of retirement. (Government Code 53201)

Note: The following optional paragraph is for use by all districts. Government Code 53205.1 authorizes the district to fund health and welfare benefits for spouses and dependent children of former Board members.

Health and welfare benefits provided to a former Board member shall be extended, at his/her expense and at the same level, to his/her spouse/registered domestic partner and eligible dependent children as specified in law and the health plan.

Legal Reference:

EDUCATION CODE

- 33050-33053 General waiver authority
- 33362-33363 Reimbursement of expenses for attendance at workshops
- 35012 Board members; number, election and term
- 35044 Payment of traveling expenses of representatives of board
- 35120 Compensation for services as member of governing board
- 35172 Promotional activities
- 44038 Cash deposits for transportation purchased on credit

FAMILY CODE

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

GOVERNMENT CODE

- 8314 Use of public resources
- 20322 Elective officers; election to become member
- 20420-20445 Membership in Public Employees' Retirement System; definition of safety employees
- 53200-53209 Group insurance
- 54952.3 Simultaneous or serial meetings; announcement of compensation

HEALTH AND SAFETY CODE

- 1373 Health services plan, coverage for dependent children

INSURANCE CODE

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

UNITED STATES CODE, TITLE 26

- 403 Tax-sheltered annuities

UNITED STATES CODE, TITLE 42

- 18011 Right to maintain existing health coverage

CODE OF FEDERAL REGULATIONS, TITLE 26

- 1.403(b)-2 Tax-sheltered annuities, definition of employee

COURT DECISIONS

Thorning v. Hollister School District, (1992) 11 Cal.App.4th 1598

Board of Education of the Palo Alto Unified School District v. Superior Court of Santa Clara County, (1979) 93 Cal.App.3d 578

ATTORNEY GENERAL OPINIONS

91 Ops.Cal.Atty.Gen. 37 (2008)

83 Ops.Cal.Atty.Gen. 124 (2000)

Management Resources:

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

Sample Expense and Use of Public Resources Policy Statement, January 2006

INTERNAL REVENUE SERVICE PUBLICATIONS

Tax-Sheltered Annuity Plans (403(b) Plans) for Employees of Public Schools and Certain
Tax-Exempt Organizations, Publication 571, rev. February 2013

WEB SITES

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

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

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

Public Employees' Retirement System: <http://www.calpers.ca.gov>

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CSBA Sample

Exhibit

Remuneration, Reimbursement And Other Benefits

E 9250

Board Bylaws

RESOLUTION ON BOARD COMPENSATION FOR MISSED MEETINGS

Note: The following optional exhibit is for use by districts that offer compensation to members of the Governing Board for their service; see Options #1 and 2 in the accompanying board bylaw. Pursuant to Education Code 35120, a Board member may receive compensation for Board meetings that he/she missed if the Board makes a finding, by resolution, that one or more specified circumstances exist.

WHEREAS, the Governing Board of the _____ School District appreciates the services provided by members of the Board and provides compensation for meeting attendance in accordance with Education Code 35120 and Board Bylaw 9250; and

WHEREAS, Education Code 35120 provides that the monthly compensation provided to Board members shall be commensurate with the percentage of meetings attended during the month unless otherwise authorized by Board resolution; and

WHEREAS, Education Code 35120 specifies limited circumstances under which the Board is authorized to compensate a Board member for meetings he/she missed; and

WHEREAS, the Board finds that (name of Board member) did not attend the Board meeting(s) on (dates) for the following reason(s): (check applicable reasons)

- Performance of other designated duties for the district during the time of the meeting
- Illness or jury duty
- Hardship deemed acceptable by the Board

NOW THEREFORE BE IT RESOLVED that the Board of the _____ School District approves full compensation of the Board member for the month of _____.

PASSED AND ADOPTED THIS _____ day of _____, _____ at a regular meeting, by the following vote:

AYES: _____ NOES: _____ ABSENT: _____

Attest:

Secretary

President

CSBA Sample

Board Bylaw

Agenda/Meeting Materials

BB 9322

Board Bylaws

Agenda Content

Note: Government Code 54954.2 requires Governing Board meeting agendas to briefly describe each item to be discussed, including closed session items, and states that a brief general description of an item generally need not exceed 20 words. For information regarding the different types of meetings and meeting location requirements, see BB 9320 - Meetings and Notices. For agenda requirements regarding closed session agenda items, see BB 9321 - Closed Session Purposes and Agendas.

Governing Board meeting agendas shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

(cf. 9320 - Meetings and Notices)

(cf. 9321- Closed Session Purposes and Agendas)

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. The agenda shall also provide members of the public an opportunity to testify at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. (Education Code 35145.5; Government Code 54954.3)

(cf. 9323 - Meeting Conduct)

Note: Pursuant to Government Code 54957.5, when agenda materials are distributed to the Board less than 72 hours before a meeting, the agenda must include the address of the location where the public can inspect those agenda materials. Also see section below entitled "Agenda Dissemination to Members of the Public."

Each meeting agenda shall list the address designated by the Superintendent or designee for public inspection of agenda documents that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

Note: Government Code 54954.2 requires that the agenda include information regarding how, when, and to whom a request for a disability-related accommodation or modification may be made. See BB 9320 - Meetings and Notices. The following paragraph should be modified to reflect district practice as to when and to whom such a request should be made.

The agenda shall specify that an individual should contact the Superintendent or designee if he/she requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting. (Government Code 54954.2)

Agenda Preparation

Note: Education Code 35145.5 mandates that the Board adopt reasonable regulations to ensure that members of the public can place matters directly related to school district business on Board meeting agendas. In *Mooney v. Garcia*, a California appeals court reaffirmed boards' discretion in determining what agenda items are related to school district matters.

Note: The following section, including the timelines, should be revised to reflect district practice. Districts are free to establish their own timelines for placing an item on the agenda, taking into account staff time and resources, as long as the established timeline is a reasonable one. In *Caldwell v. Roseville Joint Union High School District*, a federal district court upheld a district bylaw requiring members of the public to submit a written request in order to place items on a meeting agenda. The plaintiff had alleged that his First Amendment rights were violated when the district did not place his item on the agenda in response to his oral request because the district disagreed with his religious beliefs. However, the court held that the district's bylaw requiring that requests first be made in writing was content-neutral and thus a reasonable restriction.

The Board president and the Superintendent, as secretary to the Board, shall work together to develop the agenda for each regular and special meeting. Each agenda shall reflect the district's vision and goals and the Board's focus on student learning.

- (cf. 0000 - Vision)
- (cf. 0200 - Goals for the School District)
- (cf. 9121 - President)
- (cf. 9122 - Secretary)

Any Board member or member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request shall be submitted in writing to the Superintendent or designee with supporting documents and information, if any, at least one week before the scheduled meeting date. Items submitted less than a week before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

The Board president and Superintendent shall decide whether a request is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, before placing the item on the agenda, the Board president and Superintendent shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation.

The Board president and Superintendent shall decide whether an agenda item is appropriate for

discussion in open or closed session, and whether the item should be an action item subject to Board vote, an information item that does not require immediate action, or a consent item that is routine in nature and for which no discussion is anticipated.

Any Board action that involves borrowing \$100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda. (Government Code 53635.7)

(cf. 9323.2 - Actions by the Board)

All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 3320 - Claims and Actions Against the District)

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

Consent Agenda/Calendar

Note: The following optional section is for boards that use the consent agenda or calendar to take action on matters of a routine nature for which discussion may not be necessary. It is important for such boards to limit the use of the consent agenda to noncontroversial matters and to establish rules that help ensure that any use of the consent agenda does not reduce transparency in the board's conduct of district business or result in violation of the open meeting laws. In addition, boards should be aware that, by law, certain items may not be placed on the consent agenda. For example, pursuant to Government Code 54960.2, as added by SB 1003 (Ch. 732, Statutes of 2012), a board's decision to approve or rescind its unconditional commitment to refrain from taking certain actions in violation of the Brown Act must be made as a separate item and not on the consent agenda. See BB 9323.2 - Actions by the Board.

In order to promote efficient meetings, the Board may bundle a number of items and act upon them together by a single vote through the use of a consent agenda. Consent agenda items shall be items of a routine nature and items for which Board discussion is not anticipated and for which the Superintendent recommends approval.

When any Board member requests the removal of an item from the consent agenda, the item shall be removed and given individual consideration for action as a regular agenda item.

The agenda shall provide an opportunity for members of the public to comment on any consent agenda item that has not been previously considered. However, the agenda need not provide an opportunity for public comment when the consent agenda item has previously been considered at an open meeting of a committee comprised exclusively of all the Board members provided that members of the public were afforded an opportunity to comment on the item at that meeting,

unless the item has been substantially changed since the committee considered it. (Government Code 54954.3)

Agenda Dissemination to Board Members

Note: The following section is optional and should be modified to reflect district practice. Pursuant to Government Code 6252.7, when the Board, in the conduct of its duties, is authorized by law to access any writing of the district, including agenda and supporting documents, the district is prohibited from discriminating between or among Board members as to when and which records will be made available.

Note: CSBA's Agenda Online, an electronic board meeting agenda service for use by districts and county offices of education, allows development of and access to Board meeting agendas, supporting documents, and minutes from any computer that has Internet access. Further information can be found on CSBA's web site.

At least three days before each regular meeting, each Board member shall be provided a copy of the agenda and agenda packet, including the Superintendent or designee's report; minutes to be approved; copies of communications; reports from committees, staff, citizens, and others; and other available documents pertinent to the meeting.

When special meetings are called, the Superintendent or designee shall make every effort to distribute the agenda and supporting materials to Board members as soon as possible before the meeting.

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to ask questions and/or request additional information on agenda items. However, a majority of Board members shall not directly or through intermediaries or electronic means discuss, deliberate, or take action on any matter within the subject matter jurisdiction of the Board.

(cf. 9012 - Board Member Electronic Communications)

Agenda Dissemination to Members of the Public

The Superintendent or designee shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)

Note: Government Code 54957.5 requires that when agenda materials are distributed to the Board less than 72 hours before a regular meeting, the district must also make the documents available for public inspection, as specified below. However, only those documents that are "public records" under the Public Records Act and which relate to an agenda item scheduled for the open session portion of a regular meeting need to be made available for inspection.

If a document which relates to an open session agenda item of a regular Board meeting is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at a designated location at the same time the document is distributed to all or a majority of the Board, provided the document is a public record under the Public Records Act. The Superintendent or designee may also post the document on the district's web site in a position and manner that makes it clear that the document relates to an agenda item for an upcoming meeting. (Government Code 54957.5)

(cf. 1113 - District and School Web Sites)
(cf. 1340 - Access to District Records)

Any document prepared by the district or Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any document prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the Public Records Act. (Government Code 54957.5)

Note: Pursuant to Government Code 54954.1, upon request, the agenda and supporting documentation must be made available in appropriate alternative formats to persons with a disability, as required under the Americans with Disabilities Act (42 USC 12132). Examples of alternative formats, also referred to as "auxiliary aids and services," are listed in 28 CFR 36.303 and include audio recordings or Braille materials.

Upon request, the Superintendent or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

Note: The following optional paragraph is for use by districts that charge a fee for mailing the agenda or agenda packet. Government Code 54954.1 authorizes districts to charge a fee for mailing the agenda or agenda packet as long as the fee does not exceed the cost of providing the service. Pursuant to Government Code 54957.5, a surcharge may not be imposed for providing the agenda and other public record documents in alternative formats to persons with disabilities.

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the Superintendent or designee, not to exceed the cost of providing the service.

Legal Reference:
EDUCATION CODE
35144 Special meetings

35145 Public meetings
35145.5 Right of public to place matters on agenda
GOVERNMENT CODE
6250-6270 Public Records Act
53635.7 Separate item of business
54954.1 Mailed agenda of meeting
54954.2 Agenda posting requirements; board actions
54954.3 Opportunity for public to address legislative body
54954.5 Closed session item descriptions
54956.5 Emergency meetings
54957.5 Public records
54960.2 Challenging board actions; cease and desist
UNITED STATES CODE, TITLE 42
12101-12213 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 28
35.160 Effective communications
36.303 Auxiliary aids and services
COURT DECISIONS
Mooney v. Garcia, (2012) 207 Cal.App.4th 229
Caldwell v. Roseville Joint Union High School District, 2007 U.S. Dist. LEXIS 66318

Management Resources:

CSBA PUBLICATIONS

Call to Order: A Blueprint for Great Board Meetings, 2010

The Brown Act: School Boards and Open Meeting Laws, rev. 2009

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, rev. 2003

WEB SITES

CSBA, Agenda Online: <http://www.csba.org>

California Attorney General's Office: <http://www.oag.ca.gov>

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CSBA Sample

Board Bylaw

Actions By The Board

BB 9323.2

Board Bylaws

Note: Pursuant to Education Code 35164, a majority vote of all members of the Governing Board is necessary for an item to carry, even in those cases where some members are absent. Thus, for districts with a five-member board, an item will pass with three votes, even if only three members are present or there is a vacancy. Education Code 35165 details the effect of a vacancy in districts with a seven-member board. For language regarding vote requirements when a board member abstains, see BB 9323 - Meeting Conduct.

Note: The law specifies certain board actions as requiring more than a majority vote; see E(1) 9323.2 for a specific list of such actions.

The Governing Board shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law. (Education Code 35164)

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

(cf. 9012 - Board Member Electronic Communications)

(cf. 9200 - Limits of Board Member Authority)

Note: In some instances, the law requires that a hearing be conducted before the Board takes action on an item (e.g., before adopting the district's budget or expelling a student). Notice and other requirements for hearings may be more extensive than those for regular or special meetings and will depend upon the specific requirements in applicable statutes.

An "action" by the Board means: (Government Code 54952.6)

1. A collective decision by a majority of the Board members
2. A collective commitment or promise by a majority of the Board members to make a positive or negative decision
3. A vote by a majority of the Board members when sitting as the Board upon a motion, proposal, resolution, order, or ordinance

The Board shall not take action by secret ballot, whether preliminary or final. (Government Code 54953)

Actions taken by the Board in open session shall be recorded in the Board minutes. (Education

Code 35145)

(cf. 9324 - Minutes and Recordings)

Action on Non-Agenda Items

Note: The Brown Act (Government Code 54950-54963) generally prohibits any action or discussion of items not on the posted agenda. However, Government Code 54954.2 provides for three specific and narrow situations in which the Board can act on an item not on the agenda, as specified below. Board members may also briefly respond to questions raised by members of the public concerning items not on the agenda; see BB 9323 - Meeting Conduct.

After publicly identifying the item, the Board may take action on a subject not appearing on the posted meeting agenda under any of the following conditions: (Government Code 54954.2)

1. When a majority of the Board determines that an emergency situation exists, as defined for emergency meetings pursuant to Government Code 54956.5
2. When two-thirds of the members present, or if less than two-thirds of the members are present then by a unanimous vote of all members present, determine that the need to take immediate action came to the district's attention after the agenda was posted
3. When an item appeared on the agenda of, and was continued from, a meeting that occurred not more than five days earlier

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

Challenging Board Actions

Note: Government Code 54960 grants authority to the district attorney or any interested person to file a civil action asking the court to order the Board to stop or prevent Brown Act violations specified below. The Board should be careful to respond to legal challenges to its actions and consult legal counsel when necessary. Pursuant to Government Code 54960.5, a court may award court costs and reasonable attorney's fees to a plaintiff who successfully invalidates a Board action in violation of the Brown Act or successfully enforces one of the Brown Act's civil remedies provided in Government Code 54960-54960.2.

The district attorney's office or any interested person may file an action in court to stop or prevent the Board's violation or threats of violations of the Brown Act, to determine the applicability of the Brown Act to ongoing or future threatened Board actions, to determine the validity, under California or federal law, of any Board rule or action to penalize any of its members or otherwise discourage the member's expression, or to compel the Board to audio record its closed sessions because of its violation of any applicable Government Code provision. (Government Code 54960)

Note: Pursuant to Government Code 54960.1, the district attorney's office or any interested person may file a lawsuit to invalidate (i.e., declare null and void) actions that violate specific provisions of the Brown Act listed in Government Code 54960.1 and specified below. However, even when the action may normally be subject to invalidation, Government Code 54960.1 provides that in certain circumstances (e.g., when there has been substantial compliance with the Brown Act or the Board created a contractual obligation), the action may not be invalidated.

Note: Before seeking court action, the person who believes a violation occurred must send a written demand to the Board to "cure or correct" the action as specified below. Because the laws regarding these provisions are complex, it is recommended that the district consult with legal counsel upon receipt of a "cure and correct" demand.

The district attorney or any interested person may present a demand that the Board cure and correct a Board action which he/she alleges is in violation of law regarding any of the following: (Government Code 54960.1)

1. Open meeting and teleconferencing (Government Code 54953)
2. Agenda posting (Government Code 54954.2)
3. Closed session item descriptions (Government Code 54954.5)
4. New or increased tax assessments (Government Code 54954.6)
5. Special meetings (Government Code 54956)
6. Emergency meetings (Government Code 54956.5)

Any demand to "cure and correct" an alleged violation shall clearly describe the challenged action and the nature of the alleged violation and shall be presented to the Board in writing within 90 days of the date when the action was taken. If the alleged violation concerns action taken in an open session but in violation of Government Code 54954.2 (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place. (Government Code 54960.1)

Within 30 days of receiving the demand, the Board shall do one of the following: (Government Code 54960.1)

1. Cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct.
2. Determine not to cure or correct the alleged violation and inform the demanding party in writing of its decision to not cure or correct.
3. Take no action. If the Board takes no action within the 30-day review period, its inaction

shall be considered a decision not to cure or correct the action.

Note: Pursuant to Government Code 54960, as amended by SB 1003 (Ch. 732, Statutes of 2012), past Board actions that occur on or after January 1, 2013 but which are not specified in Government Code 54960.1 may also be challenged. However, prior to commencing such an action, the district attorney or other interested person must comply with the requirements specified in Government Code 54960.2, as added by SB 1003, including sending a cease and desist letter to the Board within nine months of the alleged violation.

In addition, the district attorney's office or any interested party may file an action in court to determine the applicability of the Brown Act to any past Board action not specified in Government Code 54960.1, if the following conditions are met: (Government Code 54960.2)

1. Within nine months of the alleged violation, a cease and desist letter is submitted to the Board, clearly describing the past Board action and the nature of the alleged violation.

Note: Pursuant to Government Code 54960.2, the Board may respond within 30 days of receiving the cease and desist letter. If the Board decides to respond to the letter with an unconditional commitment to desist from repeating the past action, the unconditional commitment is required to be substantially in the same form provided in Government Code 54960.2 and to be approved in an open session of the Board's regular or special meeting. For a sample unconditional commitment letter, see E(2) 9323.2.

2. The time for the Board to respond has expired and the Board has not provided an unconditional commitment to cease and desist from and not repeat the past action alleged to have violated the Brown Act.

Legal Reference:

EDUCATION CODE

15266 School construction bonds

17466 Declaration of intent to sell or lease real property

17481 Lease of property with residence for nondistrict purposes

17510-17511 Resolution requiring unanimous vote of all members constituting board

17546 Private sale of personal property

17556-17561 Dedication of real property

17582-17583 District deferred maintenance fund

35140-35149 Meetings

35160-35178.4 Powers and duties

48660-48661 Community day schools, establishment and restrictions

CODE OF CIVIL PROCEDURE

425.16 Special motion to strike in connection with a public issue

1245.240 Eminent domain vote requirements

1245.245 Eminent domain, resolution adopting different use

GOVERNMENT CODE

53090-53097.5 Regulation of local agencies by counties and cities

53724 Parcel tax resolution requirements

53790-53792 Exceeding the budget

53820-53833 Temporary borrowing

53850-53858 Temporary borrowing

54950-54963 The Ralph M. Brown Act, especially:

54952.6 Action taken, definition

54953 Meetings to be open and public; attendance; secret ballots

54960-54960.5 Actions to prevent violations

65352.2 Coordination with planning agency

PUBLIC CONTRACT CODE

3400 Bid specifications

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

20113 Emergencies, award of contracts without bids

COURT DECISIONS

Los Angeles Times Communications LLC v. Los Angeles County Board of Supervisors (2003)

112 Cal.App.4th 1313

McKee v. Orange Unified School District (2003) 110 Cal.App.4th 1310

Bell v. Vista Unified School District (2002) 82 Cal.App.4th 672

Boyle v. City of Redondo Beach (1999) 70 Cal.App.4th 1109

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 2009

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Local Legislative Bodies, 2003

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, 2007

WEB SITES

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

California Attorney General's Office: <http://www.oag.ca.gov>

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

CSBA Sample

Exhibit

Actions By The Board

E 9323.2

Board Bylaws

Exhibit 1

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also see BP 2210 - Administrative Discretion Regarding Board Policy.

ACTIONS REQUIRING MORE THAN A MAJORITY VOTE

***Note: The following exhibit lists some of the Governing Board actions that require more than a majority vote. Other such actions may exist and may be identified in the future. ***

Actions Requiring a Two-Thirds Vote of the Board:

1. Resolution declaring intention to sell or lease real property (Education Code 17466)
(cf. 3280 - Sale or Lease of District-Owned Real Property)
2. Resolution declaring intent of Governing Board to convey or dedicate property to the state or any political subdivision for the purposes specified in Education Code 17556 (Education Code 17557)
3. Resolution authorizing and directing the Board president, or any other presiding officer, secretary, or member, to execute a deed of dedication or conveyance of property to the state or a political subdivision (Education Code 17559)
4. Lease for up to three months of school property which has a residence on it and which cannot be developed for district purposes because funds are unavailable (Education Code 17481)

~~***Note: Although a two-thirds vote and the approval of the county auditor and treasurer are required for temporary borrowing before receipt of fiscal income under Government Code 53820-53833, only a majority vote of the Board is required for temporary borrowing pursuant to Government Code 53850-53858. ***~~

5. Temporary borrowing before receipt of fiscal income, if implemented pursuant to Government Code 53820-53833 (Government Code 53821)

6. Upon complying with Government Code 65352.2 and Public Resources Code 21151.2, ordering city or county zoning ordinances inapplicable to a proposed use of the property by the district (Government Code 53094)

(cf. 7131 - Relations with Local Agencies)
(cf. 7150 - Site Selection and Development)
(cf. 7160 - Charter School Facilities)

7. Resolution to transfer excess local funds from a deferred maintenance fund when state funds are insufficient to match local funds being held in the deferred maintenance fund (Education Code 17582, 17583)

~~***Note: Items #8-10 below are for use by districts seeking to add a community day school on an existing school site. ***~~

8. For districts with an ADA of 2,500 or less seeking to add a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)

9. For K-8 districts (and no higher grades) seeking to add a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)

10. For districts desiring to operate a community day school on an existing school site to serve grades K-6 (and no higher grades), certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)

(cf. 6185 - Community Day School)

11. Resolution of intent to issue general obligation bonds with the approval of 55 percent of the voters of the district (Education Code 15266)

(cf. 7214 - General Obligation Bonds)

12. Resolution of intent to issue bonds within a school facilities improvement district with the approval of 55 percent of the voters of the school facilities improvement district (Education Code 15266)

(cf. 7213 - School Facilities Improvement Districts)

13. Resolution to place a parcel tax on the ballot (Government Code 53724)

***Note: Code of Civil Procedure 1245.240 requires that, prior to commencing an eminent domain action, the Board adopt a resolution of necessity approved by a two-thirds vote of the Board. As added by SB 1650 (Ch. 602, Statutes of 2006), Code of Civil Procedure 1245.245 requires that, if the Board desires to use the property for a different use than stated in the resolution of necessity, then the Board must adopt, by two-thirds vote, another resolution authorizing the different use. ***

14. Resolution of necessity to proceed with an eminent domain action and, if the Board desires to use the property for a different use than stated in the resolution of necessity, a subsequent resolution so authorizing the different use (Code of Civil Procedure 1245.240, 1245.245)

Actions Requiring a Two-Thirds Vote of the Board Members Present at the Meeting:

1. Determination that there is a need to take immediate action and that the need for action came to the district's attention after the posting of the agenda. If less than two-thirds of the Board members are present at the meeting, a unanimous vote of all members present is required. (Government Code 54954.2)

2. Determination that a closed session is necessary during an emergency meeting. If less than two-thirds of the Board members are present, a unanimous vote of all members present is required. (Government Code 54956.5)

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

Actions Requiring a Four-Fifths Vote of the Board:

1. The expenditure and transfer of necessary funds and use of district property or personnel to meet a national or local emergency created by war, military, naval, or air attack, or sabotage, or to provide for adequate national or local defense (Government Code 53790-53792)

(cf. 3110 - Transfer of Funds)

2. Resolution, adopted between July 15 and August 30, to borrow funds of up to 25 percent of the estimated income and revenue to be received by the district during the current fiscal year from apportionments based on average daily attendance for the preceding school year (Government Code 53822-53824)

3. Declaration of an emergency in order to authorize the district to include a particular brand name or product in a bid specification (Public Contract Code 3400)

(cf. 3311 - Bids)

Actions Requiring a Unanimous Vote of the Board:

1. Resolution authorizing and prescribing the terms of a community lease for extraction of gas (Education Code 17510-17511)
2. Waiver of the competitive bid process pursuant to Public Contract Code 20111 when the Board determines that an emergency exists and upon approval of the County Superintendent of Schools (Public Contract Code 20113)

Action Requiring a Unanimous Vote of the Board Members Present at the Meeting:

1. Private sale of surplus property without advertisement in order to establish that such property is not worth more than \$2,500. Disposal of surplus property in the local dump or donation to a charitable organization requires the unanimous vote of the Board members present to establish that the value of such property would not defray the cost of arranging its sale. (Education Code 17546)

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

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Exhibit 2

UNCONDITIONAL COMMITMENT LETTER

Note: Government Code 54960, as amended by SB 1003 (Ch. 732, Statutes of 2012), authorizes the district attorney or other interested person to file an action in court to determine the applicability of the Ralph M. Brown Act to any past Governing Board action which is not specified in Government Code 54960.1 and which occurs on or after January 1, 2013; see the accompanying administrative regulation. Prior to commencing such an action, the district attorney or other interested person must send a cease and desist letter to the Board within nine months of the alleged violation. Within 30 days of receiving the cease and desist letter, the Board may respond by sending an unconditional commitment, substantially in the same form provided in Government Code 54960.2, to desist from repeating the past action. If the Board so responds, the district attorney or other interested person may not file an action in court. The following exhibit presents a sample unconditional commitment letter.

To: (Name of district attorney or any interested person)

The Governing Board of (name of school district) has received your cease and desist letter dated (date) alleging that the following described past action taken by the Board violates the Ralph M. Brown Act: (Describe alleged past action as set forth in the cease and desist letter.)

In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the Board hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action described above. The Board may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address(es) you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, a notice will be delivered to you by the same means as this commitment, or by mail to an address that you have designated in writing, and you will have the right to commence legal action pursuant to Government Code 54960(a).

Sincerely,

(Name)

(Title of Board President or other designee)

11/12

CSBA Sample

Board Bylaw

Minutes And Recordings

BB 9324

Board Bylaws

Note: The following ~~optional~~ should be modified to reflect district practice.

The Governing Board recognizes that maintaining accurate minutes of Board meetings provides a record of Board actions for use by district staff and the public. Accurate minutes also help foster public trust that Board actions are occurring in public in accordance with law.

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

(cf. 9323 - Meeting Conduct)

The secretary of the Board shall keep minutes and record all official Board actions. The Board's minutes shall be public records and shall be made available to the public upon request.

(Education Code 35145, 35163)

(cf. 1340 - Access to District Records)

(cf. 9323.2 - Actions by the Board)

The Superintendent or designee shall distribute a copy of the "unapproved" minutes of the previous meeting(s) with the agenda for the next regular meeting. At the next meeting, the Board shall approve the minutes as circulated or with necessary amendments.

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

In order to ensure that the minutes are focused on Board action, the minutes shall include only a brief summary of the Board's discussion, but shall not include a verbatim record of the Board's discussion on each agenda topic or the names of Board members who made specific points during the discussion.

The minutes shall include the specific language of each motion, the names of members who made and seconded the motion, and the individual votes of each member, unless the action was unanimous. When a roll call vote is taken, the names and votes of each member shall be listed. Motions or resolutions shall be recorded as having passed or failed. All motions and Board resolutions shall be numbered consecutively from the beginning of each fiscal year.

The minutes shall reflect the names of those individuals who comment during the meeting's public comment period as well as the topics they address.

Note: Pursuant to Government Code 54952.2, a majority of the Board must be present at a meeting in order to hear, discuss, or deliberate on any matter within the subject matter jurisdiction of the Board. Thus, the minutes should reflect when a member is not present for the entire meeting in order to document that a majority of the Board remained in attendance throughout the meeting.

The minutes shall record which members are present and whether a member is not present for part of the meeting due to late arrival and/or early departure.

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

Note: Pursuant to 5 CCR 16023, minutes and official actions of the Board must be classified and retained in accordance with 5 CCR 16022. See BP/AR 3580 - District Records.

Official Board minutes and recordings shall be stored in a secure location and shall be retained in accordance with law.

(cf. 3580 - District Records)

Note: Although Government Code 54957.2 permits keeping of minutes for closed sessions, districts should consult with legal counsel before making it a practice to do so. Should a court determine that a district has violated the Brown Act, Government Code 54960 allows the court to compel the Board to record its closed sessions. See BB 9323.2 - Actions by the Board.

Any minutes or recordings kept for Board meetings held in closed session shall be kept separately from the minutes or recordings of regular and special meetings. Minutes or recordings of closed sessions are not public records. (Government Code 54957.2)

(cf. 9321.1 - Closed Session Actions and Reports)

Recording or Broadcasting of Meetings

Note: Pursuant to Government Code 54953.5 and 54953.6, any person attending an open meeting may record or broadcast the meeting, unless the Board makes a reasonable finding that the recording or broadcast cannot continue without noise, illumination, or obstruction of view which would persistently disrupt the meeting. See BB 9323 - Meeting Conduct for language regarding recording by the public.

The district may tape, film, or broadcast any open Board meeting. The Board president shall announce that a recording or broadcasting is being made at the beginning of the meeting and, as practicable, the recorder or camera shall be placed in plain view of meeting participants.

Any district recording may be erased or destroyed 30 days after the meeting. Recordings made during a meeting are public records and, upon request, shall be made available for inspection by

members of the public on a district recorder without charge. (Government Code 54953.5)

Legal Reference:

EDUCATION CODE

35145 Public meetings

35163 Official actions, minutes and journals

35164 Vote requirements

GOVERNMENT CODE

54952.2 Meeting defined

54953.5 Audio or video recording of proceedings

54953.6 Broadcasting of proceedings

54957.2 Closed sessions; clerk; minute book

54960 Violations and remedies

PENAL CODE

632 Unlawful to intentionally record a confidential communication without consent

CODE OF REGULATIONS, TITLE 5

16020-16027 Classification and retention of records

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2007

Guide to Effective Meetings, rev. 2007

Maximizing School Board Leadership: Boardsmanship, 1996

WEB SITES

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

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