

**CONCEPTS AND ROLES**

The Board of Trustees recognizes that prudent financial decisions are crucial to the district's ability to provide a high-quality education for students. It is therefore essential that the Board establish reliable budget development processes and adopt a responsible budget with spending priorities which reflect the district's vision and goals. When needed, the Board shall advocate and seek community, state or federal support for additional financing.

*(cf. 0100 - Philosophy)*

*(cf. 0200 - Goals for the School District)*

The Board expects sound fiscal management from the administration. The Superintendent or designee shall prepare the detailed annual budget and present it to the Board for review and adoption. He/she shall administer the adopted budget in accordance with Board policies and accepted business procedures.

*(cf. 3100 - Budget)*

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

The Board shall monitor financial operations so as to ensure the district's fiscal integrity. The Superintendent or designee shall make all required financial reports, recommend auditor(s) to the Board, recommend financial plans for meeting program needs, and keep the Board fully informed about the district's fiscal and noninstructional operations.

*(cf. 3460 - Financial Reports and Accountability)*

The Board shall make every effort to ensure that the district provides healthy school environments and maintains high standards of safety in the operation of facilities, equipment and services. The Superintendent or designee shall establish a risk management program that promotes safety and protects district resources.

*(cf. 3514 - Environmental Safety)*

*(cf. 3515 - Campus Security)*

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

*(cf. 9000 - Role of the Board)*

*Legal Reference:*

**EDUCATION CODE**

*35035 Powers and duties of superintendent*

*35160 Authority of Board of Trustees*

*35160.1 Broad authority of school district*

*35161 Powers and duties of Board of Trustees*

**Policy**

**adopted: June 21, 2001**

**reviewed: March 2, 2006**

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

**Winters, California**

**BUDGET**

The Board of Trustees recognizes its critical responsibility for adopting a sound budget for each fiscal year which is aligned with and reflects the district's vision, goals, priorities, local control and accountability plan (LCAP), and other 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. 0460 - Local Control and Accountability Plan)*

*(cf. 3300 – Expenditures and Purchases)*

*(cf. 3460 - Financial Reports and Accountability)*

*(cf. 9000 - Role of the Board)*

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

**Budget Development and Adoption Process**

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.

The Board shall hold a public hearing in accordance with Education Code 42103 and 42127.

*(cf. 9320 – Meetings and Notices)*

*(cf. 9322 – Agenda/Meeting Materials)*

*(cf. 9323 – Meeting Conduct)*

The Board shall adopt the district budget at a public meeting held after the date of the public hearing but on or before July 1 of each year. The Board shall adopt the budget following its adoption of the LCAP, or annual update to the LCAP, and the LCFF budget overview for parents/guardians. The budget shall include the expenditures necessary to implement the LCAP or the annual update to the LCAP. (Education Code 42127, 52062)

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

**BUDGET**

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

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

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

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

**Budget Criteria and Standards**

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

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

*(cf. 3553 - Free and Reduced Price Meals)*

*(cf. 6173.1 - Education for Foster Youth)*

*(cf. 6174 - Education for English Language Learners)*

The Board 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, 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)*

**BUDGET**

**Fund Balance**

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

1. *Nonspendable fund balance* includes amounts that are not expected to be converted to cash, such as resources that are not in a spendable form (e.g., inventories and prepaids) or that are legally or contractually required to be maintained intact.
2. *Restricted fund balance* includes amounts constrained to specific purposes by their providers or by law.
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 are intended for a specific purpose but do not meet the criteria to be classified as restricted or committed.

The Board delegates authority to assign funds to the assigned fund balance to the Superintendent and authorizes the assignment of such funds to be made any time prior to the issuance of the financial statements. The Superintendent shall have discretion to further delegate the authority to assign funds.

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. The Board intends to maintain a minimum assigned and unassigned fund balance in an amount the Board deems sufficient to maintain fiscal solvency and stability and to protect the district against unforeseen circumstances.

If the unassigned fund balance falls below this level set by the board 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.

**BUDGET**

**Reserve Balance**

The district budget shall include a minimum reserve balance for economic uncertainties that is consistent with the percentage or amount specified in 5 CCR 15450.

In any year following the fiscal year in which the district is notified by the SPI that the amount of monies in the state Public School System Stabilization Account equals or exceeds three percent of the combined total of general fund revenues appropriated for school districts and allocated local proceeds of taxes, the district budget shall not contain a combined assigned or unassigned ending general fund balance that is in excess of 10 percent of these funds, unless the requirement is waived in accordance with Education Code 42127.01. (Education Code 42127.01)

**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. 4154/4254/4354 – Health and Welfare Benefits)*

*(cf. 7210 – Facilities Financing)*

*(cf. 9250 – Remuneration, Reimbursement and Other Benefits)*

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.

The Superintendent or designee shall annually presents a report to the Board on the estimated accrued but unfunded cost of OPEBs. As a separate agenda item at the same meeting, the Board shall disclose 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)

The Superintendent or designee shall annually present a report to the Board on the estimated accrued but unfunded cost of workers' compensation claims and the actuarial reports upon which the estimated costs are based. As a separate agenda item at the same meeting, the Board shall disclose whether 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

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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**

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 occur as a result of the funding made available by that Budget Act. (Education Code 42127)

Whenever revenues and expenditures change significantly through 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 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**41202 Determination of minimum level of education funding**42103 Public hearing on proposed budget; requirements for content of proposed budget**42122-42129 Budget requirements**42130-42134 Financial certifications**42140-42142 Disclosure of fiscal obligations**42238-42251 Apportionments to districts, especially:**42238.01-42238.07 Local control funding formula**42602 Use of unbudgeted funds**42610 Appropriation of excess funds and limitation thereon**45253 Annual budget of personnel commission**45254 First year budget of personnel commission**52060-52077 Local control and accountability plan***GOVERNMENT CODE***7900-7914 Appropriations limit**21710-21716 California Employer's Pension Prefunding Trust Program***CODE OF REGULATIONS, TITLE 5***15060 Standardized account code structure**15440-15451 Criteria and standards for school district budgets**15494-15497 Local control funding formula, supplemental and concentration grant expenditures*

**BUDGET**

GOVERNMENT CODE

7900-7914 Expenditure limitations

CODE OF REGULATIONS, TITLE 5

15060 Standardized account code structure

15440-15451 Criteria and standards for school district budgets

15494-15496 Local control funding formula, expenditures

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*California School Accounting Manual*

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

FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

*Fiscal Oversight Guide for AB 1200, AB 2756 and Subsequent Related Legislation, December 2015*

GOVERNMENT FINANCE OFFICERS ASSOCIATION

*Best Practice: Fund Balance Guidelines for the General Fund, September 2015*

GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENTS

*Statement 75, Accounting and Financial Reporting for Post-employment Benefits Other Than Pensions, June 2015*

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

WEB SITES

CSBA: <http://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.gash.org>

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

Policy

adopted: June 21, 2001

revised: November 3, 2011

revised: January 16, 2014

revised: April 2, 2015

revised: November 19, 2015

revised: April 18, 2019

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

**BUDGET**

**Initial Budget Adoption**

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

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

*(cf. 9320 – Meetings and Notices)*

*(cf. 9322 – Agenda/Meeting Materials)*

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.

During the hearing, any District resident may speak to the proposed budget or 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)*

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**

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)



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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)

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**

If the District's revised budget is disapproved by the County Superintendent, the budget shall be reviewed by a budget review committee, unless the Board and County Superintendent agree to waive the requirement and the California Department of Education accepts the waiver. (Education Code 42127)

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

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

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)

**Business and Noninstructional Operations**

AR 3100(c)

**BUDGET**

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)

Regulation  
approved: June 21, 2001  
revised: June 4, 2009

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**  
Winters, California

**TRANSFER OF FUNDS**

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

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

*(cf. 3100 – Budget)*

*(cf. 3400 – Management of district Assets/Accounts)*

*(cf. 3460 – Financial Reports and Accountability)*

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

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

1. At any time, adopt a written resolution providing for transfers from the designated fund balance or the unappropriated fund balance to any expenditure classification or between classifications. The resolution shall be filed with the County Superintendent of Schools and the county auditor. (Education Code 42600)
2. Direct the temporary transfer of monies held in any district fund or account to another fund or account as necessary for the payment of obligations. Such borrowing shall occur only when the fund or account receiving the money will earn sufficient income during the current fiscal year to repay the amount transferred. No more than 75 percent of the maximum amount held in any fund or account during the current fiscal year may be transferred. Amounts transferred shall be repaid in the same fiscal year, or in the following fiscal year if the transfer takes place within the final 120 calendar days of a fiscal year. (Education Code 42603)
3. At the close of a school year, request that the County Superintendent make transfers between the designated fund balance or the unappropriated fund balance and any expenditure classification(s), or balance any expenditure classifications of the district budget as necessary for the payment of obligations incurred during that school year. (Education Code 42601)
4. Specify amounts to be transferred by the county auditor and treasurer from the district's general fund to the special reserve fund during the fiscal year. If any special reserve funds are maintained for purposes other than capital outlay or if monies in the special reserve fund are not actually encumbered for ongoing expenses, the Board may transfer those monies into the general fund for the general operating purposes of the district. If any monies remain in the special reserve fund at the conclusion of a project, the Board may, by written request to the County Superintendent, auditor, and treasurer, transfer those monies to the district's general fund. (Education Code 42841-42843)

**TRANSFER OF FUNDS**

5. Transfer monies between other funds or accounts when authorized by law.

*Legal References:*

EDUCATION CODE

78 Definition governing board

5200 Districts governed by boards of education

16095 Transfer of district funds to district state school building fund

41301 Section A state school fund allocation schedule

42125 Designated and unappropriated fund balances

42238-42251 Apportionments to districts, especially:

42238.01-42238.07 Local control funding formula

42600 District budget limitation on expenditure

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

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

42840-42843 Special reserve fund

52616.4 Expenditures from adult education fund

*Management Resources:*

WEB SITES

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

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

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

Policy

adopted: January 21, 2010

revised: October 18, 2012

revised: January 16, 2014

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

**DEFERRED MAINTENANCE FUNDS**

~~In order to help meet the district's facility maintenance needs, the Board of Trustees shall discuss proposals and plans for expenditures of deferred maintenance facility funds at a regularly scheduled public hearing.~~

~~(cf. 3100—Budget)~~

~~(cf. 3110—Transfer of Funds)~~

~~(cf. 7000—Concepts and Roles)~~

~~(cf. 7210—Facilities Financing)~~

~~In any year that the district does not set aside one-half of one percent of its current year revenue limit average daily attendance for deferred maintenance, the Board shall submit a report, by March 1, to the Legislature, with copies to the Superintendent of Public Instruction, the State Board of Education, the Department of Finance, and the State Allocation Board. (Education Code 17584.1)~~

~~The report shall include all of the following: (Education Code 17584.1)~~

- ~~1. A schedule of the complete school facilities deferred maintenance needs of the district for the current year, including a schedule of costs per school site and total costs~~
- ~~2. A detailed description of the district's spending priorities for the current year, and an explanation of why those priorities, or any other considerations, have prevented the district from setting aside sufficient local funds so as to permit it to fully fund its deferred maintenance program and, if eligible, to participate in the state deferred maintenance funding program as set forth in Education Code 17584~~
- ~~3. An explanation of how the Board plans to meet its current year facilities deferred maintenance needs without setting aside the funds set forth in Education Code 17584~~

~~Copies of the report shall be made available at each school site and shall be provided to the public upon request. (Education Code 17584.1)~~

~~(cf. 3580—District Records)~~

*Legal Reference:*

EDUCATION CODE

*17565-17591 Property maintenance and control, especially:*

*17584 Deferred maintenance*

*17584.1 Deferred maintenance reports*

*Management Resources:*

WEB SITES

*Department of General Services, Office of Public School Construction: <http://www.dgs.ca.gov/opsc/>*

~~reviewed: March 2, 2006~~

## LOTTERY FUNDS

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

*(cf. 3000 – Concepts and Roles)*

*(cf. 3100 – Budget)*

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

Lottery funds allocated by the state for the purchase of instructional materials shall be expended on instructional materials as defined in Education Code 60010. Lottery funds shall not be used for the acquisition of real property, construction of school facilities, financial of research, or any other noninstructional purpose. (government Code 8880.4, 8880.5)

*(cf. 3460 – Financial Reports and Accountability)*

For the receipt and expenditure of lottery funds, the Superintendent or designee shall establish a separate account that shall be clearly identified as a lottery education account. (Government Code 8880.5)

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 1220 - Citizen Advisory Committees)*

### *Legal Reference:*

#### EDUCATION CODE

14600 Legislative findings and declarations: state control of lottery funds

14700-14701 Use of lottery funds

60010 Definitions

60119 Hearings, steps to ensure availability of textbooks and instructional materials

#### GOVERNMENT CODE

8880-8880.5 California state lottery: general provisions

#### CODE OF REGULATIONS, TITLE 5

19834 Audits, Proposition 20 lottery funds

19835 Audits, state lottery funds

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE

2001.05.10 Proposition 20 –Allocation of Lottery Funds for Instructional Materials

#### WEB SITES

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

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

Policy  
adopted: March 2, 2006  
revised: November 18, 2010

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**  
Winters, California

## **FEES AND CHARGES**

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

No student shall be required to pay a fee, deposit, or other charge for participation in an educational activity which constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities. (Education Code 49010, 49011; 5 CCR 350)

*(cf. 3100 - Budget)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

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

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

*(cf. 0415 - Equity)*

*(cf. 3250 - Transportation Fees)*

*(cf. 3553 - Free and Reduced Price Meals)*

*(cf. 5143 - Insurance)*

*(cf. 9323.2 - Actions by the Board)*

The prohibition against student fees shall not prevent the district from soliciting for donations, conducting fundraising activities, or providing prizes or other recognition for participants in such activities and events. The Superintendent or designee shall emphasize that participation of students, parents/guardians, district employees, volunteers, or educational or civic organizations in such activities and events is voluntary. The district shall not offer or award to a student any course credit or privileges related to educational activities in exchange for voluntary donations or participation in fundraising activities by or on behalf of the student. The district also shall not remove or threaten to remove from a student any course credit or privileges related to educational activities, or otherwise discriminate against the student, due to a lack of voluntary donations or participation in fundraising activities by or on behalf of the student.

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

*(cf. 3290 - Gifts, Grants and Bequests)*

## **Complaints**

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



**FEES AND CHARGES**

*(cf. 1312.3 – Uniform Complaint Procedures)*

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

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

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

*(cf. 5145.6 - Parental Notifications)*

**Collection of Debt**

The Superintendent or designee shall, in accordance with law, recover any debt owed to the district as a result of unpaid permissible student fees approved by the Board. However, the district shall not bill a current or former student for accumulated debt, nor take negative action against a student or former student because of such debt, including, but not limited to, any of the following: (Education Code 49014)

1. Denying full credit for any class assignment
2. Denying full and equal participation in any classroom activity
3. Denying access to the library or other on-campus educational facilities
4. Denying or withholding grades or transcripts
5. Denying or withholding a diploma
6. Limiting or barring participation in an extracurricular activity, club, or sport
7. Limiting or excluding the student from participation in an educational activity, field trip, or school ceremony

*Legal Reference: (see next page)*

**FEES AND CHARGES**

*Legal Reference:*

EDUCATION CODE

8239 *Preschool and wraparound child care services*  
8250 *Child care and development services for children with disabilities*  
8263 *Child care eligibility*  
8422 *21st Century High School After School Safety and Enrichment for Teens programs*  
8482.6 *After School Education and Safety programs*  
8760-8774 *Outdoor science, conservation, and forestry programs*  
17453.1 *District sale or lease of Internet appliances or personal computers to parents of students*  
17551 *Property fabricated by students*  
19910-19911 *Offenses against libraries*  
32033 *Eye protective devices*  
32221 *Insurance for athletic team member*  
32390 *Fingerprinting program*  
35330-35332 *Excursions and field trips*  
35335 *School camp programs*  
38080-38086.1 *Cafeteria establishment and use*  
38120 *Use of school band equipment on excursions to foreign countries*  
39801.5 *Transportation for adults*  
39807.5 *Payment of transportation costs*  
39837 *Transportation of students to places of summer employment*  
48050 *Residents of adjoining states*  
48052 *Tuition for foreign residents*  
48904 *Liability of parent or guardian*  
49010-49013 *Student fees*  
49014 *Public School Fair Debt Collection Act*  
49065 *Charge for copies*  
49066 *Grades, effect of physical education class apparel*  
49091.14 *Prospectus of school curriculum*  
49557.5 *Unpaid school meal fees*  
51810-51815 *Community service classes*  
52612 *Tuition for adult classes*  
52613 *Nonimmigrant foreign nationals*  
56504 *School records; students with disabilities*  
60410 *Students in classes for adults*

GOVERNMENT CODE

6253 *Request for copy; fee*

CALIFORNIA CONSTITUTION

Article 9, Section 5 *Common school system*

CODE OF REGULATIONS, TITLE 5

350 *Fees not permitted*  
4600-4687 *Uniform complaint procedures*

UNITED STATES CODE, TITLE 8

1184 *Nonimmigrant students*

COURT DECISIONS

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

*Driving School Assn of CA v. San Mateo Union HSD* (1992) 11 Cal. App. 4th 1513

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

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

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

**FEES AND CHARGES**

*Management Resources:*

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

*Pupil Fees, Deposits and Other Charges, Fiscal Management Advisory 17-01, July 28, 2017*

*WEB SITES*

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

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

Policy

adopted: June 21, 2001

reviewed: March 21, 2013

revised: June 19, 2014

revised: April 18, 2019

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

**FEES AND CHARGES**

The district shall not require any District student to pay any fees, deposits, or charges except as specifically authorized by law. (Education Code 49011; 5 CCR 350)

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

1. Insurance for athletic team members, with an exemption for financial hardship (Education Code 32221)

*(cf. 5143 - Insurance)*

2. Insurance for medical or hospital service for students participating in field trips and excursions (Education Code 35331)

3. Expenses of students' participation in a field trip or excursion to another state, the District of Columbia or a foreign country, as long as no student is prohibited from making the field trip due to lack of funds (Education Code 35330)

*(cf. 6153 - School-Sponsored Trips)*

4. Student fingerprinting program (Education Code 32390)

*(cf. 5142.1 - Identification and Reporting of Missing Children)*

5. School camp programs operated pursuant to Education Code 8760-8773 provided that the fee is not mandatory (Education Code 35335)

*(cf. 6142.5 - Environmental Education)*

6. Personal property of the district fabricated by students, as long as the cost of the property does not exceed the cost of the materials provided by the district (Education Code 17551)

7. Home-to-school transportation and transportation between regular, full-time day schools and regional occupational centers, programs or classes, as long as the fee does not exceed the statewide average nonsubsidized cost per student and as long as exemptions are made for indigent and disabled students (Education Code 39807.5)

*(cf. 3250 - Transportation Fees)*

8. Transportation to and from summer employment programs for youth (Education Code 39837)

**FEES AND CHARGES**

9. Deposit for band instruments, music, uniforms, and other regalia which school band members take on excursions to foreign countries (Education Code 38120)
10. Fees for community service classes (Education Code 51815)  
*(cf. 6142.4 – Service Learning/Community Service Classes)*
11. Eye safety devices, at a price not to exceed the District's actual costs (Education Code 32033)  
*(cf. 5142 – Safety)*
12. Actual cost of furnishing copies of any student's records except, if he/she is a former student up to two transcripts or two verifications of his/her various records (Education Code 49065)  
*(cf. 5125-Student Records)*
13. Actual costs of duplication for copies of public records (Government Code 6253)  
*(cf. 1340 – Access to District Records)*
14. Actual costs of duplication for reproduction of the prospectus of school curriculum (Education Code 49091.14)  
*(cf. 5020 – Parent Rights and Responsibilities)*
15. Food sold at school subject to free and reduced-price meal program eligibility and other restrictions specified in law ( Education Code 38084)  
*(cf. 3550 – Food Service/Child Nutrition Program)*  
*(cf. 3551 – Food Service Operations/Cafeteria Funds)*  
*(cf. 3553 – Free and Reduced Price Meals)*  
*(cf. 3554 – Other Food Sales)*
16. Fines or reimbursements for lost or damaged district property or damage to library property (Education Code 19910-19911, 48904)  
*(cf. 3515.4 - Recovery for Property Loss or Damage)*
17. Tuition for district school attendance by an out-of-state and out-of-country residents (Education Code 48050, 48052, 52613; 8 USC 1184)  
*(cf. 5111.2 - Nonresident Foreign Students)*

**FEES AND CHARGES**

18. Adult education books, materials, and classes as specified in law (Education Code 52612, 60410)

*(cf. 6200 - Adult Education)*

19. Preschool and child care and development services (Education Code 8239, 8263)

*(cf. 5148 - Child Care and Development)*

*(cf. 5148.3 – Preschool/Early Childhood Education)*

20. Physical education uniforms

*(cf. 6142.7 – Physical Education and Activity)*

**SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES**

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

*(cf. 0440 – District Technology Plan)*

*(cf. 3512 – Equipment)*

*(cf. 6161.11 – Supplementary Instructional Materials)*

*(cf. 6163.1 – Library Media Centers)*

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

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

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

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

1. Contain information rendered inaccurate or incomplete by new research or technologies
2. Contain demeaning, stereotyping or patronizing references to any group of persons protected against discrimination by law or Board policy
3. Are damaged beyond use or repair

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

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

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

*(cf. 6011 – Academic Standards)*

*(cf. 6143 – Courses of Study)*

**SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES**

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

(cf. 3440 - Inventories)

*Legal Reference:*

EDUCATION CODE

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

17545-17555 Sale of personal property

35168 Inventory, including record of time and mode of disposal

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

GOVERNMENT CODE

25505 District property; disposition; proceeds

CODE OF REGULATIONS, TITLE 5

3944 Consolidated categorical programs, district title to equipment

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

UNITED STATES CODE, TITLE 40

549 Surplus property

CODE OF FEDERAL REGULATIONS, TITLE 34

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

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Standards for Evaluating Instructional Materials for Social Content, 2013

WEB SITES

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

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

Policy

adopted: June 21, 2001

revised: July 1, 2010

revised: November 19, 2015

revised: October 20, 2016

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California



**SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES**

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

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

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

2. The property may be sold by means of a public auction conducted by district employees, employees of other public agencies, or by contract with a private auction firm. Notice related to the auction shall be posted or published as described in item #1 above. (Education Code 17545)
3. The District may sell the property without advertising for bids under any of the following conditions:
  - a. The Board of Trustees members attending a meeting unanimously agree that the property, whether one or more items, does not exceed \$2,500 in value. (Education Code 17546)

*(cf. 9323.2 – Actions by the Board)*

- b. The District sells the property to agencies of federal, state, or local government, to any other school district, or to any agency eligible under the federal surplus property law (40 USC 484 renumbered 40 USC 549) and the sale price equals the cost of the property plus the estimated cost of purchasing, storing, and handling. (Education Code 17540)
  - c. The District sells or leases the property to agencies of the federal, state, or local government or to any other school district and the price and terms of the sale or lease are fixed by the Board and approved by the County Superintendent of Schools. (Education Code 17542)

**SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES**

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

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

**Instructional Materials**

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

*(cf. 0440 – District Technology Plan)*  
*(cf. 6161 – Equipment, Books and Materials)*  
*(cf. 6161.1 – Selection and Evaluation of Instructional Materials)*  
*(cf. 6161.11 – Supplementary Instructional Materials)*  
*(cf. 6163.1 – Library Media Centers)*

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

At least 60 days before selling or donating surplus instructional materials, the Superintendent or designee shall notify the public of the District's intention to do so through a public service announcement on a local television station, in a local newspaper, or by another means the he/she believes will most effectively reach the entities described above. The Board shall also permit representatives of these entities and members of the public to address the Board regarding the distribution of these materials.

*(cf. 9323 - Meeting Conduct)*

**SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES**

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

1. Mutilated so as not to be salable and sold for scrap at the highest obtainable price
2. Destroyed by any economical means provided that the materials are not destroyed until at least 30 days after the District has given notice to all persons who have requested such notice

*(cf. 3510 – Green School Operations)*

*(cf. 3511.1 – Integrated Waste Management)*

**Replacement of School Buses**

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

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

*(cf. 3540 – Transportation)*

6. Before the sale is finalized, the bus being sold is in compliance with all relevant provisions of the Vehicle Code and 13 CCR.

Regulation  
approved: June 21, 2001  
revised: July 1, 2010

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**  
Winters, California

**SALE, LEASE, RENTAL OF DISTRICT-OWNED REAL PROPERTY**

The Board of Trustees believes that district facilities and resources should be utilized in an economical and practical manner. The Superintendent or designee shall periodically study the current and projected use of all district facilities to ensure the effective delivery of instruction.

*(cf. 1330 – Use of School Facilities)*

*(cf. 7110 – Facilities Master Plan)*

*(cf. 7111 – Evaluating Existing Buildings)*

*(cf. 7160 – Charter School Facilities)*

The Board shall appoint a district advisory committee prior to the sale or lease of any surplus real property, to advise the Board regarding the use or disposition of schools or school building space which is not needed for school purposes. Rentals of surplus property not exceeding 30 days are exempted from this requirement. When the sale, lease, or rental of surplus property is for the purpose of teacher or other employee housing or for the offering of summer school by a private educational institution, the Board may elect not to appoint a district advisory committee. (Education Code 17387-17391)

*(cf. 1220 – Citizen Advisory Committee)*

If the local planning agency has adopted a general plan that affects or includes the area where the surplus property is located, the Board shall submit a report to the local planning agency describing the location of the surplus property and the purpose and extent of the proposed sale or lease. (Government Code 65402)

The Board shall determine whether the sale or lease of the surplus property is subject to review under the California Environmental Quality Act. (Public Resources Code 21000-21177; 14 CCR 15061-15062)

When selling or leasing district real property, the Board shall comply with the priorities and procedures specified in applicable law. (Education Code 17230, 17464, 17485-17499; Government Code 54222)

*(cf. 5148 - Child Care and Development)*

*(cf. 5148.2 - Before/After School Programs)*

*(cf. 5148.3 - Preschool/Early Childhood Education)*

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

**Resolution of Intention to Sell or Lease**

Before ordering the sale or lease of any real property, the Board shall adopt a resolution by a two-thirds vote of all of its members at a regularly scheduled, open meeting. The resolution shall describe

**SALE, LEASE, RENTAL OF DISTRICT-OWNED REAL PROPERTY**

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

*(cf. 9320 - Meetings and Notices)*

*(cf. 9323.2 – Actions by the Board)*

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

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

**Acceptance/Rejection of Bids**

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

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

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

The final acceptance of the bid may be made either at the same meeting specified in the resolution or at any adjourned/continued meeting held within 10 days. Upon acceptance of the bid, the Board may adopt a resolution of acceptance that directs the Board president, or any other Board member, to execute the deed or lease and to deliver the document upon performance and compliance by the successful bidder of all of the terms and conditions of the contract. (Education Code 17475-17478)

**SALE, LEASE, RENTAL OF DISTRICT-OWNED REAL PROPERTY**

*(cf. 1431 – Waivers)*

**Use of Proceeds**

The Superintendent or designee shall ensure that proceeds from the sale or lease with an option to purchase of district surplus property are used for one-time expenditures and not for ongoing expenditures such as salaries and general operating expenses. (Education Code 17462)

Proceeds from a sale of surplus district property shall be used for capital outlay or maintenance costs that the Board determines will not recur within a five-year period. (Education Code 17462)

Proceeds from a lease of district property with an option to purchase may be deposited into a restricted fund for the routine repair of district facilities, as defined by the SAB, for up to a five-year period. (Education Code 17462)

If the Board and SAB determine that the district has no anticipated need for additional sites or building construction for the next 10 years and no major deferred maintenance requirements, the proceeds from the sale or lease with an option to purchase may be deposited in a special reserve fund for the future maintenance and renovation of school sites or in the district's general fund. Proceeds from the sale or lease with option to purchase of district property may also be deposited in a special reserve fund for capital outlay or maintenance costs of district property that the Board determines will not recur within a five-year period. (Education Code 17462)

*(cf. 3100 – Budget)*

*(cf. 3460 – Financial Reports and Accountability)*

*Legal Reference:*

**EDUCATION CODE**

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

*17230-17234 Surplus property*

*17385 Conveyances to and from school districts*

*17387-17391 Advisory committees for use of excess school facilities*

*17400-17429 Leasing property*

*17430-17447 Leasing facilities*

*17453 Lease of surplus district property*

*17455-17484 Sale or lease of real property; especially:*

*17462.3 State Allocation Board program to reclaim funds*

*17485-17500 Surplus school playground (Naylor Act)*

*17515-17526 Joint occupancy*

*17527-17535 Joint use of district facilities*

*33050 Request for waiver*

*38130-38139 Civic Center Act*

**SALE, LEASE, RENTAL OF DISTRICT-OWNED REAL PROPERTY**

GOVERNMENT CODE

50001-50002 Definitions

54220-54232 Surplus land, especially:

54222 Offer to sell or lease property

54950-54963 Brown Act, especially:

54952 Legislative body, definition

PUBLIC RESOURCES CODE

21000-21177 California Environmental Quality Act

CODE OF REGULATIONS, TITLE 2

1700 Definitions related to surplus property

COURT DECISIONS

San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District, (2006) 139 Cal.app.4<sup>th</sup> 1356

Management Resources

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Closing a School Best Practices Guide

OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS

Unused Site Program Handbook, May 2008

WEB SITES

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

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

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

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

Policy

adopted: June 21, 2001

revised: August 16, 2012

revised: June 19, 2014

revised: December 7, 2017

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

**SALE, LEASE, RENTAL OF DISTRICT-OWNED REAL PROPERTY**

**District Advisory Committee**

The District Advisory Committee on use or disposition of surplus

The District Advisory Committee on use or disposition of surplus school buildings or space shall consist of 7-11 members representative of each of the following: (Education Code 17389)

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

The committee shall: (Education Code 17390)

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



**SALE, LEASE, RENTAL OF DISTRICT-OWNED REAL PROPERTY**

The District advisory committee shall comply with open meeting requirements of the Brown Act.  
(Government Code 54952)

*(cf. 1220 – Citizen Advisory Committees)*

*(cf. 9130 – Board Committees)*

**GIFTS, GRANTS AND BEQUESTS**

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

*(cf. 0200 – Goals for the School District)*

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

*(cf. 0415 - Equity)*

*(cf. 1260 – Educational Foundation)*

*(cf. 9270 - Conflict of Interest)*

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

*(cf. 0000 – Vision)*

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

1. Involve creation of a program which the Board would be unable to sustain when the donation is exhausted.
2. Entail undesirable or excessive costs.
3. Promote the use of violence, drugs, tobacco, or alcohol

*(cf. 5131.6 – Alcohol and Other Drugs)*

*(cf. 5131.62 – Tobacco)*

4. Advertise or endorse the use of non-nutritious food or beverages during the school day

*(cf. 5030 - Student Wellness)*

5. Encourage or enable the violation of any law or district policy
6. Imply endorsement of any business or product or unduly commercialize or politicize the school environment

*(cf. 1325 - Advertising and Promotion)*

Any gift of books or instructional materials may only be accepted if they meet district criteria for selection of instructional materials.

**GIFTS, GRANTS AND BEQUESTS**

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

*(cf. 6161.11 - Supplementary Instructional Materials)*

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

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

*(cf. 3430 - Investing)*

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

*(cf. 3440 - Inventories)*

*(cf. 3460 - Financial Reports and Accountability)*

**Appreciation**

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

*(cf. 1150 - Commendations and Awards)*

*(cf. 7310 - Naming of Facility)*

*Legal Reference:*

**EDUCATION CODE**

*1834 Acquisition of materials and apparatus*

*35160 Powers and duties*

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

*41030 School district may invest surplus monies from bequest or gifts*

*41031 Special fund or account in county treasury*

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

*41035 Advisory committee*

*41036 Function of advisory committee*

*41037 Rules and regulations*

*41038 Applicability of other provisions of chapter*

**GIFTS, GRANTS AND BEQUESTS**

*Management Resources:*

*WEBSITES*

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

Policy  
adopted: June 21, 2001  
revised: November 3, 2011  
revised: December 6, 2018

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**  
Winters, California

**EXPENDITURES/EXPENDING AUTHORITY**

The Superintendent or designee may purchase supplies, materials, equipment and services up to the amounts specified in Public Contract Code 20111, beyond which a competitive bidding process is required.

*(cf. 3310 - Purchasing Procedures)*

*(cf. 3311 - Bids)*

*(cf. 3312 - Contracts)*

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

*(cf. 3100 - Budget)*

*(cf. 3110 - Transfer of Funds)*

All transactions entered into by the Superintendent or designee on behalf of the Board shall be reviewed by the Board every 60 days. (Education Code 17605)

No district funds shall be expended for the purchase of alcoholic beverages. (Education Code 32435)

The Board shall not recognize obligations incurred contrary to Board policy and administrative regulations.

*Legal Reference:*

**EDUCATION CODE**

*17604 Delegation of powers to agents; liability of agents*

*17605 Delegation of authority to purchase supplies and equipment*

*32435 Prohibited use of public funds*

*35010 Control of district; prescription and enforcement of rules*

*35035 Powers and duties of superintendent*

*35272 Educational and athletic materials*

*38083 Purchase of perishable foodstuffs and seasonal commodities*

*41010 Accounting system*

*41014 Requirement of budgetary accounting*

**PUBLIC CONTRACT CODE**

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

Policy

adopted: June 21, 2001

reviewed: March 2, 2006

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

**PURCHASING PROCEDURES**

The Superintendent or designee shall maintain effective purchasing procedures in order to ensure that maximum value is received for money spent by the district and that records are kept in accordance with law.

Insofar as possible, goods and services purchased shall meet the needs of the person or department ordering them at the lowest price consistent with standard purchasing practices. Maintenance costs, replacement costs and trade-in values shall be considered when determining the most economical purchase price.

*(cf. 3314.2 - Revolving Funds)*

*(cf. 3440 - Inventories)*

All purchases shall be made by formal contract or purchase orders, or shall be accompanied by a receipt.

*(cf. 3300 - Expenditures/Expending Authority)*

*(cf. 3312 - Contracts)*

*Legal Reference:*

**EDUCATION CODE**

*17604 Delegation of powers to agents; approval or ratification of contracts by Board of Trustees*

*17605 Delegation of authority to purchase supplies and equipment*

*35250 Duty to keep certain records and reports*

**GOVERNMENT CODE**

*4331 Preference to supplies manufactured or produced in state*

**PUBLIC CONTRACT CODE**

*3410 U.S. produce and processed foods*

*12168 Preference for recycled paper products*

*12210 Purchase of recycled products*

**PURCHASING PROCEDURES**

**Preferred Products**

Whenever recycled products of equal fitness and quality are available at no more than the cost of nonrecycled products, the district shall purchase recycled products. The district also may give preference to the suppliers of recycled products. (Public Contract Code 12168, 12210)

Price, fitness and quality being equal, the district shall give preference to supplies manufactured, grown or produced in California, and shall next prefer supplies partially manufactured, grown or produced in California. (Government Code 4331)

When purchasing food, the district shall give preference to produce grown in the United States and/or processed in the United States insofar as this is economically feasible considering the total cost, quantity and quality of the food. (Public Contract Code 3410)

**BIDS**

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

*(cf. 0410 – Nondiscrimination in District Programs and Activities)*

*(cf. 3000 – Concepts and Roles)*

*(cf. 3230 - Federal Grant Funds)*

*(cf. 3300 – Expenditures and Purchases)*

*(cf. 3311.1 - Uniform Public Construction Cost Accounting Procedures)*

*(cf. 3311.2 - Lease-Leaseback Contracts)*

*(cf. 3311.3 - Design-Build Contracts)*

*(cf. 3311.4 - Procurement of Technological Equipment)*

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading the legal requirements regarding contracting after competitive bidding. (Public Contract Code 20116, 22033)

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

For award of contracts which, by law or Board policy, require prequalification, the procedures shall identify a uniform system for rating bidders on the basis of a completed questionnaire and financial statements.

*(cf. 9270 - Conflict of Interest)*

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

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

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



**BIDS**

*Legal Reference:*

EDUCATION CODE

17070.10-17079.30 *Leroy F. Greene School Facilities Act*

17250.10-17250.55 *Design-build contracts*

17406 *Lease-leaseback contract*

17595 *Purchases through Department of General Services*

17602 *Purchase of surplus property from federal agencies*

38083 *Purchase of perishable foodstuffs and seasonable commodities*

38110-38120 *Apparatus and Supplies*

39802 *Transportation services*

BUSINESS AND PROFESSIONS CODE

7056 *General engineering contractor*

7057 *General building contractor*

CODE OF CIVIL PROCEDURE

446 *Verification of pleadings*

GOVERNMENT CODE

4217.10-4217.18 *Energy conservation contracts*

4330-4334 *Preference of California-made materials*

6252 *Definition of public record*

53060 *Special services and advice*

54201-54205 *Purchase of supplies and equipment by local agencies*

PUBLIC CONTRACT CODE

1102 *Emergencies*

1103 *Definition, responsible bidder*

2000-2002 *Responsive bidders*

3000-3010 *Roofing projects*

3400 *Bids, specifications by brand or trade name not permitted*

3410 *United States produce and processed foods*

6610 *Bid visits*

12200 *Definitions, recycled goods, materials and supplies*

20101-20103.7 *Public construction projects, requirements for bidding*

20103.8 *Award of contracts*

20110-20118.4 *Local Agency Public Construction Act; school districts*

20189 *Bidder's security, earthquake relief*

22002 *Definition of public project*

22030-22045 *Alternative procedures for public projects (UPCCAA)*

22050 *Alternative emergency procedures*

22152 *Recycled product procurement*

COURT DECISIONS

*Los Angeles Unified School District v. Great American Insurance Co.*, (2010) 49 Cal.4th 739

*Great West Contractors Inc. v. Irvine Unified School District*, (2010) 187 Cal.App.4th 1425

*Marshall v. Pasadena USD*, (2004) 119 Cal.App.4th 1241

*Konica Business Machines v. Regents of the University of California*, (1988) 206

*City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court*, (1972) 7 Cal.3d 861

ATTORNEY GENERAL OPINIONS

89 *Ops.Cal.Atty.Gen. 1* (2006)

**BIDS**

*Management Resources:*

**WEB SITES**

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

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

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

*California Department of General Services: <https://www.dgs.ca.gov>*

Policy

adopted: June 21, 2001

reviewed: March 2, 2006

revised: January 8, 2009

revised: January 16, 2014

revised: June 16, 2016

revised: March 16, 2017

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

**Bids**

The District has adopted the California Uniform Public Construction Cost Accounting Act ("Act") procedures under Public Contract Code 22000 et seq.

**Informal Bids**

Public projects, as defined by the Act and in accordance with the limits listed in Section 22032 of the Public Contract Code, may be let by contract by the informal procedures as set forth in Section 22032, et seq., of the Public Contract Code.

**Contractors List**

A list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission.

**Advertised Bids**

The District shall seek competitive bids through advertisement for contracts involving an expenditure greater than \$175,000 for a public project, may informally bid contract involving an expenditure or less than \$175,000, and shall seek quotes, when feasible, for projects involving an expenditure of \$45,000 or less.

"Public project" means construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition, and repair work involving a district owned, leased, or operated facility. (Public Contract Code 20111, 22002)

**Bids for Equipment, Supplies, Services and Repairs Not Subject to the Act**

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

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

"Maintenance" means routine, recurring and usual work for preserving, protecting and keeping a district facility operating in a safe, efficient and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered or repaired. Maintenance includes, but is not limited to, carpentry, electrical, plumbing, glazing and other craft work designed to preserve the

**BIDS**

facility, as well as repairs, cleaning and other operations on machinery and other permanently attached equipment. This definition does not include, among other types of work, janitorial or custodial services and protection provided by security forces, nor does it include painting, repainting or decorating other than touchup. (Public Contract Code 20115)

**Instructions and Procedures for Advertised Bids**

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

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

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

1. All bidders, shall certify the minimum, if not exact, percentage of post-consumer materials in the products, materials, goods, or supplies offered or sold. (Public Contract Code 22152)
2. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security: (Public Contract Code 20107, 20111)
  - a. Cash
  - b. A cashier's check made payable to the district
  - c. A certified check made payable to the district
  - d. A bidder's bond executed by an admitted surety insurer and made payable to the district

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

3. When a standardized proposal form is provided by the district, bids not presented on the standard form shall be disregarded. (Public Contract Code 20111.5)

**BIDS**

4. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)
5. When two or more identical lowest or highest bids are received, the Board may determine by lot which bid shall be accepted. (Public Contract Code 20117)
6. If the district requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in item #a, below, will be used: (Public Contract Code 20103.8)
  - a. The lowest bid shall be the lowest bid price on the base contract without consideration of the prices on the additive or deductive items.
  - b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.
  - c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the District before the first bid is opened.

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

7. Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4.
8. After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for review pursuant to law, Board policy, and administrative regulation.

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

**Notice Requirements**

The call for bids and contract documents must include the following information:

**BIDS**

1. No contractor or subcontractor may be listed on a bid proposal for a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5.
2. No contractor or subcontractor may be awarded a contract for public work on a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5.
3. Public works projects are subject to compliance monitoring and enforcement by the Department of Industrial Relations.

All contractors and subcontractors must furnish to the District a copy of their DIR number and certificate prior to commencing any public work as defined in law.

**Alternative Bid Procedures for Technological Supplies and Equipment**

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

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

1. The Superintendent or designee shall prepare a request for proposals (RFP) that shall be submitted to an adequate number of qualified sources, as determined by the District, to permit reasonable competition consistent with the nature and requirement of the procurement.
2. Notice of the RFP shall be published at least twice in a newspaper of general circulation, at least 10 days before the date of receipt of the proposals.
3. The Superintendent or designee shall make every effort to generate the maximum feasible number of proposals from qualified sources and shall make a finding to that effect before proceeding to negotiate if only a single response to the RFP is received.
4. The RFP shall identify all significant evaluation factors, including price, and their relative importance.
5. The Superintendent or designee shall provide reasonable procedures for the technical evaluation of the RFP's received, the identification of qualified sources, and the selection for the award of the contract.

**BIDS**

6. The Board shall award the contract to the qualified bidder whose proposal meets the evaluation standards and will be most advantageous to the District with price and all other factors considered.
7. If the Board does not award the contract to the bidder whose proposal contains the lowest price, then the Board shall make a finding setting forth the basis for the award.
8. The Board, at its discretion, may reject all proposals and request new RFP's.
9. Provisions in any contract concerning utilization of small business enterprises, that are in accordance with the RFP, shall not be subject to negotiation with the successful proposer.

**Bids Not Required**

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

*(cf. 3300 – Expenditures and Purchases)*

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

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

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

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

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

**BIDS**

*(cf. 3517 - Facilities Inspection)*  
*(cf. 9323.3 - Actions by the Board)*

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

Public projects of \$45,000 or less may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order: (Public Contract Code 22032)

1. School building repairs, alterations, additions
2. Painting, repairing or decorating of school buildings
3. Repair or building of apparatus or equipment
4. Improvements on school grounds
5. Maintenance work as defined above

**Sole Sourcing**

In any contract for the construction, alteration, or repair of school facilities, the Superintendent or designee shall not draft the bid specification in a manner that, either directly or indirectly, limits bidding to any one specific concern or calls for a designated material, product, thing, or service by a specific brand or trade name, unless the specification designating the specific materials, product, thing, or particular brand name is followed by the words “or equal” so that bidders may furnish any equal material, product, thing, or service. In such cases, the bid specification shall provide a time period, before and/or after the award of the contract, for the contractor to submit data substantiating the request for substituting the designated material, product, thing, or service. If no such time period is specified, the contract may submit the data within 35 days after the award of the contract. (Public Contract Code 3400)

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

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



**BIDS**

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

**Prequalification Procedure**

When required by law of the Board, each prospective bidder shall complete and submit a standardized questionnaire and financial statement. For this purpose, the Superintendent or designee shall supply a form which requires a complete statement of the bidder's financial ability and experience in performing public works. The information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Public Contract Code 20111.5, 20111.6)

Prospective bidders shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids. (Public Contract Code 20111.5)

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

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

**Award of Contract**

Unless otherwise authorized by law, contracts shall be let to the lowest responsible bidder who shall give such security as the Board of Trustees requires, or else all bids shall be rejected. (Public Contract Code 20111)

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

The Board shall secure bids pursuant to Public Contract Code 20111 and 20112 for any transportation service expenditure of more than \$10,000 when contemplating that such a contract may be made with

**BIDS**

a person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of students who are to be transported. The Board may let this contract with other than the lowest bidder. (Education Code 39802)

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading the legal requirements of Public Contract Code 20111-20111.4 for contracting after competitive bidding. (Public Contract Code 20116)

**Protest by Bidders**

A bidder may protest a bid award if he/she believes that the award was inconsistent with Board policy, the bid's specifications, or was not in compliance with law. The protest must comply with the following procedure unless an alternate procedure is specified in the bid documents, in which case that procedure shall be followed.

The protest shall be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award. The bidder shall submit all documents supporting or justifying the protest. A bidder's failure to file the protest in a timely manner shall constitute a waiver of his/her rights to protest the award of the contract.

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

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

Regulation  
approved: June 21, 2001  
revised: April 14, 2011  
revised: October 1, 2015  
revised: June 16, 2016

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**  
Winters, California

**UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES**

In awarding contracts for public works projects involving district facilities, the Governing Board desires to obtain the best value to the district and ensure the qualifications of contractors to complete the project in a satisfactory manner. The Board has, by resolution, adopted the procedures set forth in the Uniform Public Construction Cost Accounting Act pursuant to Public Contract Code 22030-22045, including the informal bidding procedures when allowed by law.

*(cf. 3311 - Bids)*

*(cf. 7110 - Facilities Master Plan)*

The Board delegates to the Superintendent or designee the responsibilities to award any contract eligible for informal bidding procedures and to develop plans, specifications, and working details for all public projects requiring formal bidding procedures.

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading legal requirements for competitive bidding. (Public Contract Code 22033)

Projects awarded through the UPCCAA shall be subject to the cost accounting procedures established by the California Uniform Construction Cost Accounting Commission. (Public Contract Code 22030)

**EMERGENCY ACTIONS**

When formal bids are required by law but an emergency necessitates immediate repair or replacements, the Board may, upon a four-fifths vote of the Board, proceed to replace or repair a facility without adopting plans, specifications, strain sheets, or working details or giving notice for bids to let contracts. The work may be done by day labor under the direction of the Board and/or contractor. The emergency action shall subsequently be reviewed by the Board in accordance with Public Contract Code 22050 and shall be terminated at the earliest possible date that conditions warrant, so that the remainder of the emergency action may be completed by giving notice for bids to let contracts. (Public Contract Code 1102, 22035, 22050)

*(cf. 9323.2 - Actions by the Board)*

*Legal Reference:***PUBLIC CONTRACT CODE**

*1102 Definition of emergency*

*20110-20118.4 Local Agency Public Construction Act; school districts*

*22000-22020 California Uniform Construction Cost Accounting Commission*

*22030-22045 Alternative procedures for public projects (UPCCAA), especially:*

*22032 Applicability of procedures based on amount of project*

*22034 Informal bidding procedure*

**UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES**

*22035 Emergency need for repairs or replacement*

*22037-22038 Formal bidding procedures for projects exceeding \$175,000*

*22050 Alternative emergency procedures*

*Management Resources:*

*CALIFORNIA UNIFORM CONSTRUCTION COST ACCOUNTING COMMISSION PUBLICATIONS*

*Cost Accounting Policies and Procedures Manual*

*Frequently Asked Questions*

*WEB SITES*

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

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

*California Uniform Construction Cost Accounting Commission: [http://www.sco.ca.gov/ard\\_cuccac.html](http://www.sco.ca.gov/ard_cuccac.html)*

Policy  
adopted: March 16, 2017

*WINTERS JOINT UNIFIED SCHOOL DISTRICT*  
Winters, California

## **CONTRACTS**

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

*(cf. 2121- Superintendent's Contract)*

*(cf. 4312.1 - Contracts)*

*(cf. 9124 - Attorney)*

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

*(cf. 3300 - Expenditures/Expending Authority)*

*(cf. 3314 - Payment for Goods and Services)*

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

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

### **Contracts for Non-Nutritious Foods or Beverages**

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

*(cf. 3554 - Other Food Sales)*

*(cf. 3555 - Nutrition Program Compliance)*

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

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

1. Procedures that produce accurate and reliable financial statements and, at the same time, safeguard the assets, financial resources and integrity of every employee responsible for

## **CONTRACTS**

handling money or property. Control systems shall be systematically evaluated and revised to keep pace with the changing responsibilities of management.

*(cf. 3100 - Budget)*

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

*(cf. 3460 - Financial Reports and Accountability)*

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

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

*(cf. 3311 - Bids)*

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

*(cf. 9322 - Agendas/Meeting Materials)*

*(cf. 9323 - Meeting Conduct)*

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

*(cf. 5030 – Student Wellness)*

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

## **Contracts for Electronic Products or Services**

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

**CONTRACTS**

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

*(cf. 9320 - Meetings and Notices)*

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

*(cf. 0440 - District Technology Plan)*

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

*(cf. 1325 - Advertising and Promotion)*

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

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

**Contracts for Digital Storage and Maintenance of Student Records**

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

*(cf. 5125 - Student Records)*

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

1. A statement that student records continue to be the property of and under the control of the district
2. If applicable, a description of the means by which students may retain possession and control of their own student-generated content, as defined in Education Code 49073.1, including options by which a student may transfer student-generated content to a personal account

**CONTRACTS**

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

*Legal Reference:*

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

14505 Provisions required in contracts for audits

17595-17606 Contracts

35182.5 Contract prohibitions

45103.1 Personal services contracts

45103.5 Contracts for management consulting service related to food service

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

49431-49431.5 Nutritional standards

CODE OF CIVIL PROCEDURE

685.010 Rate of interest

GOVERNMENT CODE

12990 Nondiscrimination and compliance employment programs

53260 Contract provision re maximum cash settlement

53262 Ratification of contracts with administrative officers

LABOR CODE

1775 Penalties for violations

1810-1813 Working hours



**CONTRACTS**

**PUBLIC CONTRACT CODE**

*4100-4114 Subletting and subcontracting fair practices*

*7104 Contracts for excavations; discovery of hazardous waste*

*7106 Noncollusion affidavit*

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

*20104.50 Construction Progress Payments*

*22300 Performance retentions*

**CODE OF REGULATIONS, TITLE 5**

*15500 Food sales by student organizations*

*15501 Sales in high schools and junior high schools*

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

**UNITED STATES CODE, TITLE 20**

*1232g Family Educational Rights and Privacy Act*

*1681-1688 Title IX, discrimination*

**CODE OF FEDERAL REGULATIONS, TITLE 7**

*210.1-210.31 National School Lunch Program*

*220.1-220.21 National School Breakfast Program*

*Management Resources:*

**CSBA PUBLICATIONS**

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

**WEB SITES**

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

CASBO: <http://www.casbo.org>

**Policy**

adopted: June 21, 2001

revised: April 22, 2004

revised: March 2, 2006

revised: April 17, 2008

revised: June 18, 2015

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

**PAYMENT FOR GOODS AND SERVICES**

The Board of Trustees desires to have invoices paid on time in order that the district may take advantage of available discounts and avoid finance charges. The district shall not be responsible for unauthorized purchases.

*(cf. 3300 - Expenditures/Expending Authority)*

*(cf. 3312 - Contracts)*

*(cf. 3314.2 - Revolving Funds)*

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

The Superintendent or designee may pay invoices in excess of previously approved purchase order amounts without further Board approval when the excess amount represents sales tax, transportation charges or charges made for the detention of a shipment during loading or unloading.

*Legal Reference:*

EDUCATION CODE

42630-42651 General provisions - orders, requisitions and warrants

42800-42806 Revolving cash fund

42810 Alternative revolving fund

42820 Prepayment funds

CODE OF CIVIL PROCEDURE

685.010 Rate of interest

GOVERNMENT CODE

5500 Definitions (facsimile signatures)

5501 Filing and certification of manual signature

5503 Unlawful use of facsimile signatures or seals

PUBLIC CONTRACT CODE

7107 Retention proceeds; withholding; disbursement

20104.50 Construction progress payments

Policy  
adopted: June 21, 2001  
reviewed: March 2, 2006

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**  
Winters, California

**PAYMENT FOR GOODS AND SERVICES**

**Payment for Construction Contracts**

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

As necessary, the Superintendent or designee may make progress payments as actual work is completed or materials delivered. When a payment request is properly submitted by a contractor, any undisputed portion of the payment request shall be paid within 30 days. If the Superintendent or designee determines any payment request to be improper, he/shall return the payment request to the contractor with a written statement of reasons why the request is not proper. (Public Contract Code 9203, 20104.50)

*(cf. 3312-Contracts)*

The District may withhold up to five percent of the proceeds due to the contractor until completion and acceptance of the project. (Public Contract Code 7201)

The proceeds to be withheld by the District may exceed five percent when the Board has made a finding, prior to the bid and during a properly noticed and regularly scheduled meeting, that the project is substantially complex and requires a higher retention amount than five percent. In such cases, the Board's findings and the actual amount to be withheld shall be included in the bid documents. (Public Contract Code 7201)

*(cf. 3311 -Bids)*

*(cf. 9320- Meetings and Notices)*

*(cf. 9324-Minutes and Recordings)*

At any time after 50 percent of the work has ben completed, the Board may release the withheld proceeds if it finds that satisfactory progress is being made. (Public Contract Code 9203)

Proceeds withheld by the District from payments to contractors for public works contracts shall be released within 60 days after the construction or improvement is completed. In the event of a dispute between the District and the contractor, the District and the contractor, the District may withhold from the final payment an amount not to exceed 150 percent of the disputed amount. (Public Contract Code 7107)

Regulation

approved: June 21, 2001

reviewed: October 18, 2012

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

## **REVOLVING FUNDS**

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

*(cf. 3314 – Payment for Goods and Services)*

*(cf. 3400 – Management of District Assets/Accounts)*

*(cf. 3451 – Petty Cash Funds)*

*(cf. 3530 – Risk Management/Insurance)*

*(cf. 3551 – Food Service Operations/Cafeteria Fund)*

### **Standard Revolving Cash Fund**

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

The chief accounting officer shall be covered by an individual bond or insurance in the amounts specified in law. He/she shall ensure that payments from the fund are for services or materials that are a legal charge against the district and that a receipt is obtained setting forth the date, payee, purpose of the expenditure, and amount expended. (Education Code 41021, 42801, 42801.5, 42804)

The Board may at any time reduce or discontinue the revolving cash fund. (Education Code 42805)

#### *Legal Reference:*

##### EDUCATION CODE

*35160 Authority of Board of Trustees*

*35250 Duty to keep certain records*

*38091 Cafeteria revolving accounts*

*41020 Audits of all district funds*

*41021 Requirement for employee's indemnity bond*

*41365-41367 Charter school revolving loan fund*

*42238 Local taxation by school districts*

*42238 Revenue limits*

*42630-42652 Orders, requisitions, and warrants*

*42800-42806 Revolving cash fund*

*42810 Revolving cash funds; use; administrators*

*42820-42821 Prepayment revolving cash fund*

*45167 Error in salary*

#### *Management Resources:*

##### WEB SITES

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

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

Policy

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

adopted: June 21, 2001

Winters, California

revised: November 18, 2010

**RELATIONS WITH VENDORS**

No district employee or Board of Trustees member shall accept personal gifts, commissions or expense-paid trips from individuals or companies selling equipment, materials or services required in the operation of district programs. Gifts include any gift purchased specifically for an employee which is not generally offered to other buyers.

This policy does not prohibit employees from accepting promotional or advertising items such as calendars, desk pads, notebooks and other office gadgets which are offered by business concerns free to all as part of their public relations programs.

District employees who work for or serve as consultants for potential vendors shall not participate in evaluating any equipment, materials or services of that vendor or its competitors.

*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*  
*(cf. 9270 - Conflict of Interest)*

This policy does not prohibit the acceptance of materials and/or services which are of use and benefit to the district.

*(cf. 3290 - Gifts, Grants and Bequests)*

*Legal Reference:*

**EDUCATION CODE**

*60071 Prohibited offers to influence adoption or purchase of instructional materials*

*60072 Acceptance of consideration or inducements by school official*

*60073 Penalties for violation of article*

*60074 Supplying sample copies*

*60075 Receiving sample copies*

*60076 Inapplicability of article; royalties or other compensation of school official for writing or preparing instructional materials; claim of district to royalty*

**CLAIMS AND ACTIONS AGAINST THE DISTRICT**

The Board of Trustees desires to conduct district operations in a manner that minimizes risk, protects district resources, and promotes the health and safety of students, staff, and the public. Any and all claims for money or damages against the district shall be presented to and acted upon in accordance with the Government Claims Act or other applicable state or district procedures, as well as the district's joint powers authority (JPA) agreement or other insurance coverage.

*(cf. 3530 – Risk Management/Insurance)*

*(cf. 5143 – Insurance)*

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

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

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

**Roster of Public Agencies**

Within 10 days of any change in the name of the district, the mailing address of the Board, or the names and addresses of the Board president, the Board clerk or secretary, or other Board members, the Superintendent or designee shall file the updated information with the Secretary of State and the County Clerk. (Government Code 53051)

*Legal Reference:*

**EDUCATION CODE**

*35200 Liability for debts and contracts*

*35202 Claims against districts; applicability of Government Code*

**CODE OF CIVIL PROCEDURE**

*340.1 Damages suffered as result of childhood sexual abuse*

**GOVERNMENT CODE**

*800 Cost in civil actions*

*810-996.6 Claims and actions against public entities*

*6500-6536 Joint exercise of powers*

*53051 Information filed with secretary of state and county clerk*

**PENAL CODE**

*72 Fraudulent claims*

**COURT DECISIONS**

*Big Oak Flat-Groveland Unified School District v. Superior Court of Tuolumne County, (2018) 21 Cal.App.5th 403*

**CLAIMS AND ACTIONS AGAINST THE DISTRICT**

*City of Stockton v. Superior Court, (2007) 42 Cal.4<sup>th</sup> 730*  
*Connelly v. County of Fresno, (2006) 146 Cal.App. 4<sup>th</sup> 29*  
*CSEA v. South Orange Community College District, (2004) 123 Cal.App.4<sup>th</sup> 574*  
*CSEA v. Azusa Unified School District, (1984) 152 Cal.App.3d 580*

*Management Resources:*

**WEB SITES**

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

Policy  
adopted: June 21, 2001  
revised: November 18, 2010  
revised: August 16, 2018

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**  
Winters, California

## **CLAIMS AND ACTIONS AGAINST THE DISTRICT**

### **Time Limitations**

The following time limitations apply to claims against the district:

1. Claims for money or damages relating to a cause of action for death or for injury to person, personal property or growing crops shall be presented to the Board of Trustees not later than six months after the accrual of the cause of action. (Government Code 905, 911.2)
2. Claims for money or damages as authorized in Government Code 905, and not included in item #1 above, including claims for damages to real property, shall be filed not later than one year after the accrual of the cause of action. (Government Code 905, 911.2)
3. In accordance with the Board's authority pursuant to Government Code 935, claims for money or damages which are specifically exempted from the Government Claims Act by Government Code 905 and are not governed by any other claims presentation statute or regulation shall be filed not later than six months after the accrual of the cause of action. (Government Code 905, 911.2, 935)

### **Receipt of Claims**

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

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

### **Review of Contents of Claim**

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

1. The name and post office address of the claimant
2. The post office address to which the person presenting the claim desires notices to be sent
3. The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted



**CLAIMS AND ACTIONS AGAINST THE DISTRICT**

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

**Notice of Claim Insufficiency**

If the claim is found insufficient or found not to satisfy the form requirements under Government Code 910.4, the Board or Superintendent shall, within 20 days of receipt of claim, personally deliver or mail to claimant, at the address stated in the claim or application, a notice that states the particular defects or omission in the claim. (Government Code 910.8, 915.4)

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

**Amendments to Claim**

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

**Late Claims**

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

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

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

**CLAIMS AND ACTIONS AGAINST THE DISTRICT**

provided that such agreement is made before the expiration of the 45-day period. (Government Code 911.6)

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

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

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

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

**Action on Claims**

Within 45 days after the presentation or amendment of a claim, the Board shall take action on the claim. This time limit may be extended by written agreement before the expiration of the 45-day period. If the 45-day period has expired, the time limit may be extended if legal action has not been commenced or barred by legal limitations. (Government Code 912.4)

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

1. If the Board finds that the claim is not a proper charge against the District, the claim shall be rejected.
2. If the Board finds that the claim is a proper charge against the District and is for an amount justly due, the claim shall be allowed.

**CLAIMS AND ACTIONS AGAINST THE DISTRICT**

3. If the Board finds that the claim is a proper charge against the District but is for an amount greater than is justly due, the Board shall either reject the claim or allow it in the amount justly due and reject it as to the balance.
4. If legal liability of the District or the amount justly due is disputed, the Board may reject or compromise the claim.
5. If the Board takes no action on the claim, the claim shall be deemed rejected.

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

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

Regulation  
approved: June 21, 2001  
revised: November 18, 2010  
revised: Augustu 16, 2018

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**  
Winters, California

**CLAIMS AND ACTIONS AGAINST THE DISTRICT**

**CLAIM FORM AGAINST WINTERS JOINT UNIFIED SCHOOL DISTRICT**  
**(Government Code Sections 910 and 910.2)**

TO: Gloria S. Hahn, Chief Business Officer  
Winters Joint Unified School District  
909 W. Grant Avenue, Winters, CA 95694

1. Claims for death, injury to person, or to personal property must be filed not later than six (6) months after the occurrence (Govt. Code Section 911.2)
2. Claims for damages to real property or breach of contract must be filed not later than one year after the occurrence (Govt. Code Section 911.2)

Name of Claimant \_\_\_\_\_ DOB \_\_\_\_\_ PHONE NUMBER \_\_\_\_\_

Address City \_\_\_\_\_ Zip \_\_\_\_\_

WHEN did damages or injury occur? \_\_\_\_\_

WHERE did damage or injury occur? \_\_\_\_\_

How and under what circumstances did damage or injury occur? \_\_\_\_\_

WHAT particular action by the District or its employees caused the alleged damage or injury: (Include names of employees, if known) \_\_\_\_\_

WHAT sum do you claim: Include the estimated amount of any prospective loss insofar as it may be known at the time of the presentation of this claim, together with the basis of computation of the amount claimed, attach estimates or invoices, if possible. (If amount claimed exceeds \$10,000, no dollar amount shall be stated)

\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_

Total Amount Claimed \$ \_\_\_\_\_

If total amount claimed exceeds \$10,000, no dollar amount shall be stated but please indicate whether the claim is a limited civil claim (Total dollar amount less than \$25,000)

Limited Civil Case: Yes \_\_\_\_\_ No \_\_\_\_\_

NAMES and addresses of witnesses, doctors and hospitals: \_\_\_\_\_

WARNING: It is unlawful to knowingly present or cause to be presented any false or fraudulent claim for payment of a loss or injury. Penal Code 72 provides that every person who files such a claim may be guilty of a felony punishable by imprisonment and by a fine not exceeding \$10,000

DATE: \_\_\_\_\_

Signature Of Claimant \_\_\_\_\_

**CLAIMS AND ACTIONS AGAINST THE DISTRICT**

**NOTICE OF FAILURE TO USE DISTRICT'S CLAIM FORM  
Government Code Section 910.4**

TO: [Claimant]  
[Address]

RE: Claim Filed [date]

The claim you presented to the Superintendent on \_\_\_\_\_ is being returned because it was not presented on the District claim form as required by Government Code Section 910.4 and in accordance with Board policy and administrative regulation. Because the claim was not presented on the District's form, no action was taken on the claim.

You may resubmit your claim using the District's claim form, which may be obtained at the District Office. Note that your claim must still comply with the time limits in the Government Code specified for filing of such claims. For further information, call (530) 795-6100.

**CLAIMS AND ACTIONS AGAINST THE DISTRICT**

**NOTICE OF INSUFFICIENCY  
Government code Section 910.8**

TO: [Claimant]  
[Address]

RE: Claim Filed [date]

The claim presented by you on \_\_\_\_\_ fails to comply substantially with the requirements of Government code Sections 910 and 910.2 or with the requirements of the District claim form provided under Government Code Section 910.4. Specifically, your claim is insufficient because of the following defects or omissions.

Therefore, the claim is being returned to you without further action or consideration. If you wish to pursue this further, you should consult the government Code or legal counsel.

The Board of Trustees will not take any action on the Claim for a period of fifteen (15) days from the date of this notice.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed Title of Officer

**CLAIMS AND ACTIONS AGAINST THE DISTRICT**

**NOTICE OF FAILURE TO FILE IN A TIMELY MANNER  
Government Code Section 911.3**

TO: [Claimant]  
[Address]

RE: Claim Filed [date]

The claim you presented to the Superintendent or designee on \_\_\_\_\_ is being returned because it was not presented within six months after the event or occurrence as required by law. See Sections 901 and 911.2 of the Government Code. Because the claim was not presented within the time allowed by law, no action was taken on the claim.

Your only recourse at this time is to apply without delay to the Winters Joint Unified School District for leave to present a late claim. See Sections 911.4 to 912.2, inclusive, and Section 946.6 of the Government Code. Under some circumstances, leave to present a late claim will be granted. See Section 911.6 of the Government Code.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

**CLAIMS AND ACTIONS AGAINST THE DISTRICT**

**DENIAL OF APPLICATION TO FILE A LATE CLAIM  
Government Code Section 911.8**

TO: [Claimant]  
[Address]

RE: Claim Filed [Date]

Your application to file a late claim presented on \_\_\_\_\_ has been denied. The Board of Trustees has determined that your claim does not satisfy one of the four conditions listed in Government code Section 911.6.

**WARNING**

If you wish to file a court action on this matter, you must first petition the appropriate court for an order relieving you from the provisions of Government Code Section 945.4 (claims presentation requirement). See Government Code Section 946.6. Such petition must be filed with the court within six (6) months from the date your application for leave to present a late claim was denied.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.



**CLAIMS AND ACTIONS AGAINST THE DISTRICT**

**NOTICE OF ACTION TAKEN ON CLAIM  
Government Code Section 913**

Dear \_\_\_\_\_:

Notice is hereby given that the claim you presented to the Winters Joint Unified School District on \_\_\_\_\_ was [rejected, allowed in the amount of \$\_\_\_\_\_ and rejected to the balance, rejected by operation of law or other appropriate language, whichever is applicable] on [date of action or rejection by operation of law].

**WARNING**

Subject to certain exceptions, you have only six (6) months from the date this letter was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed Title of Officer

Exhibit  
adopted: June 21, 2001  
revised: March 2, 2006  
revised: November 5, 2009

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**  
Winters, California

**TRAVEL EXPENSES**

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

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

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

The Superintendent or designee shall establish procedures for the approval of travel requests and the submission and verification of expense claims. He/she also shall establish reimbursement rates in accordance with law and Board policy. may approve employee requests to attend meetings in accordance with the adopted budget.

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

*(cf. 3100 - Budget)*

*(cf. 3110 - Transfer of Funds)*

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

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

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

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

**TRAVEL EXPENSES**

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

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

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

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

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

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

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

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

The Superintendent or designee shall approve expense claims only upon verifying that all necessary documentation is provided and that all expenses are appropriate and related to

district business. If an expense claim is disallowed due to lack of documentation or inappropriate expenses, the employee may be personally responsible for any improper costs incurred.

The Superintendent or Chief Business Officer may authorize expenses using the district credit card in certain circumstances for district-approved travel. Receipts documenting the expenses incurred on a district credit card shall be submitted promptly following return from travel. Under no circumstances shall personal expenses be charged on a district credit cards, even if the employee intends to subsequently reimburse the district for the personal charges.

**TRAVEL EXPENSES**

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

*Legal Reference:*

EDUCATION CODE

42634 Itemization of expenses

44016 Travel expense to employment interview

44032 Travel expense payment

44033 Automobile allowance

44802 Student teacher's travel expense

*Management Resources:*

**INTERNAL REVENUE SERVICE PUBLICATIONS**

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

**WEB SITES**

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

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

Policy

adopted: June 21, 2001

revised: February 7, 2013

revised: January 16, 2014

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

## **MANAGEMENT OF DISTRICT ASSETS/ACCOUNTS**

The Superintendent or designee shall establish and maintain accurate, efficient financial management systems to meet the District's fiscal obligations, produce useful information for financial reports, and safeguard the District's resources. He/she shall ensure that the District accounting system provides ongoing internal controls and meets generally accepted accounting standards.

*(cf. 3100 - Budget)*

*(cf. 3300 - Expenditures/Expending Authority)*

*(cf. 3312 - Contracts)*

*(cf. 3460 - Financial Reports and Accountability)*

### **Capital Assets**

The Board of Trustees recognizes the importance of accurately identifying and valuing District assets in order to help ensure financial accountability and to minimize the risk of loss or misuse. District assets with a useful life or more than one year and on initial acquisition cost of \$5,000 or more shall be considered capital assets. The Superintendent or designee shall determine the estimated useful life of each capital asset and shall calculate and report the estimated loss of value, or depreciation, during each accounting period for all capital assets.

*(cf. 3440 - Inventories)*

### **Fraud Prevention and Investigation**

The Board expects all employees, Board members, consultants, vendors, contractors and other parties maintaining a business relationship with the District to act with integrity and due diligence in duties involving the District's fiscal resources.

The Superintendent or designee shall be responsible for developing internal controls which aid in the prevention and detection of fraud, financial impropriety or irregularity within the District. Each member of the management team shall be alert for any indication of fraud, financial impropriety or irregularity within his/her area of responsibility.

An employee who suspects fraud, impropriety or irregularity shall immediately report those suspicions to his/her immediate supervisor and/or the Superintendent or designee. The superintendent or designee shall have primary responsibility for any necessary investigations, in coordination with legal counsel and other internal or external departments and agencies as appropriate.

*(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)*

**MANAGEMENT OF DISTRICT ASSETS/ACCOUNTS**

*Legal Reference:*

EDUCATION CODE

14500-14508 *Financial and compliance audits, especially:*

35035 *Powers and duties of superintendent*

35250 *Duty to keep certain records and reports (accurate account of expenditures and receipts)*

41010-41023 *Accounting Regulations, budget controls and audits*

42600-42604 *Control of expenditures*

42647 *Drawing of warrants by district on county treasurer; form; reports, statements and other data*

GOVERNMENT CODE

53995-53997 *Obligation of contract*

*Management Resources*

CSBA PUBLICATIONS

*Maximizing School Board Leadership: Finance, 1996*

GOVERNMENTAL ACCOUNTING STANDARDS BOARD

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

WEB SITES'

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

CDE, School Fiscal Services: <http://www.cde.ca.gov/fiscal>

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

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

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

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

Policy

adopted: June 21, 2001

revised: March 2, 2006

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

**MANAGEMENT OF DISTRICT ASSETS/ACCOUNTS**

**Accounts**

The district's accounting system shall fully comply with the definitions, instructions and procedures set forth in the California Department of Education School Accounting Manual. (Education Code 41010)

The Superintendent or designee shall ensure that funds are encumbered in the district accounting records immediately after an expenditure is committed for subsequent payment.

*(cf. 3110 - Transfer of Funds)*

**Fraud Prevention and Investigation**

Fraud, financial improprieties or irregularities include but are not limited to:

1. Forgery or unauthorized alteration of any document or account belonging to the District
2. Forgery or unauthorized alternation of a check, bank draft or any other financial document
3. Misappropriation of funds, securities, supplies or other assets
4. Impropriety in the handling of money or reporting of financial transactions
5. Profiteering as a result of insider knowledge of District information or activities
6. Disclosing confidential and/or proprietary information to outside parties

*(cf. 4119.26/4219.26/4319.26 - Unauthorized Release of Confidential/Privileged Information)*

7. Disclosing investment activities engaged in or contemplated by the District
8. Accepting or seeking anything of material value from contractors, vendors or persons providing services or materials to the District
9. Destroying, removing or inappropriately using of records, furniture, fixtures or equipment
10. Failing to provide financial records to authorized state or local entities
11. Any other dishonest or fraudulent act

**MANAGEMENT OF DISTRICT ASSETS/ACCOUNTS**

The Superintendent or designee shall investigate reports of fraudulent activity in a manner that protects the confidentiality of the parties and the facts. All employees involved in the investigation shall be advised to keep information about the investigation confidential.

If an investigation substantiates the occurrence of a fraudulent activity, the Superintendent or designee shall issue a report to appropriate personnel and to the Board of Trustees. The final disposition of the matter and any decision to file a criminal complaint or refer the matter to the appropriate law enforcement and/or regulatory agency for independent investigation shall be made in consultation with legal counsel. The result of the investigation shall not be disclosed to or discussed with anyone other than those individuals with a legitimate need to know.

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

*(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)*

Regulation  
approved: June 21, 2001  
revised: March 2, 2006

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**  
Winters, California



**INVESTING**

All or part of the special reserve fund of the District, or any surplus monies not required for the immediate necessities of the District, may be invested as allowed by law for public funds. (Education Code 41015; Government Code 16430, 53601-53609, 53635)

The Board of Trustees authorizes the district's superintendent or designee to invest and reinvest such funds on behalf of the District. He/she shall make monthly reports of those transactions to the Board. The Board retains the right to revoke this authority at any time.

The Board of Trustees recognizes that the Superintendent or designee has fiduciary responsibility and is subject to prudent investor standards for all investment decisions. As such, district investments must be made with skill, prudence and diligence, with the primary objective of safeguarding the principal of the funds and with the secondary objective of meeting the district's liquidity needs. In order to enhance investment return, the district's third investment objective shall be to generate an investment yield that attains or exceeds a market-average rate of return through economic cycles.

The Board recognizes the importance of overseeing investments made with district funds, including investments by the county treasurer. The Superintendent or designee shall maintain ongoing communication with any county committees established for the purpose of overseeing county investments. In addition, the Superintendent or designee shall keep the Board informed about policies that guide the investment of these funds.

The Superintendent or designee shall annually provide to the Board and any district investment oversight committee a statement of the district's investment policy or, if all district surplus funds are invested with the county treasurer, the county's investment policy. At a public meeting, the Board shall review this policy and discuss any changes to be made. (Government Code 53646)

*(cf. 9270 - Conflict of Interest)*

**Annual Statement of Investment Policy**

The District's Chief Fiscal Officer shall annually provide to the Board and any District investment oversight committee a statement of the District's investment policy, or if all District surplus funds are invested with the county treasurer, the county's investment policy.

The annual investment report shall be submitted no later than the end of the quarter of the year to which it applies.

At a public meeting, the Board shall review this policy and discuss any changes to be made. (Government Code 53646)

## **INVESTING**

### **Quarterly Investment Reports**

The Chief Fiscal Officer of the District shall provide the Board, Superintendent and internal auditor with quarterly reports of the District investments in individual accounts that are \$25,000 or more.

(cf. 3460 - *Financial Reports and Accountability*)

#### *Legal Reference:*

##### EDUCATION CODE

41001 Deposit of money in county treasury  
41002 General fund deposits and exceptions  
41002.5 Deposit of certain funds in insured institutions  
41003 Funds received from rental of real property  
41015 Authorization of and limitation investment of district funds  
41017 Deposit of miscellaneous receipts  
41018 Disposition of money received  
42840-42843 Special reserve fund

##### GOVERNMENT CODE

16430 Eligible securities for investment of surplus moneys  
17581.5 Mandates contingent upon state funding  
27000.3 Fiduciary for deposits in county treasury  
27130-27137 County treasury oversight committees  
53600-53609 Investment of surplus  
53630-53686 Deposit of funds, especially:  
53635 Local agency funds; deposit or investment  
53646 Treasurer reports and statements of investment policy  
53852.5 Investment term for funds designated for repayment of notes  
53859.02 Borrowing by local agency

#### *Management Resources*

##### CSBA PUBLICATIONS

*Maximizing School Board Governance: Fiscal Accountability, 2005*  
*School Finance CD-ROM, 2005*

##### CALIFORNIA DEBT AND INVESTMENT ADVISORY COMMISSION PUBLICATIONS

*Local Agency Investment guidelines, 2002, rev. 2004*

##### WEB SITES

*California State Treasurer's Office, California Debt and Investment Advisory Commission:*  
<http://www.treasurer.ca.gov/cdiac>

Policy  
adopted: June 21, 2001  
revised: March 2, 2006

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**  
Winters, California

**INVESTING**

**Quarterly Investment Reports**

The District Chief Fiscal Officer shall prepare quarterly investment reports in accordance with Board Policy within 30 days following the end of the quarter covered by the report. These reports shall: (Government Code 53646)

1. State the manner in which the portfolio complies and/or does not comply with the District's investment policy
2. Denote the District's ability to meet its pool's expenditure requirements for the next six months, or provide an explanation as to why sufficient money shall not or may not be available
3. Include the type of investment, issuer, date of maturity, par and dollar amount invested on all securities, investments, and monies held by the District
4. Describe any District funds, investments, or programs that are under the management or contracted parties, including lending programs
5. Include the current market value as of the date of the report, and the source of this valuation, for all securities held by the District and under management of any outside party that is not another local agency or the state's local agency investment fund

Whenever District investments have been placed in the state's local agency investment fund, the National Credit Union Share Insurance Fund-insured accounts in a credit union, or from FDIC-insured accounts in a bank or savings and loan association, in a county investment pool, or in any combination of these, the report may include the most recent statement(s) received from these institutions in lieu of the information specified in items #3-5 above. (Government Code 63646)

In the above report, a subsidiary ledger of investments may be used in accordance with accepted accounting practices. (Government Code 53646)

**INVENTORIES**

In order to provide for the proper tracking and control of district property, the Superintendent or designee shall maintain an inventory of equipment in accordance with law for the following:

1. All items currently valued in excess of \$500 (Education Code 35168)
2. All items purchased with state and/ or federal categorical funds that have a useful life of more than one year with an acquisition cost of \$500 or more per unit (34 CFR 80.3)

*(cf. 3290 - Gifts, Grants and Bequests)*

*(cf. 3400 – Management of District Assets/Accounts)*

*(cf. 3512 - Equipment)*

In addition, the Superintendent or designee may maintain a list of specific items which shall be inventoried for internal control purposes regardless of their initial cost or current information.

The inventory shall contain a record of the following information: (Education Code 35168; CCR 39466)

1. Name and description of the property
2. Identification number
3. Original cost of the item of equipment or a reasonable estimate if the original cost is unknown
4. Date of acquisition
5. Location of use
6. The date and method of disposal

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

## **INVENTORIES**

In addition to the information specified in items #1-6 above, the following information shall be recorded for equipment acquired with state and/or federal categorical funds unless otherwise specified in law: (34 CFR 80.32; 5 CCR 3946)

1. Source of the property (funding source)
2. Titleholder
3. Percentage of federal participation in the cost of the property
4. Use and condition of the property
5. Sale price of the property upon disposition and method used to determine current fair market value

At the time of purchase, the Superintendent or designee shall affix a label to the equipment containing the identification number and the district name. Equipment items purchased with categorical program funds shall also be labeled with the name of the project in accordance with 5 CCR 3946.

Whenever an equipment is moved to a new location or the equipment is used for a new purpose, the new location or purpose shall be recorded in the inventory.

A copy of the inventory shall be kept at the district office and at the appropriate site.

*(cf. 3580 – District Records)*

### **Physical Inventory**

At least once every two years, a physical inventory shall be conducted and the results reconciled with the property records. (34 CFR 80.32)

The Superintendent or designee shall establish procedures for conducting the physical inventory which shall include, but not be limited to, designation of person(s) responsible for coordinating and conducting the inventory, preparation and distribution of count sheets, procedures for implementing the inventory, and procedures for conducting a recount to substantiate the validity of the inventory.

The Superintendent or designee shall investigate any differences between the quantities determined by the physical inspection and those in the accounting records.

## **INVENTORIES**

Each school shall maintain a copy of its inventory and provide a copy of this inventory to the district office. Copies of all district inventories shall be kept at the district office.

*Legal Reference:*

EDUCATION CODE

35168 *Inventory of equipment*

CODE OF REGULATIONS, TITLE 5

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

16022-16023 *Classification of records*

16035 *Historical inventory of equipment*

UNITED STATES CODE, TITLE 20

2301-2414 *Carl D. Perkins Career and Technical Education Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

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

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*California School Accounting Manual, 2008*

OFFICE OF MANAGEMENT AND BUDGET COMMUNICATIONS

*Circular A-87, Cost of Principles for State, Local, and Indian Tribal Governments, rev. May 10, 2004*

WEB SITES

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

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

*White House, Office of Management and Budget: <http://www.omb.gov>*

Regulation

approved: November 15, 2001

revised: January 21, 2010

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

**STUDENT ACTIVITY FUNDS**

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

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

*(cf. 3554 - Other Food Sales)*

Student funds shall be managed in accordance with sound business procedures designed to encourage the largest possible educational return to students without sacrificing the safety of funds or exposing students to undue responsibility or unnecessary routine.

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

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

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

The principal or designee shall be responsible for the proper conduct of all student organization financial activities. The Superintendent or designee shall periodically review the organizations' general financial structures and accounting procedures.

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

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

*Legal Reference:*

**EDUCATION CODE**

*41020 Requirement for annual audit*

*48930-48938 Student body organization*

**FINANCIAL REPORTS AND ACCOUNTABILITY**

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

*(cf. 3100 - Budget)*

*(cf. 3110 - Transfer of Funds)*

*(cf. 3300 - Expenditures/Expending Authority)*

*(cf. 3430 - Investing)*

*(cf. 4143/4243 – Negotiations/Consultation)*

*(cf. 9000 - Role of the Board)*

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

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

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

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

1. Approve and file an annual statement of the District's receipts and expenditures for the preceding fiscal year (Education code 42100)
2. Adopt a resolution identifying the District's estimated appropriations limit for the current fiscal year and the actual appropriations limit for the preceding fiscal year (Education Code 42132; Government code 7910)
3. Approve interim fiscal reports and certify whether the District will be able to meet its fiscal obligations for the remainder of the fiscal year and two subsequent fiscal years (Education Code 42130, 42131)



**FINANCIAL REPORTS AND ACCOUNTABILITY**

4. Provide for an annual audit, select an independent auditor, and review the audit report (Education Code 41020, 41020.3)

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

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

*(cf. 1340 – Access to District Records)*

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

**Unaudited Actual Receipts and Expenditures**

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

**Gann Appropriations Limit Resolution**

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

*(cf. 9322 – Agenda/Meeting Materials)*

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

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

**FINANCIAL REPORTS AND ACCOUNTABILITY**

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

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

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

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

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

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

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

**FINANCIAL REPORTS AND ACCOUNTABILITY**

**Audit Report**

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

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

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

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

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

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

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

*Legal Reference:*

**EDUCATION CODE**

*1240 Duties of County superintendent of schools*

*14500-14508 Financial and compliance audits*

*17150-17150.1 Public disclosure of non-voter-approved debt*

*17170-17199.5 California School Finance Authority*

*33127 Standards and criteria for local budgets and expenditures*

*33128 Standards and criteria; inclusions*

*33129 Standards and criteria; use by local agencies*

*35035 Powers and duties of superintendent*

*41010-41023 Accounting System*

*41326 Emergency apportionment*

## **FINANCIAL REPORTS AND ACCOUNTABILITY**

41344.1 Appeals of audit findings  
41455 Examination of financial problems of local districts  
42100-42105 Requirement to prepare and file annual statement  
42120-42129 Budget requirements  
42130-42134 Financial reports and certifications  
42140-42142 Public disclosure of fiscal obligations  
42637 County Superintendent review of district's financial and budgetary conditions  
42652 Revocation or suspension of warrant authority  
48300-48316 Student attendance alternatives

### **GOVERNMENT CODE**

3540.2 School district; qualified or negative certification; proposed agreement review and comment  
7900-7914 Appropriations limit  
16429.1 Local agency investment fund  
53646 Reports of investment policy and compliance

### **CODE OF REGULATIONS, TITLE 5**

15060 Standardized account code structure  
15070 Submission of reports using standardized account code structure  
15440-15451 Criteria and standards for school district budgets  
15453-15464 Criteria and Standards for School District Interim Reports  
19810-19816.1 Audits

### **UNITED STATES CODE, TITLE 31**

7501-707 Single audits of federal program funds

## **Management Resources**

### **CSBA PUBLICATIONS**

Maximizing School Board Governance: Fiscal Accountability, 2006

### **CALIFORNIA DEPARTMENT OF EDUCATION COMMUNICATIONS**

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

Audit Resolution Process: Repayment Plans, December 8, 2000

### **FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS**

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

### **GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENTS**

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

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

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

### **STATE CONTROLLER PUBLICATIONS**

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

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

Government Auditing Standards, 2011

Financial Audit Manual, revised 2008

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

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

### **WEB SITES:**

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

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

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

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

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

## **Business and Noninstructional Operations**

BP 3460(f)

### **FINANCIAL REPORTS AND ACCOUNTABILITY**

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

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

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

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

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

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

Policy  
adopted: June 21, 2001  
revised: August 1, 2013

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**  
Winters, California

**FINANCIAL REPORTS AND ACCOUNTABILITY****Interim Reports**

Each interim fiscal report developed pursuant to Education Code 42130 shall include an assessment of the District budget as revised to reflect current information regarding the adopted state budget, District property tax revenues, if any, and ending balances for the preceding fiscal year. The report shall be based on State Board of Education (SBE) criteria and standards which address fund and cash balances, reserves, deficit spending, estimation of average daily attendance (ADA), projected enrollment, ratio of ADA to enrollment, projected revenue limit, salaries and benefits, other revenues and expenditures, and facilities maintenance. (Education Code 33128.3, 42130; 5 CCR 15453-15464)

The report shall also provide supplemental information regarding contingent liabilities, use of one-time revenues for ongoing expenditures, contingent revenues, contributions (i.e., projected contributions from unrestricted general fund resources to restricted general fund resources, projected transfers to or from the general fund to cover operating deficits in the general fund or any other fund, and capital project cost overruns that may impact the general fund budget), long-term commitments, unfunded liabilities, temporary interfund borrowings, the status of labor agreements, and the status of other funds. (Education Code 42130; 5 CCR 15453, 45464)

*(cf. 3100 - Budget)*

*(cf. 3111 – Deferred Maintenance Fund)*

*(cf. 3220.1 – Lottery Funds)*

*(cf. 3300 – Expenditures and Purchases)*

*(cfr. 3314- Payment for Goods and Services)*

**Audit Report**

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

The Superintendent or designee shall provide the necessary financial records and cooperate with the auditor selected by the Governing Board to ensure that the audit report contains all information required by law and the Governmental Accounting Standards Board (GASB).

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

*(cf. 3430 - Investing)*

*(cf. 3451 - Petty Cash Funds)*

*(cf. 3452 - Student Activity Funds)*

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

**FINANCIAL REPORTS AND ACCOUNTABILITY**

The Superintendent or designee shall cooperate with the auditor to provide the necessary financial records and to ensure that the audit report contains all information required by law and the governmental Accounting Standards Board (GASB).

When required by federal law, specified records pertaining to the audit of federal funds received and expended by the District shall be transmitted to the federal clearinghouse designated by the federal Office of Management and Budget and shall be made available for public inspection. Such records shall be transmitted within 30 days after receipt of the auditor's report or within nine months after the end of the fiscal year, whichever is sooner, unless a longer period is agreed to in advance by the federal agency or a different period is specified in a program-specific audit guide. (31 USC 7502)

If an audit finding results in the District being required to repay an apportionment or pay a penalty, the District may appeal the finding to the Education Audit Appeals Panel by making an informal, summary appeal within 30 days of receiving the final audit report or initiating a formal appeal within 60 days of receiving the report. (Education Code 41344, 41344.1)

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

**Fund Balance**

In accordance with GASB Statement 54, external financial reports shall report fund balances in the general fund within the following classifications based on the relative strength of the constraints placed on the purposes for which resources can be used:

1. Nonspendable fund balance, including amounts that are not expected to be converted to cash, such as resources that are not in a spendable form or are legally or contractually required to be maintained intact
2. Restricted fund balance, including amounts constrained to specific purposes by their providers or by law
3. Committed fund balance, including amounts constrained to specific purposes by the Board
4. Assigned fund balance, including amounts which the Board or its designee intends to use for a specific purpose
5. Unassigned fund balance, including amounts that are available for any purpose

**FINANCIAL REPORTS AND ACCOUNTABILITY**

**Negative Balance Report**

Whenever the District reports a negative unrestricted fund balance or a negative cash balance in its annual budget or annual audit report, it shall include in the budget a statement that identifies the reasons for the negative unrestricted fund balance or negative cash balance and the steps that have been taken to ensure that the negative balance will not occur at the end of the current fiscal year. (Education Code 42127.5)

**Non-Voter-Approved Debt Report**

Upon approval by the Board to proceed with the issuance of revenue bonds or any agreement for financing school construction pursuant to Education Code 17170-17199.5, the Superintendent or designee shall notify the County Superintendent of Schools and the county auditor. The Superintendent or designee shall provide the Board, the County Auditor, the County Superintendent, and the public with related repayment schedules and evidence of the district's ability to repay the obligation. (Education Code 17150)

When the Board is considering the issuance of certificates of participation and other debt instruments that are secured by real property and do not require the approval of the voters of the District, the Superintendent or designee shall provide notice to the County Superintendent and county auditor no later than 30 days before the Board's approval to proceed with issuance. The Superintendent or designee shall provide the Board, the county auditor, the County Superintendent, and the public with information necessary to assess the anticipated effect of the debt issuance, including related repayment schedules, evidence of the district's ability to repay the obligation, and the issuance costs. (Education Code 17150.1)

**Other Postemployment Benefits Report (GASB 45)**

In accordance with GASB Statement 45, the District's financial statements shall report the annual expense of nonpension other postemployment benefits (OPEBs) on an accrual basis over the retiree's active working lifetime, as determined by a qualified actuary procured by the Superintendent or designee. To the extent that these OPEBs are not prefunded, the district shall report a liability on its financial statements.

*(cf. 4154/4254/4354 – Health and Welfare Benefits)*

*(cf. 9250 – Remuneration, Reimbursement and Other Benefits)*

The Superintendent or designee shall annually present the estimated accrued but unfunded cost of OPEBs and the actuarial report upon which those costs are based at a public meeting of the Board. (Education Code 42140)

The amount of the district's financial obligation for OPEBs shall be reevaluated every two or three years in accordance with GASB 45 depending on the number of members in the OPEB plan.



**FINANCIAL REPORTS AND ACCOUNTABILITY**

**Workers' Compensation Claims Report**

The Superintendent or designee shall annually provide the Board, at a public meeting, information and related actuarial reports showing the estimated accrued but unfunded cost of workers compensation claims. The estimate of costs shall be based on the actuarial report completed at least every three years by a qualified actuary. (Education Code 42141)

**ENERGY AND WATER MANAGEMENT**

The Board of Trustees recognizes the environmental and financial benefits that can be derived from conserving energy, water, and other natural resources, preparing for extreme weather and other natural events, and providing an environment that promotes the health and well-being of students and staff. To support district goals for energy and water management, the Superintendent or designee shall develop a resource management program which may include strategies for implementing effective and sustainable resource use practices, exploring the use of renewable and clean energy technology and/or sources, reducing energy and water consumption, and promoting conservation principles in the educational program.

*(cf. 0200 - Goals for the School District)*

*(cf. 3100 - Budget)*

*(cf. 3300 - Expenditures and Purchases)*

*(cf. 3510 - Green School Operations)*

*(cf. 3511.1 - Integrated Waste Management)*

*(cf. 3512 - Equipment)*

*(cf. 6142.5 - Environmental Education)*

The Superintendent or designee may solicit input from staff, students, and parents/guardians regarding the district's resource management program. The Superintendent or designee shall provide staff and students with training and guidance on best practices to achieve the district's goals, and may establish a reward program to recognize outstanding accomplishments.

*(cf. 1150 - Commendation and Awards)*

The Superintendent or designee shall regularly inspect district facilities, monitor operations, and make recommendations for maintenance and repairs which may help the district reach its conservation and management goals and improve efficiency.

*(cf. 7110 - Facilities Master Plan)*

*(cf. 7111 - Evaluating Existing Buildings)*

The Superintendent or designee shall make every effort to identify funding opportunities and cost-reducing incentive programs to help the district achieve its conservation and management goals. The district may coordinate with other local or regional entities to capitalize on their expertise and maximize the efficient use of resources, such as through joint or shared use agreements.

*(cf. 1330.1 - Joint Use Agreements)*

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

The Superintendent or designee shall regularly report to the Board on the district's progress in meeting its conservation and resource management goals.

**ENERGY AND WATER MANAGEMENT**

**Storm Water Management**

To the maximum extent practicable, the district shall reduce the discharge of pollutants into the water system in order to minimize the threat to water quality from storm water runoff. The Superintendent or designee shall ensure that the district complies with storm water discharge standards specified by any applicable General Permit requirements coverage required by law, including all requirements of the Construction General Permit issued by the State Water Resources Control Board for any project that disturbs one acre or more of soil. (40 CFR 122.34)

*(cf. 3514 - Environmental Safety)*

*(cf. 3514.1 - Hazardous Substances)*

*(cf. 3514.2 - Integrated Pest Management)*

The Superintendent or designee shall develop a storm water management plan that complies with the provisions of the applicable permit and describes best management practices, design strategies, measurable goals, and timetables for implementation. The plan and a resolution authorizing its implementation shall be submitted to the Board for approval. (40 CFR 122.34)

For all projects, the district shall comply with any city or county ordinance that regulates drainage improvements and conditions. (Government Code 53097)

*Legal Reference:*

EDUCATION CODE

17213.1 School sites

17280 Construction of school buildings

35275 Coordination of new facilities with recreation and park authorities

41422 School term or session length, failure to comply due to disaster

46392 Emergency conditions; ADA estimate

GOVERNMENT CODE

53097 Local agencies

PUBLIC RESOURCES CODE

25410-25421 Energy conservation assistance

WATER CODE

189.3 Recommendations for best design and use practices

13383 Compliance with the federal Water Pollution Control Act

13383.5 Storm water discharge monitoring requirements

CODE OF REGULATIONS, TITLE 23

490-495 Model Water Efficient Landscape Ordinance

2200 Discharge permit fees

UNITED STATES CODE, TITLE 33

1342 National pollutant discharge elimination system

CODE OF FEDERAL REGULATIONS, TITLE 40

122.1-122.64 National pollutant discharge elimination system

*Management Resources (see next page):*

**ENERGY AND WATER MANAGEMENT**

*Management Resources:*

**CALIFORNIA DEPARTMENT OF EDUCATION**

*Guidance for Stormwater and Dry Weather Runoff CAPTURE (California Practices to Use Runoff Effectively) at Schools, December 2018*

*A Blueprint for Environmental Literacy: Educating Every Student In, About, and For the Environment, 2015*  
*Average Daily Attendance Credit During Periods of Emergency, Management Advisory 90-01, rev. February 10, 2005*

**CALIFORNIA STATE WATER RESOURCES CONTROL BOARD PUBLICATIONS**

*Guidance for Design and Construction of Vegetated Low Impact Development Projects, 2016*

**U.S. ENVIRONMENTAL PROTECTION AGENCY PUBLICATIONS**

*National Management Measures to Control Nonpoint Source Pollution from Urban Areas, 2005*

**WEB SITES**

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

Alliance to Save Energy: <http://www.ase.org>

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

California Department of Water Resources: <https://water.ca.gov>

California Division of State Architect: <https://www.dgs.ca.gov/DSA>

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

California State Water Resources Control Board: <http://www.swrcb.ca.gov>

California Stormwater Quality Association: <https://www.casqa.org/resources>

Collaborative for High Performance Schools (CHPS): <https://chps.net>

Green School Yards America: <http://www.greenschoolyards.org>

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

Policy

adopted: June 21, 2001

reviewed: March 2, 2006

revised: June 20, 2019

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

**EQUIPMENT**

Employees and/or students shall use district equipment only for school-related tasks. The Superintendent or designee shall ensure that all employees understand that personal use of district equipment is prohibited and that a violation may be cause for disciplinary action.

*(cf. 3515.4 - Recovery for Property Loss or Damage)*  
*(cf. 4040 - Employee Use of Technology)*  
*(cf. 4118 - Suspension/Disciplinary Action)*  
*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*  
*(cf. 5144 - Discipline)*  
*(cf. 6163.4 - Student Use of Technology)*

The district shall provide comparable basic equipment and supplies for all classes. When equipment cannot be supplied to every class, the Superintendent or designee shall ensure that it will be shared within and among the schools.

*(cf. 6000 - Concepts and Roles)*  
*(cf. 6171 - Title I Programs)*

When school equipment is not being used by students or employees, school-connected organizations may be granted reasonable use of the equipment for school-related matters.

*(cf. 1230 - School-Connected Organizations)*  
*(cf. 1330 - Use of School Facilities)*

The principal shall approve the removal of district-owned equipment from the school site. When any equipment is taken off-site, the borrower is responsible for its safe return and shall be fully liable for any loss or damage.

**Transfer of Equipment to a New Site**

Employees transferred to another school shall take with them only those personal items that have been purchased with their own funds. Items paid for by the district, school-connected organizations or grants shall remain at the initial location unless the principals of both schools make special arrangements that serve the best interests of the districtwide instructional program.

Equipment and materials unique to a special program being moved to the another site may be moved to the new location upon the approval of both principals.

**Equipment Acquired by Federal Funds**

Equipment purchased for use in a federal program shall be used in that program as long as needed, whether or not the program continues to be supported by federal funds. When no longer needed for the original program, the equipment may be used in other activities currently or previously supported by a federal agency. (34 CFR 80.32)

**EQUIPMENT**

All equipment purchased with Consolidated Application funds shall be labeled with the name of the project, identification number and name of the district. (5 CCR 3946)

Each principal or designee shall ensure that the following management provisions are established and maintained for equipment acquired in whole or in part with federal funds until such property is disposed: (34 CFR 80.32)

1. A control system shall be developed to ensure adequate safeguards to prevent loss, damage or theft of the property. Any loss, damage or theft shall be investigated.
2. Adequate maintenance procedures shall be developed to keep the property in good condition.

(cf. 3530 - Risk Management/Insurance)

(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)

If equipment is used for a purpose other than that for which it was originally purchased, the inventory shall include a dated statement justifying its current use.

(cf. 3440 - Inventories)

*Legal Reference:*

EDUCATION CODE

35160 Authority of governing boards

35168 Inventory of equipment

CODE OF REGULATIONS, TITLE 5

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

4424 Comparability of services

16023 Class 1- Permanent records

UNITED STATES CODE, TITLE 20

6322 Fiscal requirements

CODE OF FEDERAL REGULATIONS, TITLE 34

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

Regulation

approved: June 21, 2001

revised: March 2, 2006

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

**EQUIPMENT**

**EQUIPMENT LOAN FORM**

I assume the responsibility for the following district equipment:

Description

ID Number

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School-related purpose: (Note: items are not for personal use)

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I will return the above equipment to

\_\_\_\_\_  
(administrator or designee)

no later than

\_\_\_\_\_  
(date)

In borrowing the items listed above, I assume responsibility for any loss of or damage to the equipment or materials. If any items are damaged or lost, I will pay the cost of repairs or replacement.

Signed:\_\_\_\_\_

Date:\_\_\_\_\_

Approved:\_\_\_\_\_

Date:\_\_\_\_\_

Exhibit  
adopted: June 21, 2001  
reviewed: March 2, 2006

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**  
Winters, California

**TOBACCO-FREE SCHOOLS**

The Board of Trustees recognizes that smoking and other uses of tobacco and nicotine products constitute a serious public health hazards and are inconsistent with District goals to provide a healthy environment for students and staff.

*(cf. 3514 – Enviornmental Safety)*  
*(cf. 4159/4259/4359 - Employee Assistance Programs)*  
*(cf. 5030 – Student Wellness)*  
*(cf. 5131.62 - Tobacco)*  
*(cf. 5141.23 – Asthma Management)*  
*(cf. 6142.8 - Comprehensive Health Education)*  
*(cf. 6143 - Courses of Study)*

The Board prohibits smoking and/or the use of tobacco products at any time in District-owned or leased buildings, on District property and in District vehicles. (Health and Safety Code 104420; 104559)

These prohibitions apply to all employees, students and visitors at any school-sponsored instructional program, activity or athletic event held on or off District property. Any written joint-use agreement governing community use of District facilities or grounds shall include notice of the District's tobacco-free schools policy and consequences for violations of the policy.

*(cf. 1330 – Use of School Facilities)*  
*(cf. 1330.1 – Joint Use of Agreements)*

*Smoking* means inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, tobacco, or plant product intended for inhalation, whether natural or synthetic, in any manner or form, and includes the use of an electronic smoking device that creates aerosol or vapor or of any oral smoking device for the purpose of circumventing the prohibition of smoking. (Business and Professions Code 22950.5; Education Code 48901)

*Tobacco products* include: (Business and Professions Code 22950.5; Education Code 48901)

1. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff
2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah
3. Any component, part, or accessory of a tobacco product, whether or not sold separately



**TOBACCO-FREE SCHOOLS**

This policy does not prohibit the use or possession of prescription products and other cessation aides that have been approved by the U.S. Department of Health and Human Services, Food and Drug Administration, such as nicotine patch or gum.

Smoking or use of any tobacco-related products or disposal of any tobacco-related waste is prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited. (Health and Safety Code 104495)

*Legal Reference:*

EDUCATION CODE

48900 Grounds for suspension/expulsion

48901 Smoking or use of tobacco; steps to discourage

BUSINESS AND PROFESSIONS CODE

22950.5 Stop Tobacco Access to Kids Enforcement Act; definitions

HEALTH AND SAFETY CODE

39002 Control of air pollution from nonvehicular sources

104350-104495 - Tobacco use prevention, especially

104495 Prohibition of smoking and tobacco waste on playgrounds

119405 Unlawful to sell or furnish electronic cigarettes to minors

LABOR CODE

3300 Employer, definition

6304 Safe and healthful workplace

6404.5 Occupational safety and health: use of tobacco products

UNITED STATES CODE, TITLE 20

6083 Nonsmoking policy for children's services

7110-7117 Safe and Drug Free Schools and Communities Act

CODE OF REGULATIONS, TITLE 21

1140.1-1140-34 Unlawful sale of cigarettes and smokeless tobacco to minors

PERB RULINGS

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

CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989)

PERB Order #750 (13 PERC 20147)

*Management Resources:*

WEB SITES

California Department of Education, Alcohol, Tobacco and Other Drug Prevention: <http://www.cde.ca.gov>

California Department of Education, Tobacco-Free School District Certification:

<http://www.cde.ca.gov/ls/he/at/tobaccofreecert.asp>

California Department of Health, Tobacco Control: <http://www.cdhp.ca.gov/programs/tobacco>

Occupational Safety and Health Standards Board: <http://www.dir.ca.gov/OSSHsb/oshsb.html>

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

**TOBACCO-FREE SCHOOLS**

Policy

adopted: June 21, 2001

revised: September 15, 2011

revised: June 19, 2014

revised: October 6, 2016

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

**TOBACCO-FREE SCHOOLS**

**Notifications**

Information about the District's tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students and the community. (Health and Safety Code 104420)

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

The Superintendent or designee may disseminate this information through annual written notifications, district and school web sites, student and parent handbooks, and/or other appropriate methods of communication.

*(cf. 1113 – District and School Web Sites)*

Signs Stating “Tobacco use is prohibited” shall be prominently displayed at all entrances to school property. (Health and Safety Code 104420)

**Enforcement/Discipline**

Any employee or student who violates the District's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

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

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

*(cf. 5144 - Discipline)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

Any other person who violates the District's policy on tobacco-free schools shall be informed of the District's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may:

1. Direct the person to leave school property
2. Request local law enforcement assistance in removing the person from school premises
3. If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering District property for a specified period of time

*(cf. 1250 - Visitors/Outsiders)*

*(cf. 3515.2 - Disruptions)*

**TOBACCO-FREE SCHOOLS**

The Superintendent or designee shall not be required to physically eject a nonemployee who is smoking or to request that the nonemployee refrain from smoking under circumstances involving risk of any physical harm to the district or any employee. (Labor Code 6404.5)

Regulation  
approved: June 21, 2001  
revised: September 15, 2011

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**  
Winters, California

**DRUG AND ALCOHOL FREE SCHOOLS**

The Governing Board recognizes the need to keep district schools free of drugs and alcohol in order to create a safe and healthy environment conducive to learning and promote student health and well-being. The Board prohibits the possession, use, or sale of drugs and alcohol at any time in district-owned or leased buildings, on district property, and in district vehicles, unless otherwise permitted by law.

*(cf. 1325 - Advertising and Promotion)*  
*(cf. 3513.3 - Tobacco-Free Schools)*  
*(cf. 4020 - Drug and Alcohol-Free Workplace)*  
*(cf. 4159/4259/4359 - Employee Assistance Programs)*  
*(cf. 5030 - Student Wellness)*  
*(cf. 5131.6 - Alcohol and Other Drugs)*  
*(cf. 5131.62 - Tobacco)*  
*(cf. 6142.8 - Comprehensive Health Education)*

The following substances are prohibited on all district property:

1. Any substance which may not lawfully be possessed, used, or sold in California
2. Cannabis or cannabis products (Health and Safety Code 11362.3; 21 USC 812, 844)
3. Alcoholic beverages, unless approved by the Superintendent or designee for limited purposes specified in Business and Professions Code 25608

*(cf. 1330 - Use of School Facilities)*  
*(cf. 1330.1 - Joint Use Agreements)*

Prescription medication, except for prescribed cannabis, may be administered at school in accordance with law, district policy and regulations, and written statements by the parent/guardian and the student's authorized health care provider as applicable.

*(cf. 5141.21 - Administering Medications and Monitoring Health Conditions)*

Information about the district's drug- and alcohol-free schools policy and the consequences for violations shall be communicated clearly to employees, parents/guardians, students, and the community.

**Enforcement/Discipline**

The Superintendent or designee shall take appropriate action to eliminate the possession, use, or sale of alcohol and other drugs and related paraphernalia in district facilities, on district property, in district vehicles, or at school-sponsored activities. As appropriate, he/she may direct anyone violating this policy to leave school property and/or refer the matter to law enforcement.

**DRUG AND ALCOHOL FREE SCHOOLS**

*(cf. 1250 - Visitors/Outsiders)*  
*(cf. 3515.2 - Disruptions)*  
*(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)*  
*(cf. 5145.12 - Search and Seizure)*

Students and employees who violate the terms of this policy may be subject to discipline and/or referred to assistance programs in accordance with law and Board policy.

*(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)*  
*(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)*  
*(cf. 4117.7/4217.7/4317.7 - Employment Status Reports)*  
*(cf. 4118 - Dismissal/Suspension/Disciplinary Action)*  
*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*  
*(cf. 5131 - Conduct)*  
*(cf. 5144 - Discipline)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*  
*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*  
*(cf. 6145 - Extracurricular and Cocurricular Activities)*  
*(cf. 6145.2 - Athletic Competition)*

*Legal Reference:*

**EDUCATION CODE**

*44940 Compulsory leave of absence for certificated persons*  
*44940.5 Procedures when employees are placed on compulsory leave of absence*  
*45123 Employment after conviction of controlled substance offense*  
*45304 Compulsory leave of absence for classified persons*  
*48900 Suspension or expulsion (grounds)*  
*48900.5 Suspension, limitation on imposition; exception*  
*48901 Smoking or use of tobacco prohibited*  
*48901.5 Prohibition of electronic signaling devices*  
*48902 Notification of law enforcement authorities; civil or criminal immunity*  
*48909 Narcotics or other hallucinogenic drugs*  
*48915 Expulsion; particular circumstances*

**BUSINESS AND PROFESSIONS CODE**

*25608 Alcohol on school property; use in connection with instruction*

**GOVERNMENT CODE**

*8350-8357 Drug-free workplace*

**HEALTH AND SAFETY CODE**

*11053-11058 Standards and schedules*  
*11353.6 Juvenile Drug Trafficking and Schoolyard Act*  
*11362.1 Possession and use of cannabis, persons age 21 and over*  
*11362.3 Limitations on possession and use of cannabis*  
*11362.79 Limitations on medical use of cannabis*  
*104559 Tobacco use prohibition*

**DRUG AND ALCOHOL FREE SCHOOLS**

PENAL CODE

*13860-13864 Suppression of drug abuse in schools*

VEHICLE CODE

*13202.5 Drug and alcohol related offenses by person under age of 21, but aged 13 or over;*

UNITED STATES CODE, TITLE 20

*7101-7122 Student Support and Academic Enrichment Grants*

UNITED STATES CODE, TITLE 21

*812 Schedules of controlled substances*

*844 Penalties for possession of controlled substance*

UNITED STATES CODE, TITLE 41

*8101-8106 Drug-Free Workplace Act*

COURT DECISIONS

*Ross v. RagingWire Telecommunications, Inc., 42 Cal. 4th 920 (2008)*

**ENVIRONMENTAL SAFETY**

The Board of Trustees recognizes its obligation to provide a safe and healthy environment at school facilities for students, staff, and community members. The Superintendent or designee shall regularly assess school facilities to identify environmental health risks and shall develop strategies to prevent and/or mitigate environmental hazards. He/she shall consider the proven effectiveness of various options, anticipated short-term and long-term costs and/or savings to the district, and the potential impact on staff and students, including the impact on student achievement and attendance.

*(cf. 0200 - Goals for the School District)*  
*(cf. 0400 - Comprehensive Plans)*  
*(cf. 1312.4 - Williams Uniform Complaint Procedures)*  
*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*  
*(cf. 3516.3 - Earthquake Emergency Procedure System)*  
*(cf. 3517 - Facilities Inspection)*  
*(cf. 4157/4257/4357 - Employee Safety)*  
*(cf. 5142 - Safety)*  
*(cf. 7111 - Evaluating Existing Buildings)*

Such strategies shall focus on maximizing healthy indoor air quality; monitoring the quality of outdoor air and adjusting outdoor activities as necessary; reducing exposure to vehicle emissions; minimizing exposure to lead and mercury; reducing the risk of unsafe drinking water; inspecting and properly abating asbestos; appropriately storing, using, and disposing of potentially hazardous substances; using effective least toxic pest management practices; reducing the risk of foodborne illness; and addressing any other environmental hazards identified during facilities inspections.

*(cf. 3510 - Green School Operations)*  
*(cf. 3513.3 - Tobacco-Free Schools)*  
*(cf. 3514.1 - Hazardous Substances)*  
*(cf. 3514.2 - Integrated Pest Management)*  
*(cf. 3516.5 - Emergency Schedules)*  
*(cf. 3540 - Transportation)*  
*(cf. 3541.1 - Transportation for School-Related Trips)*  
*(cf. 3542 - School Bus Drivers)*  
*(cf. 3550 - Food Service/Child Nutrition Program)*  
*(cf. 5141.23 - Asthma Management)*  
*(cf. 5141.7 - Sun Safety)*  
*(cf. 5142.2 - Safe Routes to School Program)*  
*(cf. 6142.7 - Physical Education and Activity)*  
*(cf. 6163.2 - Animals at School)*  
*(cf. 7150 - Site Selection and Development)*

In developing strategies to promote healthy school environments, the Superintendent or designee may consult and collaborate with local environmental protection agencies, health agencies, water boards, and other community organizations.

*(cf. 1020 – Youth Services)*



**ENVIRONMENTAL SAFETY**

The Superintendent or designee shall provide the District's maintenance and facilities staff, bus drivers, food service staff, teachers, and other staff as appropriate with professional development regarding their responsibilities in implementing strategies to improve and maintain environmentally safe and healthy schools.

*(cf. 4131 – Staff Development)*

*(cf. 4231 – Staff Development)*

*(cf. 4331 – Staff Development)*

The Superintendent or designee shall notify the Board, staff, parents/guardians, students, and/or governmental agencies, as appropriate, if an environmental hazard is discovered at a school site. The notification shall provide information about the District's actions to remedy the hazard and may recommend health screening of staff and students.

*(cf. 5141.6 - School Health Services)*

*Legal Reference:*

EDUCATION CODE

*17002 Definition of "good repair"*

*17070.75 Facilities inspection*

*17582 Deferred maintenance fund; use for determining presence and encapsulation or removal of asbestos-containing materials*

*17590 Asbestos abatement fund*

*17608-17614 Healthy Schools Act of 2000, least toxic pest management practices*

*32240-32245 Lead-Safe Schools Protection Act*

*48980.3 Notification of pesticides*

*49410-49410.7 Asbestos materials containment or removal*

FOOD AND AGRICULTURE CODE

*11401-15206.6 Pest Control Operations and Agricultural Chemicals*

*13180-13188 Healthy Schools Act of 2000*

GOVERNMENT CODE

*3543.2 Scope of representation; right to negotiate safety conditions*

HEALTH AND SAFETY CODE

*105400-105430 Indoor environmental quality*

*113700-114437 California Retail Food Code, sanitation and safety requirements*

*116277 Lead testing of potable water at schools and requirements to remedy*

CODE OF REGULATIONS, TITLE 5

*14010 Standards for school site selection*

CODE OF REGULATIONS, TITLE 8

*337-339 Hazardous substances list*

*340-340.2 Occupational safety and health, rights of employees*

*1528-1537 Construction safety orders; exposure to hazards*

*5139-5223 Control of hazardous substances*

CODE OF REGULATIONS, TITLE 13

*2480 Vehicle idling*

CODE OF REGULATIONS, TITLE 17

*35001-35099 Accreditation in Lead Abatement Services*

## ENVIRONMENTAL SAFETY

CODE OF REGULATIONS, TITLE 22

64670-64679 Lead and copper in drinking water

CODE OF REGULATIONS, TITLE 24

915.1-915.7 California Building Standards Code; carbon monoxide devices

UNITED STATES CODE, TITLE 7

136136y Use of pesticides

UNITED STATES CODE, TITLE 15

2601-2629 Control of toxic substances

2641-2656 Asbestos Hazard Emergency Response Act

UNITED STATES CODE, TITLE 42

1758 Food safety and inspections

CODE OF FEDERAL REGULATIONS, TITLE 40

141.1-141.723 Drinking water standards

745.61-745.339 Lead-based paint standards

763.80-763.99 Asbestos-containing materials in schools

763.120-763.123 Asbestos worker protections

### Management Resources:

CSBA PUBLICATIONS

*Indoor Air Quality: Governing Board Actions for Creating Healthy School Environments, Policy Brief, July 2008*

*Asthma Management in the Schools, Policy Brief, March 2008*

*Food Safety Requirements, Fact Sheet, October 2007*

*Sun Safety in Schools, Policy Brief, July 2006*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*School Site Selection and Approval Guide, 2000*

*Indoor Air Quality, A Guide for Educators, 1995*

CALIFORNIA DEPARTMENT OF HEALTH SERVICES PUBLICATIONS

*Report to the Legislature: Lead Hazards in California's Public Elementary Schools and Child Care Facilities, April 1998*

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY: AIR RESOURCES BOARD PUBLICATIONS

*Facts about Truck and Bus Regulation School Bus Provisions, rev. March 22, 2011*

CALIFORNIA STATE WATER RESOURCES CONTROL BOARD PUBLICATIONS

*Frequently Asked Questions about Lead Testing of Drinking Water in California Schools; Updated for Assembly Bill 746/Health and Safety Code 116277, December 15, 2017*

DIVISION OF THE STATE ARCHITECT PUBLICATIONS

*K-12 Occupancy Classification and Load Factors, IR A-26, rev. April 18, 2012*

U.S. ENVIRONMENTAL PROTECTION AGENCY PUBLICATIONS

*A Citizen's Guide to Radon: The Guide to Protecting Yourself and Your Family from Radon, 2016*

*Healthy School Environments Assessment Tool, rev. 2015*

*Indoor Air Quality Tools for Schools, rev. 2009*

*Mold Remediation in Schools and Commercial Buildings, September 2008*

*The ABCs of Asbestos in Schools, rev. August 2003*

*How to Manage Asbestos in School Buildings: AHERA Designated Person's Self-Study Guide, 1996*

WEB SITES

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

AirNow: <http://www.airnow.gov>

American Association of School Administrators: <http://www.aasa.org>

California Air Resources Board: <http://www.arb.ca.gov>

California Building Standards: <http://www.bsc.ca.gov/codes.aspx>

**ENVIRONMENTAL SAFETY**

*California Department of Education, Health and Safety: <http://www.cde.ca.gov/ls/fa/hs>*

*California Department of Pesticide Regulation: <http://www.cdpr.ca.gov>*

*California Department of Public Health: <http://www.cdph.ca.gov>*

*California State Water Resources Control Board: <https://www.waterboards.ca.gov>*

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

*Consumer Product Safety Commission: <http://www.cpsc.gov>*

*National Center for Environmental Health: <http://www.cdc.gov/nceh>*

*Occupational Safety and Health Administration: <http://www.osha.gov>*

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

Policy

adopted: June 21, 2001

revised: March 2, 2006

revised: January 8, 2009

revised: June 21, 2018

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

**ENVIRONMENTAL SAFETY**

The Superintendent may designate and train one or more employees to oversee and coordinate the district's environmental safety program(s). The responsibilities of the coordinator(s) shall include, but are not limited to, overseeing assessments of district facilities, recommending strategies for the prevention and mitigation of environmental health risks, ensuring effective implementation of environmental safety strategies, and reporting to the Superintendent regarding the district's progress in addressing environmental safety concerns.

*(cf. 3510 - Green School Operations)*  
*(cf. 3511 - Energy and Water Management)*  
*(cf. 3517 - Facilities Inspection)*  
*(cf. 4157/4257/4357 - Employee Safety)*  
*(cf. 5142 - Safety)*  
*(cf. 7111 - Evaluating Existing Buildings)*  
*(cf. 7150 - Site Selection and Development)*

**Indoor Air Quality**

In order to provide proper ventilation, humidity, and temperature in school facilities and to reduce indoor air contaminants, the Superintendent or designee shall ensure that the following strategies are implemented:

1. Mechanically driven heating, ventilation, and air conditioning systems shall be operated continuously during working hours except under the circumstances specified in 8 CCR 5142. The systems shall be inspected at least annually and problems corrected within a reasonable time. Where the air supply is filtered, the filters shall be replaced or cleaned regularly to prevent significant reductions in airflow. Documentation of inspections, tests of ventilation rates, and maintenance shall be retained for at least five years. (8 CCR 5142-5143)

*(cf. 3580 - District Records)*

- Staff shall ensure that airflow is not obstructed by the blocking of ventilators with posters, furniture, books, or other obstacles.
2. School facilities shall be regularly inspected for water damage, spills, leaks in plumbing and roofs, poor drainage, and improper ventilation so as to preclude the buildup of mold and mildew. Wet building materials and furnishings shall be dried within 48 hours if possible to prevent mold growth. When evidence of mold or mildew is found, maintenance staff shall locate and repair the source of water intrusion and remove or clean moldy materials.
  3. Exterior wall and foundation cracks and openings shall be sealed as soon as possible to minimize seepage of radon into buildings from surrounding soils.
  4. Least toxic pest management practices shall be used to control and manage pests at school sites. (Education Code 17608-17614; Food and Agriculture Code 13182)

**ENVIRONMENTAL SAFETY**

*(cf. 3514.2 - Integrated Pest Management)*

5. The Superintendent or designee shall install a carbon monoxide detector or alarm in all school buildings that contain a fuel-burning appliance, fireplace, or forced-air furnace. The device or alarm shall be located in close proximity to the appliance in order to accurately detect and alert school personnel of any leakage of carbon monoxide. (24 CCR 915.1-915.7)
6. Schedules and practices for routine housekeeping and maintenance shall be designed to effectively reduce levels of dust, dirt, and debris. Plain water, soap and water, or low-emission cleaning products shall be used whenever possible. Aerosols, including air fresheners and other products containing ozone, shall be avoided to the extent possible.

*(cf. 5141.23 - Asthma Management)*

7. Painting of school facilities and maintenance or repair activities that require the use of potentially harmful substances shall be limited to those times when school is not in session. Following any such activity, the facility shall be properly ventilated with adequate time allowed prior to reopening for use by any person.
8. Paints, adhesives, and solvents shall be used and stored in well-ventilated areas. These items shall be purchased in small quantities to avoid storage exposure.

*(cf. 3514.1 - Hazardous Substances)*

9. To the extent possible, printing and duplicating equipment that may generate indoor air pollutants, such as methyl alcohol or ammonia, shall be placed in locations that are well ventilated and not frequented by students and staff.
10. The district's tobacco-free schools policy shall be consistently enforced in order to reduce the health risks caused by second-hand smoke.

*(cf. 3513.3 - Tobacco-Free Schools)*

11. Staff and students shall be asked to refrain from bringing common irritants such as furred or feathered animals, stuffed toys that may collect dust mites, scented candles, incense, or air fresheners and from using perfume or cologne, scented lotion or hair spray, nail polish or nail polish remover, or other personal care products that are not fragrance-free in classrooms or other enclosed areas or buildings.

*(cf. 6163.2 - Animals at School)*

**ENVIRONMENTAL SAFETY**

**Outdoor Air Quality**

The Superintendent or designee may monitor local health advisories and outdoor air quality alerts, including forecasts of ozone levels, particle pollution, ultraviolet radiation levels, and/or temperature and humidity.

Whenever these measures indicate a significant health risk, the Superintendent or designee shall communicate with each principal so that outdoor activities, especially those requiring prolonged or heavy exertion, may be avoided, limited in duration, or modified as necessary for all persons or for persons who may be particularly susceptible to the health risk involved.

*(cf. 5141.7 - Sun Safety)*

*(cf. 6142.7 - Physical Education and Activity)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6145.2 - Athletic Competition)*

**Vehicle Emissions**

In order to reduce public exposure to toxic air contaminants, school bus drivers and other drivers of commercial motor vehicles shall limit unnecessary idling of vehicles at or near schools in accordance with 13 CCR 2480. The Superintendent or designee may also request parents/guardians to turn off their vehicles when they are idling on school grounds and encourage students to walk and/or bicycle to school.

*(cf. 3540 - Transportation)*

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

*(cf. 3542 - School Bus Drivers)*

*(cf. 5142.2 - Safe Routes to School Program)*

Any diesel-fueled, dual-fueled, or alternative diesel-fueled school bus with a gross vehicle weight rating over 14,000 pounds shall be equipped with a particulate filter designed to reduce particulate matter emissions, oxides of nitrogen emissions, and other pollutants. (13 CCR 2025)

**Drinking Water**

The quality and safety of the district's drinking water sources shall be regularly assessed, and drinking fountains shall be regularly cleaned and maintained to avoid the presence of dirt, mold, or other impurities or health concerns.

Whenever any contaminants in the drinking water are determined to be a concern, the Superintendent or designee shall take reasonable steps to identify the source and mitigate the concern to ensure the availability of safe drinking water. As needed, the Superintendent or designee shall provide alternative sources of drinking water, such as bottled water, to ensure that students have access to fresh drinking water at mealtimes and at other times throughout the day.

**ENVIRONMENTAL SAFETY**

*(cf. 3550 - Food Service/Child Nutrition Program)*

Whenever testing of drinking water finds concentrations of lead that exceed federal and state standards, the Superintendent or designee shall notify parents/guardians and take immediate steps to make inoperable any fountains or faucets where excess lead levels may exist. (Health and Safety Code 116277)

**Lead Exposure**

In addition to keeping school facilities as dust-free and clean as possible, the following steps shall be taken to minimize potential exposure to lead in school facilities:

1. Lead-based paint, lead plumbing and solders, or other potential sources of lead contamination shall not be used in the construction of any new school facility or the modernization or renovation of any existing school facility. (Education Code 32244)
2. Lead exposure hazards shall be evaluated before any renovation or remodeling is begun, and children shall not be allowed in or near buildings in which these activities may create lead dust. Contractors and workers shall comply with state and federal standards related to the handling and disposal of lead debris and the clean-up and containment of dust within the construction area.
3. Lead-based painted surfaces that are in good condition shall be kept intact. If lead-based paint is peeling, flaking, or chalking, contractors or workers shall follow state and federal standards for safe work practices to minimize contamination when removing the paint.
4. Soil with low lead content may be covered with grass, other plantings, concrete, or asphalt. For soil with high lead content, removal and abatement are required.
5. Drinking water shall be regularly tested for lead and remediated as provided in the section "Drinking Water" above.

Any action to abate existing lead hazards, excluding containment or cleaning, shall be taken only by contractors, inspectors, and workers certified by the California Department of Public Health in accordance with 17 CCR 35001-35099. (Education Code 32243)

The Superintendent or designee shall notify parent/guardians, teachers, and staff members if significant risk factors for lead exposure are found. (Education Code 32243)

**Mercury Exposure**

The Superintendent or designee shall identify any products containing mercury that are present in district facilities and, to the extent possible, shall replace them with mercury-free alternatives.

**ENVIRONMENTAL SAFETY**

Staff shall receive information about proper procedures to follow in the event of a mercury spill. Clean-up instructions, a clearly labeled kit with necessary clean-up supplies, and a list of local resources shall be readily accessible.

In the event of a spill, staff shall evacuate all students from the immediate area of the spill, ensure that any clothing or other items with mercury on them remain in the room, open windows to the outside, and close doors to other parts of the school. Staff who are trained in proper clean-up procedures may carefully clean a small spill. As needed for larger or difficult-to-clean spills, the Superintendent or designee shall use an experienced professional referred by the local health department or environmental agency.

Any products containing mercury shall be properly disposed at an appropriate hazardous waste collection facility.

**Asbestos Management**

The Superintendent shall designate an employee who shall ensure that the district's responsibilities related to asbestos inspection and abatement are implemented in accordance with federal and state regulations. This employee shall receive adequate training to perform these duties, including, as necessary, training on the health effects of asbestos; detection, identification, and assessment of asbestos-containing materials; options for controlling asbestos-containing building materials; asbestos management programs; and relevant federal and state regulations. (40 CFR 763.84)

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

The designated employee shall ensure that the district complies with the following requirements:

1. School facilities shall be inspected for asbestos-containing materials as necessary in accordance with the following:
  - a. Any school building that is leased, acquired, or otherwise used by the district shall be inspected for asbestos-containing materials prior to its use as a school building, unless exempted by federal regulations. (40 CFR 763.85, 763.99)
  - b. At least once every six months, the district shall conduct a periodic surveillance consisting of a visual inspection of each school building that contains or is assumed to contain asbestos-containing building materials. (40 CFR 763.92)
  - c. At least once every three years, the district shall conduct a re-inspection of all known or assumed asbestos-containing building materials in each school building. (40 CFR 763.85)



**ENVIRONMENTAL SAFETY**

2. Based on the results of the inspection, an appropriate response which is sufficient to protect human health and the environment shall be determined from among the options specified in 40 CFR 763.90. The district may select the least burdensome response, taking into consideration local circumstances, including occupancy and use patterns within the school building and economic concerns such as short-term and long-term costs. (40 CFR 763.90)
3. An asbestos management plan for each school site shall be maintained and regularly updated to keep it current with ongoing operations and maintenance, periodic surveillance, inspection, re-inspection, and response action activities. (15 USC 2643; 40 CFR 763.93)

The asbestos management plan shall be available for inspection in district and school offices during normal business hours. Parent/guardian, teacher, and employee organizations shall be annually informed of the availability of these plans. (40 CFR 763.84, 763.93)

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

*(cf. 5145.6 - Parental Notifications)*

4. Staff, students, and parents/guardians shall be informed at least once each school year about any inspections, response actions, and post-response actions, including periodic re-inspection and surveillance activities, that are planned or in progress. (40 CFR 763.84)
5. Inspections, re-inspections, periodic surveillance, and response actions, including operations and maintenance, shall be conducted in compliance with state and federal regulations for the protection and safety of workers and all other individuals. (Education Code 49410.5; 40 CFR 763.84)

Asbestos inspection and abatement work, preparation of a management plan, and any maintenance activities that may disturb asbestos-containing building materials, except for emergency repairs or small-scale, short-duration maintenance activities, shall be completed by state-certified asbestos inspectors or contractors. (15 USC 2646; 40 CFR 763.84, 763.85, 763.91)

6. All custodial and maintenance employees shall be properly trained in accordance with applicable federal and/or state regulations. (40 CFR 763.84)

All district maintenance and custodial staff who may work in a building that contains asbestos-containing materials, regardless of whether they are required to work with such materials, shall receive at least two hours of related asbestos awareness training. New maintenance and custodial staff shall receive such training within 60 days after beginning employment. Any maintenance or custodial staff who conduct activities that will disturb asbestos-containing materials shall receive 14 hours of additional training. The trainings shall address the topics specified in 40 CFR 763.92. (15 USC 2655; 40 CFR 763.84, 763.92)

**ENVIRONMENTAL SAFETY**

7. Short-term workers, such as telephone repair workers, utility workers, or exterminators, who may come in contact with asbestos in a school shall be provided information regarding the locations of known or suspected asbestos-containing building materials. (40 CFR 763.84)
8. Warning labels shall be posted immediately adjacent to any known or suspected asbestos-containing building material located in routine maintenance areas in accordance with 40 CFR 763.95. (40 CFR 763.84)

The district shall maintain, in both the district and school offices and for a period of three years, records pertaining to each preventive measure and response action taken; staff training; periodic surveillances conducted; cleaning, operations, and maintenance activities; and any fiber release episode. (40 CFR 763.94)

Regulation

approved: June 21, 2001

revised: March 2, 2006

revised: January 8, 2009

revised: June 21, 2018

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

**HAZARDOUS SUBSTANCES**

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

*(cf. 3514 - Environmental Safety)*

*(cf. 4119.42/4219.42/4319.42 – Exposure Control Plan for Bloodborne Pathogens)*

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

*(cf. 5141.22 - Infectious Disease Prevention)*

*(cf. 5142 – Safety)*

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

*(cf. 3510- Green School Operations)*

*(cf. 3514.2 – Integrated Pest Management)*

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

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

*(cf. 1240 – Volunteer Assistance)*

The Superintendent or designee shall develop specific measures to ensure the safety of students and staff in school laboratories where hazardous chemicals are used. Such measures shall include the development and implementation of a chemical hygiene plan in accordance with 8 CCR 5191 and instruction to students about proper handling of hazardous substances.

*(cf. 6142.93 – Science Instruction)*

The Superintendent or designee shall not order or purchase for use in grades K-6 any arts and crafts materials containing a substance determined by the California Office of Environmental Health Hazard Assessment to be toxic. The Superintendent or designee shall not purchase any such toxic material for use in grades 7-12 unless it includes a warning label as specified in Education Code 32065 that identifies any toxic ingredients, warns of potential adverse health effects, and describes procedures for safe use and storage. (Education Code 32064)

## HAZARDOUS SUBSTANCES

### *Legal Reference:*

#### EDUCATION CODE

32060-32066 Toxic art supplies in schools

49340-49341 Hazardous substances education

49401.5 Legislative intent; consultation services

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

#### FOOD AND AGRICULTURE CODE

12981 Regulations re pesticides and worker safety

#### HEALTH AND SAFETY CODE

25163 Transportation of hazardous wastes; registration; exemptions; inspection

25500-25520 Hazardous materials release response plans; inventory

108100-108515 California Hazardous Substances Act

#### LABOR CODE

6360-6363 Hazardous Substances Information and Training Act

6380-6386 List of hazardous substances

#### CODE OF REGULATIONS, TITLE 8

339 List of hazardous substances

3203 Illness and injury prevention program

3204 Records of employee exposure to toxic or harmful substances

5139-5230 Control of hazardous substances, especially

5154.1-5154.2 Ventilation

5161 Definitions

5162 Emergency eyewash and shower equipment

5163 Control of spills

5164 Storage of hazardous substances

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

5194 Hazard Communication

#### CODE OF REGULATIONS, TITLE 22

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

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Science Safety Handbook for California Public Schools, 2012*

#### CALIFORNIA OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT PUBLICATIONS

*Art and Craft Materials in Schools: Guidelines for Purchasing and Safe Use, September 17, 2016*

#### WEB SITES

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

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

California Office of Environmental Health Hazard Assessment: <http://www.oehha.ca.gov>

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

### Policy

adopted: June 21, 2001

revised: June 20, 2013

revised: June 21, 2018

### WINTERS JOINT UNIFIED SCHOOL DISTRICT

Winters, California

**HAZARDOUS SUBSTANCES**

The Superintendent or designee shall regularly remove and dispose of all chemicals whose estimated shelf life has elapsed. (Education Code 49411)

**Hazard Communication Program**

The District's written hazard communication program shall include at least the components listed below and shall be available upon request to all employees and their designated representatives. The program shall apply to any hazardous substance which is known to be present in the workplace in such a manner that employees may be exposed under normal conditions of use or in a reasonable foreseeable emergency resulting from workplace operations. (8 CCR 5194)

1. Container Labeling

No container of hazardous substance, unless exempted by law, shall be accepted by the district or any district school unless labeled, tagged, or marked by the supplier with the identity of the hazardous substance, hazard warning statements, and the name and address of the chemical manufacturer or importer. No label on an incoming container shall be removed or intentionally defaced unless the container is immediately marked with the required information.

Whenever hazardous substances are transferred from their original containers to other containers, the secondary containers shall likewise be labeled with the identity and hazard warning statement, unless the substances are intended only for the immediate use of the employee who performs the transfer.

2. Safety Data Sheets

Upon receiving a hazardous substance or mixture, the Superintendent or designee shall ensure that the manufacturer or importer has ~~also~~ furnished a Safety Data Sheet (SDS) as required by law. If the SDS is missing or obviously incomplete, the Superintendent or designee shall within seven working days of noting the missing or incomplete information, request a new SDS from the manufacturer or importer. If a response is not received within 25 working days, the Superintendent or designee shall send a copy of the District's written inquiry to the California Occupational Safety and Health Division (Cal/OSHA). (8 CCR 5194)

The Superintendent or designee shall maintain the required SDS for each hazardous substance in the workplace and shall ensure that it is readily accessible to employees in their work area during working hours. The SDS may be maintained in paper copy, electronically, or through other means, provided that employees have immediate access and understand how to use the alternative system.

**HAZARDOUS SUBSTANCES**

3. Employee Information and Training

Employees shall receive information and training on hazardous substances in their work area at the time of their initial assignment and whenever a new hazard is introduced into their work area. This information and training shall include, but are not limited to, the following: (8 CCR 5194)

- a. The requirements of 8 CCR 5194, including employee rights described therein
- b. The location and availability of the district's written hazard communication program, including the list of hazardous materials and all SDA
- c. Any operations in the work area where hazardous substances are present
- d. The physical and health effects of the hazardous substances in the work area
- e. Methods and observations that may be used to detect the presence or release of hazardous substances in the work area
- f. Measures that employees can take to protect themselves from exposure to hazardous substances, including specific procedures the District has implemented to protect employees, such as appropriate work practices, emergency procedures, and personal protective equipment to be used
- g. How to read and use the labels and SDS

*(cf. 4112.9/4212.9/4312.9 – Employee Notifications)*

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

4. List of Hazardous Substances

The written hazard communication program shall include a list of the hazardous substances known to be present in the workplace as a whole or for individual work areas. (8 CCR 5194)

5. Hazardous Nonroutine Tasks

When employees are required to perform hazardous nonroutine tasks or to work on unlabeled pipes that contain hazards, they shall first receive information about the specific hazards to which they may be exposed during this activity and the protective/safety measures which must be used, such as ventilation, respirators, other personal protective equipment, and/or the presence of another employee. They shall also receive information about emergency procedures to follow if accidentally exposed to the hazardous substance.

**HAZARDOUS SUBSTANCES**

6. Information to Contractors

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

**INTEGRATED PEST MANAGEMENT**

The Superintendent or designee shall develop and implement an integrated pest management program that incorporates effective least toxic pest management practices.

Integrated pest management is a strategy that focuses on long-term prevention or suppression of pest problems through a combination of techniques such as monitoring for pest presence and establishing treatment threshold levels, using nonchemical practices to make the habitat less conducive to pest development, improving sanitation, and employing mechanical and physical controls. (Food and Agricultural Code 13181)

**Procedures**

In the control and/or management of pests at District facilities, the Superintendent or designee shall:

1. Carefully monitor and identify the pest and the site of infestation. Strategies for managing the pest shall be influenced by the pest species and whether that species poses a threat to people, property or the environment.
2. Consider a full range of possible alternatives. Such alternatives include not taking any action or controlling the pest by physical, mechanical, chemical, cultural or biological means.
3. Select nonchemical pest management methods over chemical methods, whenever they are effective to provide the desired control. Cost or staffing considerations alone will not be adequate justification for use of chemical control agents.
4. Use the least toxic material when it is determined that a chemical method of pest management must be used. The least toxic material shall be chosen and applied in accordance with law.
5. Limit pesticide purchases to amounts needed for the year. Pesticides shall be stored at a secure location that is not accessible to students and unauthorized staff, and they shall be stored and disposed of in accordance with state regulations and label directions registered with the Environmental Protection Agency.

*(cf. 4231 - Staff Development)*



**INTEGRATED PEST MANAGEMENT**

**Notification**

The Superintendent or designee shall annually notify staff and parents/guardians of students enrolled at a school site, in writing, regarding pesticide products expected to be applied at the school facility in the upcoming year. The notification shall include at least the following: (Education Code 17612)

1. The Internet address used to access information on pesticides and pesticide use reduction developed by the Department of Pesticide Regulation pursuant to Food and Agricultural Code 13184.
2. The name of each pesticide product expected to be applied in the upcoming year and the active ingredient(s) init.
3. An opportunity for interested persons to register to receive notification of individual pesticide application at the school site. The Superintendent or designee shall notify such registered persons of individual pesticide applications at least 72 hours prior to the application.
4. Other information deemed necessary by the Superintendent or designee.

If a pesticide product not included in the annual notification is subsequently intended for use at the school site, the Superintendent or designee shall provide written notification of its intended use to staff and parents/guardians of students enrolled at the school, at least 72 hours prior to the application. (Education Code 17612)

**Posting of Warning Signs**

The Superintendent or designee shall post a warning sign at each area of the school site where pesticides will be applied, at least 24 hours prior to the application and until 72 hours after the application. The warning sign shall display the following: (Education Code 17612)

1. The term “Warning/Pesticide Treated Area”
2. The product name, manufacturer’s name, and the Environmental Protection Agency’s product registration number.
3. Intended areas and dates of application
4. Reason for the pesticide application

## **INTEGRATED PEST MANAGEMENT**

### **Notification During Emergency Conditions**

Whenever the Superintendent or designee deems that the immediate use of a pesticide is necessary to protect the health and safety of students, staff, or other persons, or the school site, he/she shall make every effort to provide the required notifications prior to the application of a pesticide. In such a case, the warning sign shall be posted immediately upon application and shall remain posted until 72 hours after the application. (Education Code 17609, 17612)

*(cf. 2514 - Environmental Safety)*

### **Records**

Each school site shall maintain records of all pesticide use at the school for four years, and shall make the information available to the public, upon request, in accordance with the California Public Records Act. Such records may be maintained by retaining a copy of the warning sign posted for each pesticide application with a recording of the amount of the pesticide used. (Education Code 17611)

#### *Legal References:*

##### EDUCATION CODE

*17608-17613 Healthy Schools Act of 2000*

*17366 Legislative intent (fitness of buildings for occupancy)*

*48980.3 Notification of pesticides*

##### FOOD AND AGRICULTURAL CODE

*11401-12408 Pest control operations and agricultural chemicals*

*13180-13188 Healthy Schools Act of 2000*

##### GOVERNMENT CODE

*3543.2 Scope of representation; right to negotiate safety conditions*

*6250-6277 California Public School Records Act*

##### CODE OF REGULATIONS, TITLE 8

*340-340.3 Employer's obligation to provide safety information*

*5142 Hearing, ventilating and air conditioning systems; minimum ventilation*

*5143 Mechanical ventilating systems; inspection and maintenance*

##### UNITED STATES CODE, TITLE 7

*136-136y Insecticide, Fungicide and Rodenticide Act*

##### CODE OF FEDERAL REGULATIONS, TITLE 40

*763.93 Management plans*

*763.94 Record keeping*

**INTEGRATED PEST MANAGEMENT**

*Management Resources:*

CDE PUBLICATIONS

*Indoor Air Quality, A Guide for Educators, 1995*

U.S. ENVIRONMENTAL PROTECTION AGENCY

*Pest Control in the School Environment: Adopting Integrated Pest Management, 1993*

WEB SITE

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

California Department of Pesticide Regulation: <http://www.cdpr.ca.gov>

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

**DISRUPTIONS**

The Board of Trustees is committed to providing a safe environment for district students, staff, and others while they are on district property or engaged in school activities.

The Superintendent or designee shall remove any individual who, by his/her presence or action, disrupts or threatens to disrupt normal operations at a school campus or any other district facility, threatens the health and safety of anyone on district property, or causes or threatens to cause damage to district property or to any property on school grounds.

*(cf. 1250 – Visitors/Outsiders)*  
*(cf. 3515 – Campus Security)*  
*(cf. 4118 – Dismissal/Suspension/Disciplinary Action)*  
*(cf. 4158/4258/4358 – Employee Security)*  
*(cf. 4218 – Dismissal/Suspension/Disciplinary Action)*  
*(cf. 5131.4 – Student Disturbances)*

The Superintendent or designee shall establish a plan describing staff responsibilities and actions to be taken when an individual is causing or threatening to cause a disruption. The plan shall address, as appropriate, visitor registration procedures; campus security measures; evacuation procedures; lock-down procedures; possible responses to an active shooter situation; communications within the school and with parents/guardians, law enforcement, and the media in the event of an emergency; and crisis counseling or other assistance for students and staff after a disruption. In developing such a plan, the Superintendent or designee shall consult with law enforcement to create guidelines for law enforcement support and intervention when necessary.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3515.3 - District Police/Security Department)*  
*(cf. 3515.7 - Firearms on School Grounds)*  
*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

The Superintendent or designee shall provide training to school staff on how to identify and respond to actions or situations that may constitute a disruption.

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

Any employee who believes that a disruption may occur shall immediately contact the principal. The principal or designee shall notify law enforcement in accordance with Education Code 48902 and 20 USC 7151 and in other situations, as appropriate.

## DISRUPTIONS

### *Legal Reference:*

#### EDUCATION CODE

32210 Willful disturbance of public school or meeting: misdemeanor

32211 Threatened disruption or interference with classes; misdemeanor

35160 Authority of governing boards

44810 Willful interference with classroom conduct

44811 Disruption of classwork or extracurricular activities

48902 Notification of law enforcement authorities

51512 Prohibited use of electronic listening or recording device

#### PENAL CODE

243.5 Assault or battery on school property

415.5 Disturbance of peace of school

626-626.11 Schools, crimes, especially

626.7 Failure to leave campus or facility; wrongful return; penalties; notice; exceptions

626.8 Disruptive presence at schools

626.81 Misdemeanor for registered sex offender to come onto school grounds

626.85 Drug offenders; presence on school grounds

626.9 Gun Free School Zone Act

627-627.10 Access to school premises

653b Loitering about school grounds or public places

12556 Imitation firearms

30310 Prohibition against ammunition on school grounds

#### COURT DECISIONS

*Reeves vs. Rocklin Unified School District*, (2003) 109 Cal.App.4<sup>th</sup> 652

*In Re Joseph F.*, (2000) 85 Cal.App.4<sup>th</sup> 975

*In Re Jimmy A.*, (1989) 209 Cal. 3d 42

*In Re Oscar R.*, (1984) 161 Cal. App. 3d 770

#### ATTORNEY GENERAL OPTIONS

79 Ops.Cal.Atty.Gen. 58 (1996)

### *Management Resources:*

#### CSBA PUBLICATIONS

*911! A Manual for Schools and the Media During a Campus Crisis*, 2001

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

*Guide for Developing High-Quality School Emergency Operations Plans*, 2013

#### WEB SITES

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

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lr/ss>

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

Policy

adopted: April 18, 2002

revised: September 16, 2010

revised: October 20, 2016

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, CA

**DISRUPTIONS**

The principal or, designee may direct any person, except a student, school employee, or other person required by his/her employment to be on school grounds, to leave school grounds or school activity if:

1. The principal or designee has reasonable basis for concluding that the person is committing or has entered the campus with the purpose of committing an act which is likely to interfere with the peaceful conduct, discipline, good order, or administration of the school or a school activity, or with the intent of inflicting damage to any person or property. (Education Code 44810, 44811; Penal Code 415.5, 626.7)
2. The person fights or challenges another person to fight, willfully disturbs another person by loud and unreasonable noise, or uses offensive language which could provoke a violent reaction. (Penal Code 415.5)
3. The person loiters around a school without lawful business for being present or reenters a school within 72 hours after he/she was asked to leave. (Penal Code 653b)
4. The person is required to register as a sex offender pursuant to Penal Code 290 and does not have a lawful purpose and written permission from the principal or designee to be on school grounds. (Penal Code 626.81)

*(cf. 1250 – Visitors/Outsiders)*

*(cf. 3515.5 – Sex Offender Notification)*

5. The person is a specified drug offender as defined in Penal Code 626.85 and does not have written permission from the principal or designee to be on school grounds. However, such specified drug offender may be on school grounds during any school activity if he/she is a student or the parent/guardian of a student attending the school. (Penal Code 626.85)
6. The person willfully or knowingly creates a disruption with the intent to threaten the immediate physical safety of any student in grades K-8 while attending, arriving at, or leaving school. (Penal Code 626.8)
7. The person otherwise established a continued pattern of unauthorized entry on school grounds. (Penal Code 626.8)

The principal or designee shall allow a parent/guardian who was previously directed to leave school grounds to reenter for the purpose of retrieving his/her child for disciplinary reasons, medical attention, or family emergencies, or with the principal or designee's prior written permission. (Penal Code 626.7, 626.85)

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

1. Fails to leave or remains after being directed to leave (Penal Code 626.7, 626.8, 626.85)

**DISRUPTIONS**

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

*(cf. – Comprehensive Safety Plan)*

**Appeal Procedure**

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

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

**RECOVERY FOR PROPERTY LOSS OR DAMAGE**

The Board of Trustees desires to create a safe and secure learning environment and to minimize acts of vandalism and damage to school property. When district property is damaged due to the willful misconduct of a student or other person, the district shall seek reimbursement of damages, within the limitations specified in law, from the parent/guardian of a minor child or from any other responsible individual.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3515 - Campus Security)*  
*(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)*  
*(cf. 4158/4258/4358 - Employee Security)*  
*(cf. 5131 - Conduct)*  
*(cf. 5131.5 - Vandalism and Graffiti)*  
*(cf. 5136 - Gangs)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

The district may collect debt owed by a student or former student as a result of vandalism or to cover the replacement cost of district books, supplies, or property loaned to a student that the student willfully fails to return or that is willfully cut, defaced, or otherwise injured. However, this policy shall not apply to a student who is a current or former homeless or foster child or youth. (Education Code 48904, 49014)

*(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)*  
*(cf. 6173 - Education for Homeless Children)*  
*(cf. 6173.1 - Education for Foster Youth)*

**Rewards**

The Board may offer and pay a reward for information leading to the determination of the identity of, and the apprehension of, any person who willfully damages or destroys any district property. (Government Code 53069.5)

The Board shall determine the appropriate amount for the reward.

The Superintendent or designee shall disburse the reward when the guilt of the person responsible for the act has been established by a criminal conviction or other appropriate judicial procedure. If more than one person provides information, the reward shall be divided among them as appropriate.

*Legal Reference:*

EDUCATION CODE

*19910 Libraries, malicious cutting, tearing, defacing, breaking or injuring*  
*19911 Libraries, willful detention of property*  
*44810 Willful interference with classroom conduct*  
*48904 Liability of parent or guardian for willful misconduct*  
*49014 Public School Fair Debt Collection Act*



**RECOVERY FOR PROPERTY LOSS OR DAMAGE**

CIVIL CODE

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

GOVERNMENT CODE

*53069.5 Reward for information concerning person causing death, injury, or property damage; liability for reward*

*53069.6 Actions to recover damages*

*54951 Local agency, definition*

PENAL CODE

*484 Theft defined*

*594 Vandalism*

*594.1 Aerosol paint and etching cream*

*640.5 Graffiti; facilities or vehicles of governmental entity*

*640.6 Graffiti*

*Management Resources:*

WEB SITES:

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

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

Policy

adopted: June 21, 2001

reviewed: March 2, 2006

revised: January 21, 2010

revised: April 18, 2019

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

## **RECOVERY FOR PROPERTY LOSS OR DAMAGE**

### **Reports by District Staff**

District employees shall report all damage or loss of school property to the principal or designee immediately after such damage or loss is discovered. In those instances in which insurance reimbursement may be involved, the principal or designee shall contact the appropriate district official.

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

*(cf. 5131.5 - Vandalism, Theft and Graffiti)*

### **Investigation**

The principal or designee shall conduct a complete investigation of any instance of damage **to** or loss of school property and shall consult law enforcement officials when appropriate. If it is determined that the damage has been committed by any district student, the Superintendent or designee shall initiate appropriate disciplinary procedures against the student.

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

*(cf. 5131 – Conduct)*

*(cf. 5144 – Discipline)*

*(cf. 5144.1 – Suspension and Expulsion/Due Process)*

*(cf. 5145.3 – Nondiscrimination/Harassment)*

*(cf. 5145.7 – Sexual Harassment)*

*(cf. 5145.9 – Hate-Motivated Behavior)*

### **Recovery of Damages**

When the individual causing the damage or loss has been identified and the costs of repair, replacement or cleanup determined, the Superintendent or designee shall take all practical and reasonable steps to recover the district's costs and shall consult with the district's legal counsel and/or insurance administrator, as appropriate.

Such steps may include the filing of a civil complaint in a court of competent jurisdiction to recover damages from the responsible person and, if the responsible person is a minor, from his/her parent/guardian in accordance with law. Damages may include the cost of repair or replacement of the property, the payment of any reward, interest, court costs, and all other damages as provided by law.

**RECOVERY FOR PROPERTY LOSS OR DAMAGE**

**Payment of Reward**

When authorized according to Board policy, the Superintendent or designee shall pay the reward to the party who provides information sufficient to identify and apprehend the person(s) subsequently found responsible for the damage or loss. If more than one informant provides information, the reward shall be divided among them as appropriate

## SEX OFFENDER NOTIFICATION

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

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

The district and its employees shall be immune from liability for the good faith dissemination of sex offender information provided by a law enforcement agency or an employee of a law enforcement agency, so long as the dissemination is in the manner and to the extent authorized by the law enforcement agency. (Penal Code 290)

### *Legal Reference:*

#### EDUCATION CODE

32211 Threatened disruption or interference with classes; offense

35160 Authority of boards

35160.1 Board authority of school districts

#### PENAL CODE

290 Registration of sex offenders

290.4 Sex offender registration; compilation of information; 900 number

626.8 Disruptive entry or entry of sex offender upon school grounds

#### UNITED STATES CODE, TITLE 42

14071 Jacob Wetterling Crimes Against Children and Sexually Violent Offender

Registration Program Act

#### ATTORNEY GENERAL OPINIONS

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

### *Management Resources:*

#### WEB SITES

California Department of Justice: <http://www.caag.state.ca.us>

Policy  
adopted: June 21, 2001  
reviewed: March 2, 2006

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**  
Winters, California

## CRIMINAL BACKGROUND CHECKS FOR CONTRACTORS

### Other Facility Contractors

When the district contracts for construction, reconstruction, rehabilitation or repair of a school facility where the employees of the entity will have contact, other than limited contact with students, the Superintendent or designee shall ensure the safety of students by utilizing one or more of the following methods: (Education Code 45125.2)

1. The installation of a physical barrier at the worksite to limit contact with students.
2. Continual supervision and monitoring of all employees of the entity by an employee of the entity whom the Department of Justice has ascertained has not been convicted of a violent or serious felony.

The supervising employee may submit his/her fingerprints to the Department of Justice pursuant to Education Code 45125.1.

3. Surveillance of employees of the entity by school personnel.

These requirements shall not apply if the Superintendent or designee determines that the contracting entity is providing construction, reconstruction, rehabilitation or repair services in an emergency or exceptional situation, such as when student health or safety is endangered or when repairs are needed to make school facilities safe and habitable. (Education Code 45125.2)

#### *Legal Reference:*

##### EDUCATION CODE

*41302.5 School districts, definition*

*45122.1 Classified employees, conviction of a violent or serious felony*

*45125.1 Criminal background checks for contractors*

*45125.2 Criminal background checks for construction*

##### PENAL CODE

*667.5 Prior prison terms, enhancement of prison terms*

*1192.7 Plea bargaining limitation*

Regulation

approved: June 21, 2001

reviewed: March 2, 2006

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

**EMERGENCIES AND DISASTER PREPAREDNESS PLAN**

The Board of Trustees recognizes that all District staff and students must be prepared to respond quickly and responsibly to emergencies, disasters, and threats of disaster. The district shall take all reasonable steps to prevent and/or mitigate the impact of a disaster on district students, staff, and schools.

The Superintendent or designee shall develop and maintain a disaster preparedness plan which contains routine and emergency disaster procedures, including, but not limited to, earthquake emergency procedures, and adaptations for individuals with disabilities in accordance with the Americans with Disabilities Act. Such procedures shall be incorporated into the comprehensive school safety plan. (Education Code 32282)

*(cf. 0400 - Comprehensive Plans)*

*(cf. 0450 - Comprehensive Safety Plan)*

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

In developing the disaster preparedness plans, the Superintendent or designee shall involve district staff at all levels, including administrators, district police or security officers, facilities managers, transportation managers, food services personnel, school psychologists, counselors, school nurses, teachers, classified employees, and public information officers. As appropriate, he/she shall also collaborate with law enforcement, fire safety officials, emergency medical services, health and mental health professionals, parents/guardians, and students.

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 3513.3 - District Police/Security Department)*

The plan shall comply with state-approved Standardized Emergency Management System (SEMS) guidelines established for multiple-jurisdiction or multiple-agency operations and with the National Incident Management System.

The Superintendent or designee shall provide training to employees regarding their responsibilities, including periodic drills and exercises to test and refine staff's responsiveness in the event of an emergency.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

The Board shall grant the use of school buildings, grounds, and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Board shall cooperate with such agencies in furnishing and maintaining whatever services the district may deem necessary to meet the community's needs. (Education Code 32282)

**EMERGENCIES AND DISASTER PREPAREDNESS PLAN**

*(cf. 1330 - Use of School Facilities)*

District employees are considered disaster service workers and are subject to disaster service activities assigned to them. (Government Code 3100)

*(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)*

*(cf. 4119.3/4219.3/4319.3 - Duties of Personnel)*

*Legal Reference:*

EDUCATION CODE

32001 Fire alarms and drills

32040 Duty to equip school with first aid kit

32280-32289 School safety plans

38132 Mass care and welfare shelters

39834 Operating overloaded bus

46390-46392 Emergency average daily attendance in case of disaster

49505 Natural disaster; meals for homeless students; reimbursement

CIVIL CODE

1714.5 Release from liability for disaster service workers and shelters

GOVERNMENT CODE

3100-3109 Public employees as disaster service workers; oath or affirmation

8607 Standardized emergency management system

CALIFORNIA CONSTITUTION

Article 20, Section 3 Oath or affirmation

CODE OF REGULATIONS, TITLE 5

550 Fire drills

560 Civil defense and disaster preparedness plans

CODE OF REGULATIONS, TITLE 19

2400 et seq. Standardized Emergency Management System Regulations

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Crisis Response Box*, 2000

CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES PUBLICATIONS

*Active Shooter Awareness Guidance*, February 2018

*State of California Emergency Plan*, 2017

*School Emergency Response: Using SEMS at Districts and Sites*, June 1998

FEDERAL EMERGENCY MANAGEMENT AGENCY PUBLICATIONS

*National Incident Management System*, 3rd ed., October 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

*Guide for Developing High-Quality School Emergency Operations Plans*, 2013

WEB SITES

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

American Red Cross: <http://www.redcross.org>

California Attorney General's Office: <https://oag.ca.gov>

California Department of Education, Crisis Preparedness: <http://www.cde.ca.gov/lr/ss/cp>

California Governor's Office of Emergency Services: <http://www.caloes.ca.gov>

**EMERGENCIES AND DISASTER PREPAREDNESS PLAN**

*California Seismic Safety Commission: <http://www.seismic.ca.gov>*

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

*Federal Emergency Management Agency: <http://www.fema.gov>*

*U.S. Department of Education, Emergency Planning: <http://www2.ed.gov/admins/lead/safety/crisisplanning.html>*

*U.S. Department of Homeland Security: <http://www.dhs.gov>*

Policy

adopted: June 21, 2001

revised: March 2, 2006

revised: June 21, 2018

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California



**EMERGENCIES AND DISASTER PREPAREDNESS PLAN**

The Superintendent or designee shall ensure that district and/or school site plans address, at a minimum, the following types of emergencies and disasters:

1. Fire on or off school grounds which endangers students and staff

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

2. Earthquake, flood, or other natural disasters

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

3. Environmental hazards, such as leakages or spills of hazardous materials

*(cf. 3514 - Environmental Safety)*

*(cf. 3514.2 - Integrated Pest Management)*

4. Attack or disturbance, or threat of attack or disturbance, by an individual or group

*(cf. 3515.2 - Disruptions)*

*(cf. 3515.7 - Firearms on School Grounds)*

*(cf. 5131.4 - Student Disturbances)*

5. Bomb threat or actual detonation

*(cf. 3516.2 - Bomb Threats)*

6. Biological, radiological, chemical, and other activities, or heightened warning of such activities

7. Medical emergencies and quarantines, such as a pandemic influenza outbreak

*(cf. 5141.22 - Infectious Diseases)*

The Superintendent or designee shall ensure that the district's procedures include strategies and actions for prevention/mitigation, preparedness, response, and recovery, including, but not limited to, the following:

1. Regular inspection of school facilities and equipment, identification of risks, and implementation of strategies and measures to increase the safety and security of school facilities

*(cf. 3513.3 - District Police/Security Department)*

*(cf. 3515 - Campus Security)*

**EMERGENCIES AND DISASTER PREPAREDNESS PLAN**

*(cf. 3517 - Facilities Inspection)*

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

2. Instruction for district staff and students regarding emergency plans, including:

- a. Training of staff in first aid and cardiopulmonary resuscitation
- b. Regular practice of emergency procedures by students and staff

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

3. Specific determination of roles and responsibilities of staff during a disaster or other emergency, including determination of:

- a. The appropriate chain of command at the district and, if communication between the district and site is not possible, at each site
- b. Individuals responsible for specific duties
- c. Designation of the principal for the overall control and supervision of activities at each school during an emergency, including authorization to use his/her discretion in situations which do not permit execution of prearranged plans
- d. Identification of at least one person at each site who holds a valid certificate in first aid and cardiopulmonary resuscitation
- e. Assignment of responsibility for identification of injured persons and administration of first aid

4. Personal safety and security, including:

- a. Identification of areas of responsibility for the supervision of students
- b. Procedures for the evacuation of students and staff, including posting of evacuation routes
- c. Procedures for the release of students, including a procedure to release students when reference to the emergency card is not feasible

*(cf. 5141 - Health Care and Emergencies)*

*(cf. 5142 - Safety)*

**EMERGENCIES AND DISASTER PREPAREDNESS PLAN**

- d. Identification of transportation needs, including a plan which allows bus seating capacity limits to be exceeded when a disaster or hazard requires students to be moved immediately to ensure their safety

*(cf. 3543 - Transportation Safety and Emergencies)*

- e. Provision of a first aid kit to each classroom
- f. Arrangements for students and staff with special needs

*(cf. 4032 - Reasonable Accommodation)*

*(cf. 6159 - Individualized Education Program)*

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

- g. Upon notification that a pandemic situation exists, adjustment of attendance policies for students and sick leave policies for staff with known or suspected pandemic influenza or other infectious disease

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

*(cf. 4261.1 - Personal Illness/Injury Leave)*

*(cf. 5113 - Absences and Excuses)*

*(cf. 6183 - Home and Hospital Instruction)*

- 5. Closure of schools, including an analysis of:

- a. The impact on student learning and methods to ensure continuity of instruction
- b. How to provide for continuity of operations for essential central office functions, such as payroll and ongoing communication with students and parents/guardians

*(cf. 3516.5 - Emergency Schedules)*

- 6. Communication among staff, parents/guardians, the Governing Board, other governmental agencies, and the media during an emergency, including:

- a. Identification of spokesperson(s)

*(cf. 1112 - Media Relations)*

- b. Development and testing of communication platforms, such as hotlines, telephone trees, web sites, social media, and electronic notifications

**EMERGENCIES AND DISASTER PREPAREDNESS PLAN**

*(cf. 1113 - District and School Web Sites)*

*(cf. 1114 - District-Sponsored Social Media)*

- c. Development of methods to ensure that communications are, to the extent practicable, in a language and format that is easy for parents/guardians to understand
  - d. Distribution of information about district and school site emergency procedures to staff, students, and parents/guardians
- 7. Cooperation with other state and local agencies, including:
  - a. Development of guidelines for law enforcement involvement and intervention
  - b. Collaboration with the local health department, including development of a tracking system to alert the local health department of a substantial increase of student or staff absenteeism as indicative of a potential outbreak of an infectious disease

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

- 8. Steps to be taken after the disaster or emergency, including:
  - a. Inspection of school facilities
  - b. Provision of mental health services for students and staff, as needed

*(cf. 6164.2 - Guidance/Counseling Services)*

The Superintendent or designee shall assemble key information that would be needed in an emergency. Such information may include, but is not limited to, a list of individuals and organizations who should be contacted for assistance in an emergency, current layouts and blueprints of school buildings, aerial photos of the campus, maps of evacuation routes and alternate routes, a roster of employees with their work locations, student photographs and their emergency contact information, a clearly labeled set of keys, location of first aid supplies, and procedures and locations for turning off fire alarms, sprinklers, utilities, and other systems. Such information shall be stored in a box in a secure, easily accessible location, with a duplicate kept at another location in case the primary location is inaccessible.

Regulation  
approved: June 21, 2001  
revised: March 2, 2006  
revised: June 21, 2018

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**  
Winters, California

**FIRE DRILLS AND FIRES**

Principals shall hold fire drills at least once a month in all elementary and middle schools and at least twice each school year in all high schools. (5 CCR 550)

1. Whenever the fire signal is given, all students, teachers and other employees shall quickly leave the building in an orderly manner. Teachers shall ascertain that no student remains in the building.
2. Teachers shall be prepared to select alternate exits and shall direct their classes to these exits whenever the designated escape route is blocked.
3. The principal or designee shall keep a record of each fire drill conducted and annually file a copy of this record with the office of the Superintendent or designee.

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

1. The principal or designee shall sound fire signals.
2. The principal or designee shall call 911.
3. Students and adults shall leave the building and go directly to outside assembly areas.
4. Staff shall give students clear direction and supervision and help retain calm.
5. In outside assembly areas, teachers shall take roll, report missing students, and provide assistance to any injured students.
6. If the fire is extensive, students shall be taken to an alternate location for protective custody until parents/guardians can pick them up or until they can be safely transported to their homes.

*(cf. 3516 - Emergency and Disaster Preparedness Plan)*

*Legal Reference:*

EDUCATION CODE

32000-32004 Uniform fire signals

32040 Duty to equip school with first aid kit

CODE OF REGULATIONS, TITLE 5

550 Fire drills

Regulation

approved: June 21, 2001

revised: March 2, 2006

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

**BOMB THREATS**

To maintain a safe and secure environment for district students and staff, the Superintendent or designee shall ensure that the district's emergency and disaster preparedness plan and/or each school's comprehensive safety plan includes procedures for dealing with bomb threats. He/she also shall provide training regarding the procedures to site administrators, safety personnel, and staff members who customarily handle mail, telephone calls, or email.

*(cf. 0450 – Comprehensive Safety Plan)*

*(cf. 3516 – Emergencies and Disaster Preparedness Plan)*

*(cf. 4040 – Employee Use of Technology)*

*(cf. 4131 – Staff Development)*

*(cf. 4231 – Staff Development)*

*(cf. 4331 – Staff Development)*

**Receiving Threats**

Any staff member receiving a telephoned bomb threat shall try to keep the caller on the line so as to gather information about the location and timing of the bomb and the person(s) responsible. To the extent possible, the staff member should also take note of the caller's gender and age, any distinctive features of voice or speech and any background noises such as music, traffic, machinery or other voices.

If the bomb threat is received through the mail system or in writing, the staff member who receives it should handle the letter, note, or package as minimally as possible. If the threat is received through electronic means, such as email or text messaging, the staff member should not delete the message.

**Response Procedures**

The following procedure shall be followed when a bomb threat is received:

1. Any employee who receives a bomb threat shall immediately call 911 and also report the threat to the Superintendent or designee. If the threat is in writing, the employee shall place the message in an envelope and take note of where and by whom it was found.
2. Any student or employee seeing a suspicious package shall promptly notify the Superintendent or designee.
3. The Superintendent or designee shall immediately use fire drill signals and institute standard evacuation procedures as specified in the emergency plan.

*(cf. 3516 - Emergency and Disaster Preparedness Plan)*

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

**BOMB THREATS**

4. The Superintendent or designee shall turn off any two-way radio equipment which is located in a threatened building.

Law enforcement and/or fire department staff shall conduct the bomb search. No school staff shall search for or handle any explosive or incendiary device.

*(cf. 3515.3 – District Police/Security Department)*

No one shall reenter the threatened building(s) until the Superintendent or designee declares that reentry is safe based on law enforcement and/or fire department clearance.

*(cf. 3516.5 – Emergency Schedules)*

To the extent possible, the Superintendent or designee shall maintain communications with staff, parents/guardians, the Board of Trustees, other governmental agencies, and the media during the period of the incident.

*(cf. 1112 – Media Relations)*

Following the incident, the Superintendent or designee shall provide crisis counseling for students and/or staff as needed.

*(cf. 6164.2 – guidance/Counseling Services)*

Any employee or student found to have made a bomb threat shall be subject to disciplinary procedures and/or criminal prosecution.

*(cf. 4118 – Suspension/Disciplinary Action)*

*(cf. 4218 – Dismissal/Suspension/Disciplinary Action)*

*(cf. 5131 – Conduct)*

*(cf. 5131.7 – Weapons and Dangerous Instruments)*

*(cf. 5144.1 – Suspension and Expulsion/Due Process)*

**BOMB THREATS**

*Legal Reference:*

EDUCATION CODE

44810 Willful interference with classroom conduct

48900 Grounds for suspension or expulsion

51202 Instruction in personal and public health and safety

PENAL CODE

17 Felony, misdemeanor, classification of offenses

148.1 False report of explosive or facsimile bomb

245 Assault with a deadly weapon or force likely to produce great bodily injury; punishment

594 Vandalism; penalty

*Management Resources:*

CSBA PUBLICATIONS

911: A Manual for Schools and the Media During a Campus Crisis, 2001

U.S. DEPARTMENT OF HOMELAND SECURITY PUBLICATIONS

Bomb Threat Checklist

WEB SITES

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

California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss>

U.S. Department of Homeland Security: <http://www.dhs.gov>

U.S. Department of Treasury, Bureau of alcohol, Tobacco, Firearms and Explosives:  
<http://www.THREATPLAN.org>



**EARTHQUAKE EMERGENCY PROCEDURE SYSTEM**

**Earthquake Preparedness**

An earthquake emergency procedure system shall be established in every school building having an occupant capacity of 50 or more students, or more than one classroom, and shall be incorporated into the comprehensive safety plan. (Education Code 32282)

*(cf. 0450 – Comprehensive Safety Plan)*

Earthquake emergency procedures shall be aligned with the Standardized Emergency Management System and the national Incident Management System. (Government code 8607; 19 CCR 2400-2450)

*(cf. 3516 – Emergencies and Disaster Preparedness Plan)*

The Superintendent or designee may work with the California Emergency Management Agency and The Seismic Safety Commission to develop and establish the earthquake emergency procedures. (Education Code 32282)

Earthquake emergency procedures shall outline the roles and responsibilities of students and staff during and after an earthquake.

Earthquake emergency procedures shall include, but not be limited to, all of the following: (Education Code 32282)

1. A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of students and staff
2. A drop procedure whereby each student and staff member takes cover under a table or desk, dropping to his/her knees, with the head protected by the arms and the back to the windows

Drop procedures shall be practiced at least once each school trimester in elementary/middle schools and at least once each semester in secondary schools.

3. Protective measures to be taken before, during, and following an earthquake
4. A program to ensure that students and staff are aware of and properly trained in the earthquake emergency procedure system

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

**EARTHQUAKE EMERGENCY PROCEDURE SYSTEM**

Staff and students shall be informed of the dangers to expect in an earthquake and procedures to be followed. Students shall be instructed to remain silent and follow directions given by staff in such an emergency. Staff and students also shall be taught safety precautions to take if they are in the open or on the way to and from school when an earthquake occurs.

Earthquake emergency procedures shall designate primary and alternative locations outside of buildings, which may include areas off campus if necessary, where individuals on a school site will assemble following evacuation. In designating such areas, the Superintendent or designee shall consider potential post-earthquake hazards outside school buildings including, but not limited to, power lines, trees, covered walkways, chain link fences that may be an electric shock hazard, and areas near buildings that may have debris.

Earthquake procedures also shall outline primary and alternative evacuation routes that avoid areas of potential hazards to the extent possible. The needs of students with disabilities shall be considered when planning evacuation routes.

The Superintendent or designee shall identify at least one individual within each building to determine if an evacuation is necessary, the best evacuation location, and the best route to that location when an earthquake occurs.

Earthquake emergency procedures shall identify and address potential earthquake hazards in classrooms and other district facilities, including, but not limited to, areas where the main gas supply or electric current enters the building, suspended ceilings, pendent light fixtures, large windows, stairwells, science laboratories, storage areas for hazardous materials, shop areas, and unsecured furniture and equipment. To the extent possible, dangers presented by such potential hazards shall be minimized by securing equipment and furnishings and removing heavy objects from high shelves.

**Earthquake While Indoors at School**

When an earthquake occurs, the following actions shall be taken inside buildings and classrooms:

1. Staff shall have students perform the drop procedure. Student should stay in the drop position until the emergency is over or until further instructions are given.
2. In laboratories, burners should be extinguished if possible before taking cover.
3. As soon as possible, teachers shall move the students away from windows, shelves, and heavy objects and furniture that may fall.
4. After the earthquake, the principal or designee shall determine whether planned evacuation routes and assembly locations are safe and shall communicate with teachers and other staff.

**EARTHQUAKE EMERGENCY PROCEDURE SYSTEM**

5. When directed by the principal or designee to evacuate, or if classrooms or other facilities present dangerous hazards that require immediate evacuation, staff shall account for all students under their supervision and shall evacuate the building in an orderly manner.

**Earthquake while Outdoors on School Grounds**

When an earthquake occurs, the following actions shall be taken by staff or other persons in authority who are outdoors on school grounds:

1. Staff shall direct students to walk away from buildings, trees, overhead power lines, power poles, or exposed wires.
2. Staff shall have students perform the drop procedure
3. Staff shall have students stay in the open until the earthquake is over or until further directions are given.

**Earthquake While on the Bus**

If students are on the school bus when an earthquake occurs, the bus driver shall take proper precautions to ensure student safety, which may include pulling over to the side of the road or driving to a location away from outside hazards, if possible. Following the earthquake, the driver shall contact the Superintendent or designee for instructions before proceeding on the route or, if such contact is not possible, drive to an evacuation or assembly location.

*(cf. 3543 – Transportation Safety and Emergencies)*

**Subsequent Emergency Procedures**

After the earthquake has subsided, the following actions shall be taken:

1. Small fires shall be extinguished if safe.
2. Staff shall provide first aid to any injured students, take roll, and report missing students to the principal or designee.
3. Staff and students shall refrain from lighting any stoves or burners or operating any electrical switches until the area is declared safe.
4. All buildings shall be inspected for water and gas leaks, electrical breakages, and large cracks or earth slippage affecting buildings.
5. The principal or designee shall post at safe distances from all building entrances and instruct staff and students to remain outside the buildings until they are declared safe.

**EARTHQUAKE EMERGENCY PROCEDURE SYSTEM**

6. The principal or designee shall request assistance as needed from the county or city civil defense office, fire and police departments, city and county buildings inspectors, and utility companies and shall confer with them regarding the advisability of closing the school.
7. The principal or designee shall contact the Superintendent or designee and request further instructions after assessing the earthquake damage.
8. The Superintendent or designee shall provide updates to parents/guardians of district students and members of the community about the incident, any safety issues, and follow-up directions.

(cf. 1112 – Media Relations)

*Legal Reference:*

EDUCATION CODE

32280-32289 School safety plans

GOVERNMENT CODE

3100 Public employees as disaster service workers

8607 Standardized Emergency Management System

*Management Resources:*

CALIFORNIA EMERGENCY MANAGEMENT AGENCY PUBLICATIONS

*The ABC's of Post-Earthquake Evacuation: A Checklist for School Administrators and Faculty Guide and Checklist for Nonstructural Earthquake Hazards in California Schools, January 2003*  
*School Emergency Response: Using SEMS at Districts and Sites, June 1998*

FEDERAL EMERGENCY MANAGEMENT AGENCY PUBLICATIONS

*Guidebook for Developing a School Earthquake Safety Program, 1990*

WEB SITES

*American Red Cross:* <http://www.redcross.org>

*California Emergency Management Agency:* <http://www.calema.ca.gov>

*California Seismic Safety Commission:* <http://www.seismic.ca.gov>

*Federal Emergency Management Agency (FEMA):* <http://www.fema.gov/hazards/earthquakes>

*National Incident Management System:* <http://www.fema.gov/emergency/nims>

**EMERGENCY SCHEDULES**

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

*(cf. 0450 - Comprehensive Safety Plan)*

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

*(cf. 5142 - Safety)*

*(cf. 6112 - School Day)*

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

*(cf. 3580 – District Records)*

*(cf. 6111 – School Calendar)*

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

*(cf. 1112 – Media Relations)*

*(cf. 1113 – District and School Web Sites)*

*(cf. 3542 - School Bus Drivers)*

*(cf. 3543 - Transportation Safety and Emergencies)*

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

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

**EMERGENCY SCHEDULES**

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

*Legal Reference:*

EDUCATION CODE

41420 Required length of school term

41422 Schools not maintained for 175 days

46010 Total days of attendance

46100-46192 Attendance; maximum credit; minimum day

46390 Calculation of ADA in emergency

46391 Lost or destroyed ADA records

46392 Decreased attendance in emergency situation

VEHICLE CODE

34501.6 School buses; reduced visibility

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE

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

WEB SITES

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

**FACILITIES INSPECTION**

The Board of Trustees recognizes that the condition of school facilities has an impact on safety, student achievement, and employee morale and desires to provide school facilities that are safe, clean and functional, as defined in Education Code 17002.

*(cf. 0510 - School Accountability Report Card)*

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

*(cf. 3111 - Deferred Maintenance Funds)*

*(cf. 3514 – Environmental Safety)*

The Superintendent or designee shall develop a facilities inspection and maintenance program to ensure that District schools are maintained in good repair in accordance with law. At a minimum, the inspection program shall analyze those facility conditions specified on the facilities inspection tool developed by the Office of Public School Construction, including the following:

1. Gas leaks: Gas systems and pipes appear safe, functional, and free of leaks
2. Mechanical Systems: Heating, ventilation, and air conditioning systems as applicable are functional and unobstructed.
3. Windows/Doors/Gates/Fences (interior and exterior): Conditions that pose a safety and/or security risk are not evident.
4. Interior Surfaces (floors, ceiling, walls, and window casings): Interior surfaces appear to be clean, safe, and functional.
5. Hazardous Materials (interior and exterior): There does not appear to be evidence of hazardous materials that may pose a threat to students or staff.
6. Structural Damage: There does not appear to be structural damage that could create hazardous or uninhabitable conditions.
7. Fire Safety: The fire equipment and emergency systems appear to be functioning properly.
8. Electrical (interior and exterior): There is no evidence that any portion of the school has a power failure and electrical systems, components, and equipment appear to be working properly.
9. Pest/Vermin Infestation: Pest or vermin infestation is not evident.
  - a. Drinking Fountains (inside and outside): Drinking fountains appear to be accessible and functioning as intended.

**FACILITIES INSPECTION**

11. Restrooms: Restrooms appear to be accessible during school hours, are clean, functional, and in compliance with Education Code 35292.5 (operational and supplied)
12. Sewers: Sewer line stoppage is not evident.
13. Roofs (observed from the ground, inside/outside the building): Roof system appears to be functioning properly.
14. Playground/School Grounds: The playground equipment and school grounds appear to be clean, safe, and functional.
15. Overall Cleanliness: School grounds, buildings, common areas, and individual rooms appear to be cleaned regularly

The Superintendent or designee shall ensure that any necessary repairs identified during the inspection are made in a timely and expeditious manner. The Superintendent or designee shall provide the Board with regular reports regarding the District's facility inspection program and updates of any visits by the County Superintendent of Schools.

*Legal References:*

EDUCATION CODE

1240 County superintendent of schools, duties

17002 Definitions

17070.10-17077.10 Leroy F. Greene School Facilities Act of 1998

17565-17591 Property maintenance and control, especially:

17584 Deferred maintenance

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School Accountability Report Card

35186 Williams uniform complaint procedures

CODE OF REGULATIONS

1859.300-1859-329 Emergency Repair Program

*Management Resources:*

CSBA PUBLICATIONS

Williams Settlement and the Emergency Repair Program, Policy Brief, January 2008

COALITION OF ADEQUATE SCHOOL HOUSING PUBLICATIONS

Facility Inspection Tool Guidebook, February 2008

WEB SITES

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

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

California Department of Education, Williams case: <http://www.cde.ca.gov/eo/ce/we/index.asp>

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

Policy

adopted: March 2, 2006

revised: April 5, 2007

revised: January 8, 2009

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California



**RISK MANAGEMENT/INSURANCE**

The Board of Trustees strongly supports a risk management program that protects district resources and promotes the safety of students, staff and the public.

The Superintendent or designee shall establish a risk management program that uses effective safety and loss control practices. The district shall strive to keep its liability at a minimum and its insurance premiums as low as possible while maintaining adequate protection. To determine the most economical means of insuring the district consistent with required services, the Superintendent or designee shall annually review the district's options for obtaining coverage, including qualified insurance agents, a joint powers agency, self-insurance or a combination of these means.

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

To attempt to minimize the district's exposure to liability, the Board shall adopt clear policies related to discrimination, harassment, safety procedures, and the timely handling of claims. The Superintendent or designee shall ensure that these policies and related procedures are enforced fairly and consistently.

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

*(cf. 3320 - Claims and Actions Against the District)*

*(cf. 4030 - Nondiscrimination in Employment)*

*(cf. 4119.11/4219.11/4319.11- Sexual Harassment)*

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

*(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)*

*(cf. 4158/4258/4358- Employee Security)*

*(cf. 5141.4 - Child Abuse Reporting Procedures)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 6162.6 - Use of Copyrighted Materials)*

*(cf. 9260 - Legal Protection)*

*Legal Reference: (see next page)*

**RISK MANAGEMENT/INSURANCE**

*Legal Reference:*

EDUCATION CODE

*17029.5 Contract funding; board liability*

*17565-17592 Board duties re property maintenance and control*

*32350 Liability on equipment loaned to district*

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

*35200-35214 Liabilities, especially:*

*35208 Liability insurance*

*35211 Driver training civil liability insurance*

*35213 Reimbursement for loss, destruction or damage of personal property*

*35214 Liability self-insurance*

*35331 Medical or hospital service for students on field trip*

*39837 Transportation of pupils to places of summer employment*

*41021 Requirement for employees' indemnity bonds*

*44873 Qualifications for physician (liability coverage)*

*49470-49474 District medical services and insurance*

GOVERNMENT CODE

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

*989-991.2 Local public entity insurance*

LABOR CODE

*3200-4855 Workers' compensation*

**RISK MANAGEMENT/INSURANCE**

**Risk Management**

The Superintendent or designee shall take action to:

1. Identify the risks inherent in the operation of district programs
2. Assess the above risks and keep records of accidents, losses and damage
3. Mitigate risks through loss control and safety-related activities
4. Determine the extent to which risks should be assumed by the district or covered by the purchase of insurance or pooling with other districts

Employees are expected to take reasonable precautions for the care and safety of the school equipment with which they have been entrusted. Employees may be held responsible for recurring damage or losses that occur due to their negligence or lack of supervision. Responsibilities related to safety and loss control shall be included in employee job descriptions.

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 1240 - Volunteer Assistance)*

*(cf. 1330 - Use of School Facilities)*

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

*(cf. 3430 - Investing)*

*(cf. 3440 - Inventories)*

*(cf. 3512 - Equipment)*

*(cf. 3514 - Environmental Safety)*

*(cf. 3514.1 - Hazardous Substances)*

*(cf. 3515.1 - Crime Data Reporting)*

*(cf. 3515.4 - Recovery for Property Loss or Damage)*

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

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

*(cf. 3543 - Transportation Safety and Emergencies)*

*(cf. 4112.42/4212.42/4312.43 - Drug and Alcohol Testing for School Bus Drivers)*

*(cf. 4119.3/4219.3/4319.3 - Duties of Personnel)*

*(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)*

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

*(cf. 4212.5 - Criminal Record Check)*

*(cf. 5131.1 - Bus Conduct)*

*(cf. 5131.61 - Drug Testing)*

*(cf. 5141 - Health Care and Emergencies)*

*(cf. 5141.1 - Accidents)*

*(cf. 5141.23 - Infectious Disease Prevention)*

*(cf. 5142 - Safety)*

*(cf. 6145.2 - Athletic Competition)*

*(cf. 6153 - School-Sponsored Trips)*

*(cf. 9260 - Legal Protection)*

**RISK MANAGEMENT/INSURANCE**

**Insurance**

Insurance coverage shall include, but may not be limited to:

1. Liability insurance (Education Code 35200-35214)
2. Fire insurance for buildings, equipment and vehicles (Education Code 17565)
3. Workers' compensation insurance (Labor Code 3700)
4. Fidelity bond insurance (Education Code 41021)
5. Errors and Omissions Insurance

A suitable bond indemnifying the district against loss shall be purchased for employees responsible for handling district funds and may be purchased for employees responsible for handling district property. The district shall bear the cost of this bonding. (Education Code 41021)

*(cf. 1330 - Use of School Facilities)*

*(cf. 4154/4254/4354 - Health and Welfare Benefits)*

*(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)*

*(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)*

*(cf. 5143 - Insurance)*

*(cf. 9260 - Legal Protection)*

Regulation

approved: June 21, 2001

reviewed: March 2, 2006

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

**TRANSPORTATION**

The Board of Trustees desires to provide for the safe and efficient transportation of students to and from school as necessary to ensure student access to the educational program, promote regular attendance, and reduce tardiness. In determining the extent to which the district will provide transportation services, the Board shall weigh student and community needs against the cost of providing such services.

*(cf. 3100 - Budget)*  
*(cf. 3541 - Transportation Routes and Services)*  
*(cf. 3541.1 - Transportation for School-Related Trips)*  
*(cf. 3541.2 - Transportation for Students with Disabilities)*  
*(cf. 5116.1- Intradistrict Open Enrollment)*  
*(cf. 5117 - Interdistrict Attendance)*  
*(cf. 6178.2 - Regional Occupational Center/Program)*

The Superintendent or designee shall recommend to the Board economical, environmentally sustainable, and appropriate means of providing transportation services.

*(cf. 3510 - Green School Operations)*

The Board may purchase, rent, or lease vehicles; contract with a common carrier or municipally owned transit system; contract with responsible private parties including the parent/guardian of the student being transported; and/or contract with the County Superintendent of Schools. (Education Code 35330, 39800, 39801)

In contracting for transportation services, the district shall comply with all applicable laws related to bids and contracts. (Education Code 39802-39803)

*(cf. 3311 - Bids)*  
*(cf. 3312 - Contracts)*

No student shall be required to be transported for any reason without the written permission of the student's parent/guardian, except in emergency situations involving illness or injury to the student pursuant to Education Code 35350 or the evacuation of students as necessary for their safety.

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

The Superintendent or designee shall develop procedures to promote safety for students traveling on school buses.

*(cf. 3543 - Transportation Safety and Emergencies)*  
*(cf. 5131.1 - Bus Conduct)*

The Superintendent or designee shall ensure the qualifications of bus drivers and related staff employed by the District, provide for the maintenance and operation of District-owned school buses and other equipment, and ensure adequate facilities for equipment storage and maintenance.

**TRANSPORTATION**

(cf. 3542 - School Bus Drivers)

*Legal Reference:*

EDUCATION CODE

35330 Excursions and field trips

35350 Authority to transport pupils

39800-39860 Transportation, especially:

39800 Powers of governing board to provide transportation to and from school

39801 Contract with County Superintendent of Schools to provide transportation

39802-39803 Bids and contracts for transportation services

39806 Payments to parents in lieu of transportation

39807 Food and lodging payments in lieu of transportation

39807.5 Transportation fees

39808 Transportation for private school students

41850-41854 Allowances for Transportation

41860-41862 Supplemental allowances for transportation

45125.1 Criminal background checks for contractors

52311 Regional occupational centers, transportation

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

PENAL CODE

637.7 Electronic tracking devices

VEHICLE CODE

2807 School bus inspection

CODE OF REGULATIONS, TITLE 5

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

15240-15343 Allowances for student transportation, especially:

15253-15272 District records related to transportation

CODE OF REGULATIONS, TITLE 13

2025 Retrofitting of diesel school buses

COURT DECISIONS

Arcadia Unified School District et. V. State Department of Education, 2 Cal. 4<sup>th</sup> 251 (1992)

Policy

adopted: August 19, 1999

revised: February 7, 2002

revised: March 2, 2006

revised: June 20, 2019

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

**TRANSPORTATION ROUTES AND SERVICES**

The Superintendent or designee shall design transportation routes and stops within district boundaries that promote student safety, maximum efficiency in the use of buses, and decreased traffic in and around the schools.

*(cf. 3510 - Green School Operations)*

*(cf. 3514 - Environmental Safety)*

*(cf. 3540 - Transportation)*

Students shall be eligible for transportation service to and from school if the distance between their school-established bus stop and the school is beyond the minimum listed below:

1. For elementary school students:

Grades K-3: three-fourths mile

Grades 4-8: one mile

2. For students attending a three-year junior high school:

Grades 7-9: one mile

3. For students attending a four-year high school:

Grades 9-12: two miles

The Superintendent or designee may authorize transportation below these limits when safety problems or hazards exist.

*(cf. 5142.2 - Safe Routes to School)*

The Superintendent or designee shall communicate in writing to parents/guardians regarding bus routes, schedules, and stops. He/she may also arrange for local media to publish such information.

*(cf. 1112 - Media Relations)*

With the Governing Board's authorization, transportation services may be provided or arranged by the district for:

1. Students traveling to and from school during the regular school day (Education Code 39800)
2. Field trips and excursions (Education Code 35330)

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

**TRANSPORTATION ROUTES AND SERVICES**

3. School activities, expositions or fairs, or other activities determined to be for the benefit of students (Education Code 39860)
4. District employees, parents/guardians, and adult volunteers traveling to and from educational activities authorized by the district (Education Code 39837.5)
5. Preschool or nursery school students (Education Code 39800)

*(cf. 5148.3 - Preschool/Early Childhood Education)*

6. Students traveling to full-time occupational classes provided by a regional occupational center or program (Education Code 39807.5, 41850)

*(cf. 6178.2 - Regional Occupation Center/Program)*

7. Students traveling to and from their places of employment during the summer in connection with a summer employment program for youth (Education Code 39837)
8. Matriculated or enrolled adults traveling to and from school, or adults for educational purposes other than to and from school (Education Code 39801.5)

*(cf. 6200 - Adult Education)*

9. Private school students, upon the same terms, in the same manner, and on the same routes provided for district students (Education Code 39808)
10. Nonschool purposes as allowed by law, such as:
  - a. Community recreation (Education Code 39835)
  - b. Public transportation (Education Code 39841)
  - c. Transportation of government employees to and from their places of employment (Education Code 39840)

Students who attend school outside of their school attendance area or district boundaries may be eligible for transportation services in accordance with district policy.

*(cf. 5116.1- Intradistrict Open Enrollment)*

*(cf. 5117 - Interdistrict Attendance)*

The district shall provide home-to-school transportation and additional transportation services as needed for students with disabilities as specified in their individualized education program or Section 504 plan. (Education Code 41850; 20 USC 1400-1482; 34 CFR 104.4, 300.17, 300.34)



**TRANSPORTATION ROUTES AND SERVICES**

*(cf. 3541.2 - Transportation for Students with Disabilities)*  
*(cf. 6159 - Individualized Education Program)*  
*(cf. 6164.6 - Identification and Education Under Section 504)*

The Superintendent or designee shall provide transportation to homeless students in accordance with law, Board policy, and administrative regulation. When the student resides outside of district boundaries, the Superintendent or designee shall consult with the superintendent of the district of residence to apportion the responsibility and costs of transportation. (42 USC 11432)

*(cf. 6173 - Education for Homeless Children)*

The Superintendent or designee shall collaborate with the local child welfare agency to determine the provision, arrangement, and funding of transportation to enable foster youth to attend their school of origin when it is in the student's best interest to do so. (20 USC 6312)

*(cf. 6173.1 - Education for Foster Youth)*

*Legal Reference:*

EDUCATION CODE

10900.5 *Use of school buses for community recreation*  
35330 *Excursions and field trips*  
35350 *Authority to transport pupils*  
39800-39809.5 *Transportation, general provisions, especially:*  
39800 *Powers of governing board to provide transportation to and from school*  
39801.5 *Transportation for adults*  
39808 *Transportation for private school students*  
39830-39843 *School buses, especially:*  
39835 *Use of school buses for community recreation*  
39837 *Transportation to summer employment program*  
39837.5 *Transportation of employees, parents/guardians, and adult volunteers to school activities*  
39860 *Transportation to school activities*  
41850-41856 *Allowances for transportation*  
41860-41863 *Supplementary allowances for transportation*  
48853.5 *Educational placement of students residing in licensed children's institutions*

CODE OF REGULATIONS, TITLE 5

15240-15244 *Allowances for student transportation, definitions*

UNITED STATES CODE, TITLE 20

1400-1482 *Individuals with Disabilities Education Act*  
6312 *Transportation to maintain children in foster care in school of origin*

UNITED STATES CODE, TITLE 42

11432 *McKinney-Vento Homeless Assistance Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

104.4 *Equal opportunity under the Rehabilitation Act of 1973, Section 504*  
300.17 *Free appropriate public education*  
300.34 *Special education related services*

**TRANSPORTATION ROUTES AND SERVICES**

*Management Resources:*

**CSBA PUBLICATIONS**

*Special Education Pupil Transportation: Considerations in the Era of LCFF, Governance Brief, April 2014*

**WEB SITES**

*California Department of Education, Office of School Transportation:*

*<https://www.cde.ca.gov/ls/tm/or/assignment.asp>*

*Pupil Transportation Safety Institute: <http://www.ptsi.org>*

Regulation

approved: June 21, 2001

revised: October 18, 2012

revised: June 21, 2018

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

**TRANSPORTATION FOR SCHOOL-RELATED TRIPS**

The District may provide transportation for students, employees and other individuals for field trips and other school-related trips approved according to Board policy and administrative regulations.

*(cf. 3312.2 - Educational Travel Program Contracts)*

*(cf. 3540 - Transportation)*

*(cf. 3541 - Transportation Routes and Services)*

*(cf. 6153 - School-Sponsored Trips)*

The Superintendent or designee shall determine the most appropriate and cost-effective mode of transportation for each approved trip. He/she may authorize the use of District vehicles, contract to provide transportation, or arrange transportation by the use of other vehicles.

The Superintendent or designee shall ensure that the District or contractor has sufficient liability insurance for transportation on school-related trips.

*(cf. 3530-Risk Management)*

When District transportation is provided, students may be released from using District transportation only with the advance written permission of their parent/guardian.

School-related organizations requesting transportation shall be fully responsible for the costs of their trips unless funding has been approved by the Governing Board.

*(cf. 1230 - School-Connected Organizations)*

**Transportation by Private Vehicle**

The Superintendent or designee may authorize the transportation of students by private vehicle when the vehicle is driven by an adult age 21 or older who possesses a valid California driver's license or, if he/she is a nonresident on active military duty in California, possesses a valid license from his/her state of residence. To be approved, a driver shall have a good driving record and possess at least the minimum insurance required by law. Any person providing transportation to District students in a private vehicle shall register with the District for such purposes.

*(cf. 1240 - Volunteer Assistance)*

Drivers shall receive safety and emergency instructions which shall be kept in their vehicle.

All student passengers shall provide permission slips signed by their parents/guardians. Teachers shall ensure that each driver has a copy of the permission slip for each student riding in his/her vehicle.

**TRANSPORTATION FOR SCHOOL-RELATED TRIPS**

The number of passengers, including the driver, shall not exceed the capacity for which the vehicle was designed. Trucks may not transport more persons than can safely sit in the passenger compartment. The driver shall also ensure that the manufacturer's recommendations for his/her vehicle are followed regarding the seating of children in seats equipped with airbags.

The driver or any other person shall not smoke or have in his/her immediate possession a lighted pipe, cigar, or cigarette containing tobacco or any other plant when there is a minor in the motor vehicle, whether the motor vehicle is in motion or at rest. (Health and Safety Code 118948)

**Passenger Restraint Systems**

All drivers shall wear safety belts and shall ensure that all passengers are properly secured in seat belts or child passenger restraint systems in accordance with law. (Vehicle Code 27315, 27360, 27360.5, 27363))

A child who is under 8 years shall be properly secured in a rear seat in an appropriate child passenger restraint system meeting federal safety standards, except under any of the following circumstances: (Vehicle Code 27360, 27363)

1. The child is four feet nine inches or taller, in which case a safety belt may be used.
2. Use of a child passenger restraint system would be impractical by reason of physical unfitness, medical condition, or size and an appropriate special needs child passenger restraining system is not available.
3. There is no rear seat, the rear seats are side-facing jump seats or rear-facing seats, the child passenger restraint system cannot be installed properly in the rear seat, all rear seats are already occupied by children under 8 years, or medical reasons necessitate that the child not ride in the rear seat.
4. The child is otherwise exempted by law.

*Legal Reference:***EDUCATION CODE***35330 Excursions and field trips**35332 Transportation by air**39830 School bus**39830.1 School pupil activity bus**39860 Transportation to special activities by district**44808 Liability when students not on school property***HEALTH AND SAFETY CODE***118947-118949 Prohibition against smoking in motor vehicle with minor***PUBLIC UTILITIES CODE***5384.2 District not liable for charter-pay carrier***VEHICLE CODE**

**TRANSPORTATION FOR SCHOOL-RELATED TRIPS**

*545 School bus, definition*

*12814.6 Limitations of provisional driver's license*

*27315 Mandatory use of seat belts in private passenger vehicles*

*27360-27360.5 Child passenger restraint systems*

*27363 Child passenger restraint systems, exemptions*

*Management Resources:*

**WEB SITES**

*California Department of Motor Vehicles: <http://www.dmv.ca.gov>*

*California Highway Patrol: <http://www.chp.ca.gov>*

*California Office of Traffic Safety: <http://www.ots.ca.gov>*

*National Highway Traffic Safety Administration: <http://www.nhtsa.dot.gov>*

Regulation

approved: June 21, 2001

revised: October 18, 2012

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

**TRANSPORTATION FOR SCHOOL-RELATED TRIPS**

**SCHOOL DRIVER REGISTRATION FORM**

Driver (circle one):    Employee    Parent/Guardian    Volunteer

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_ Driver's License No.: \_\_\_\_\_

\_\_\_\_\_ Expiration Date: \_\_\_\_\_

Telephone No.: (    ) \_\_\_\_\_

**VEHICLE INFORMATION**

Name of Owner: \_\_\_\_\_ Year: \_\_\_\_\_

Address: \_\_\_\_\_ Make: \_\_\_\_\_

\_\_\_\_\_ License Plate No.: \_\_\_\_\_

Registration Expires: \_\_\_\_\_ Seating Capacity: \_\_\_\_\_

**INSURANCE INFORMATION**

Insurance Company: \_\_\_\_\_ Policy No.: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Liability Limits of Policy: \_\_\_\_\_

**DRIVER STATEMENT**

I certify that I have not been convicted of reckless driving or driving under the influence of drugs or alcohol within the past five years and that the information given above is true and correct. I understand that if an accident occurs, my insurance coverage shall bear primary responsibility for any losses or claims for damages.

I certify that I will ensure that all children will be restrained using the appropriate passenger restraint systems.

Name \_\_\_\_\_ Date \_\_\_\_\_

Exhibit  
adopted: June 21, 2001  
revised: March 2, 2006

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**  
Winters, California

**TRANSPORTATION FOR SCHOOL-RELATED TRIPS**

**DRIVER INSTRUCTIONS**

When using your vehicle to transport students on field trips or other school activity trips, please:

1. Be sure that you have registered with the district for such purposes and have a valid driver's license and current liability insurance at or above the minimum amount required by law for each occurrence.
2. Check the safety of your vehicle: tires, brakes, lights, horn, suspension, etc.
3. Carry only the number of passengers for which your vehicle was designed. If you have a truck or pickup, carry only as many as can safely sit in the passenger compartment.
4. Require each passenger to use a safety belt.

In case of emergency, keep all the children together and call 911 and the District Office.

-

Exhibit  
adopted: June 21, 2001  
revised: March 2, 2006

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**  
Winters, California

**TRANSPORTATION FOR STUDENTS WITH DISABILITIES**

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

*(cf. 0430 - Comprehensive Local Plan for Special Education)*  
*(cf. 3250 - Transportation Fees)*  
*(cf. 6159 - Individualized Education Program (IEP))*  
*(cf. 6164.4 - Identification of Individuals for Special Education)*  
*(cf. 6164.6 - Identification and Education under Section 504)*

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

The Superintendent or designee shall provide IEP teams with information about district transportation services in order to assist them in making decisions as to the mode, schedule, and location of transportation services that may be available to each student with disabilities. The IEP team may communicate with district transportation staff and/or invite transportation staff to attend IEP team meetings where the student's transportation needs will be discussed.

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

*(cf. 3250 - Transportation Fees)*

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

*(cf. 5131.1 - Bus Conduct)*  
*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*

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



**TRANSPORTATION FOR STUDENTS WITH DISABILITIES**

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

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

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

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

*(cf. 3542 - School Bus Drivers)*

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

*(cf. 6163.2 - Animals at School)*

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

*Legal Reference:*

EDUCATION CODE

39807.5 *Payment of transportation cost*  
39839 *Guide dogs, signal dogs and service dogs on bus*  
41850-41854 *Allowances for transportation*  
48300-48315 *Alternative interdistrict attendance program*  
48915.5 *Expulsion of students with exceptional needs*  
56040 *No cost for special education and related services*  
56195.8 *Adoption of policies*  
56327 *Assessment for special education and related services*  
56345 *Individualized education program*  
56365-56366.1 *Nonpublic nonsectarian schools or agencies*

CODE OF REGULATIONS, TITLE 5

15243 *Physically handicapped minors*  
15271 *Exclusion from report*

UNITED STATES CODE, TITLE 20

1400-1487 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

794 *Section 504 of the Rehabilitation Act of 1973*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.104 *Definitions*  
35.136 *Service animals*

**TRANSPORTATION FOR STUDENTS WITH DISABILITIES**

CODE OF FEDERAL REGULATIONS, TITLE 34

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

300.1-300.818 Individuals with Disabilities Education Act, especially:

300.34 Transportation defined as related service

CODE OF FEDERAL REGULATIONS, TITLE 49

571.222 Federal requirements for bus securement systems

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Special Education Transportation Guidelines

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

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Protecting Students with Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities, 2009

Questions and Answers on Serving Children with Disabilities Eligible for Transportation, 2009

WEB SITES

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

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

Policy

adopted: June 21, 2001

reviewed: March 2, 2006

revised: June 16, 2016

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

**SCHOOL BUS DRIVERS**

**Authority**

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

*(cf. 3540 - Transportation)*

*(cf. 5131.1 - Bus Conduct)*

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

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

*(cf. 5145.6 - Parental Notifications)*

**Qualifications, Training and Monitoring**

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

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

*(cf. 4200 - Classified Personnel)*

*(cf. 4211 - Recruitment and Selection)*

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

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

1. Necessary first aid practices (Vehicle Code 12522)

**SCHOOL BUS DRIVERS**

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

*(cf. 3541.2 - Transportation for Students with Disabilities)*

*(cf. 4231 - Staff Development)*

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

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

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

*(cf. 4215 - Evaluation/Supervision)*

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

**Responsibilities**

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

*(cf. 3543 - Transportation Safety and Emergencies)*

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

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

*(cf. 3541 - Transportation Routes and Services)*

**SCHOOL BUS DRIVERS**

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

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

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

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

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

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

1. School bus loading zones on or adjacent to school grounds or during an activity trip, if the school bus is lawfully parked
2. Where the school bus is disabled due to mechanical breakdown
3. Where students require assistance to board or leave the school bus
4. Where the roadway surface on which the bus is stopped is partially or completely covered by snow or ice and requiring traffic to stop would pose a safety hazard

**SCHOOL BUS DRIVERS**

5. On a state highway with a posted speed limit of 55 miles per hour or higher where the school bus is completely off the main traveled portion of the highway
6. Any location determined by the Superintendent or designee, with the approval of the California Highway Patrol, to present a traffic or safety hazard

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

*Legal Reference:*

EDUCATION CODE

39830.1 Drivers of school pupil activity buses

39831 Training in proper actions in event of hijacking

39831.5 Student instruction in bus safety

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

39842 School bus; unauthorized entry

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

45125.1 Criminal background checks for contractors

56195.8 Adoption of policies

PENAL CODE

241.3 Assault against school bus driver

243.3 Battery against school bus driver

VEHICLE CODE

1808.8 Dismissal for safety-related cause

2570-2575 Transportation of students

12517-12517.4 Certification requirements

12522 First aid training for school bus drivers

13376 Driver certificates; revocation or suspension; sex offense prosecution

22112 School bus signals; roadway crossings

25257 School bus; flashing light signal system

25257.2 School bus used for transportation of developmentally disabled person

34501.6 School buses; reduced visibility

34508.5 Investigation of accidents

CODE OF REGULATIONS, TITLE 5

14103 Authority of the driver

14104 School bus driver instructor

CODE OF REGULATIONS, TITLE 13

1200-1228 General provisions, school bus regulations

CODE OF FEDERAL REGULATIONS, TITLE 49

571.222 Federal motor vehicle safety standard #222

Regulation

approved: June 21, 2001

revised: March 2, 2006

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

**TRANSPORTATION SAFETY AND EMERGENCIES**

Each day, prior to driving a school bus, each school bus driver shall inspect the bus to ensure that it is in safe operating condition and equipped as required by law and that all equipment is in good working order. At the completion of each day's work, the driver shall prepare and sign a written report of the condition of the equipment listed in 13 CCR 1215, including any defect or deficiency discovered by or reported to him/her which would affect safe operation or result in mechanical breakdown of the bus, or indicating that no defect or deficiency was discovered or reported. Any defect or deficiency that would affect safe operation shall be repaired prior to operating the bus. (13 CCR 1215)

*(cf. 3540 - Transportation)*

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

*(cf. 3542 - School Bus Drivers)*

In the event of a school bus accident, the driver shall immediately notify the California Highway Patrol, the Superintendent or designee, and, if the bus is operated under contract, the driver's employer. The driver shall not leave the immediate vicinity of the bus to seek aid unless necessary. (13 CCR 1219)

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

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

**Passenger Restraint Systems**

The Superintendent or designee shall ensure that any school bus or student activity bus which is purchased or leased by the district is equipped with a combination pelvic and upper torso passenger restraint system at all designated seating positions if that bus: (Vehicle Code 27316, 27316.5; 13 CCR 1201)

1. Is a Type 1 school bus manufactured on or after July 1, 2005 which is designed for carrying more than 16 passengers and the driver
2. Is a Type 2 school bus or student activity bus manufactured on or after July 1, 2004 which meets one of the following criteria:
  - a. Is designed for carrying 16 or fewer passengers and the driver
  - b. Has a manufacturer's vehicle weight rating of 10,000 pounds or less and is designed for carrying not more than 20 passengers and the driver

The Superintendent or designee shall prioritize the allocation of school buses purchased, leased, or contracted to ensure that elementary students receive first priority for new school buses equipped with passenger restraint systems whenever feasible.

**TRANSPORTATION SAFETY AND EMERGENCIES**

When a school bus or student activity bus is equipped with a passenger restraint system, all passengers shall use the passenger restraint system. (5 CCR 14105)

Bus Drivers shall be instructed regarding procedures to enforce the proper use of the passenger restraint system. Students who fail to follow instructions of the bus driver may be subject to discipline, including suspension of riding privileges, in accordance with Board policy and administrative regulations.

*(cf. 5131.1 – Bus Conduct)*

*(cf. 5144 – Discipline)*

**Fire Extinguishers**

Each school bus shall be equipped with at least one fire extinguisher located in the driver's compartment which meets the standards specified in law. In addition, a wheelchair school bus shall have another fire extinguisher placed at the wheelchair loading door or emergency exit. All fire extinguishers shall be regularly inspected and serviced in accordance with regulations adopted by the State Fire Marshal. (Education Code 39838; 13 CCR 1242; 19 CCR 574-575.3)

**Electronic Communications Devices**

A bus driver shall not drive a school bus or student activity bus while using a wireless telephone, except under the following conditions: (Vehicle Code 23123, 23125)

1. When he/she uses a wireless telephone that is specifically designed and configured to allow hands-free listening and talking, provided it is used in that manner while driving
2. For emergency purposes, including, but not limited to, a call to a law enforcement agency, health care provider, fire department, or other emergency service agency or entity
3. For work-related purposes

*(cf. 3513.1 - Cellular Phone Reimbursement)*

A bus driver shall not drive while using an electronic wireless communications device to write, send, or read a text-based communication, including, but not limited to, text messages, instant messages, and email, unless the device is specifically designed and configured to allow voice-operated and hands-free operation and is used in that manner. This prohibition does not include reading, selecting, or entering a telephone number or name in an electronic wireless communications device for the purpose of making or receiving a telephone call. (Vehicle Code 23123.5)



**TRANSPORTATION SAFETY AND EMERGENCIES**

**Safe Bus Operations**

School buses and student activity buses shall not be operated whenever the number of passengers exceeds bus seating capacity, except when necessary in emergency situations which require that individuals be transported immediately to ensure their safety. (Education Code 39834)

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

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

**Unauthorized Entry**

The Superintendent or designee may place a notice at bus entrances that warns against unauthorized entry. The driver or another school official may order any person to disembark if that person enters a bus without prior authorization. (Education Code 39842; 13 CCR 1256.5)

*(cf. 3515.2 – Disruptions)*

**Transportation Safety Plan for Boarding and Exiting Buses**

The Superintendent or designee shall develop a transportation safety plan containing procedures for school personnel to follow to ensure the safe transport of students. The plan shall include all of the following: (Education Code 39831.3)

1. Procedures for determining if students in grades prekindergarten through 8 require an escort to cross a private road or highway at a bus stop pursuant to Vehicle Code 22112
2. Procedures for all students in grades prekindergarten through 8 to follow as they board and exit the bus at their bus stops
3. Procedures for boarding and exiting a school bus at a school or other trip destination

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

**Parental Notifications**

The Superintendent or designee shall provide written safety information to the parents/guardians of all students in grades prekindergarten through 6 who have not previously been transported in a school bus or student activity bus. This information shall be provided upon registration and shall contain: (Education Code 39831.5)

**TRANSPORTATION SAFETY AND EMERGENCIES**

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

*(cf. 5145.6 – Parental Notifications)*

Students who are transported in a school bus or student activity bus shall receive instruction in school bus emergency procedures and passenger safety as follows: (Education Code 39831.5; 5 CCR 14102)

1. Each year, all students who receive home-to-school transportation in a school bus shall be provided appropriate instruction in safe riding practices and emergency evacuation drills.
2. At least once each school year, all students in grades prekindergarten through 8 who receive home-to-school transportation shall receive safety instruction which includes, but is not limited to:
  - a. Proper loading and unloading procedures, including escorting by the driver
  - b. How to safely cross the street, highway, or private road
  - c. In school buses with passenger restraint systems, instruction in the use of such systems as specified in 5 CCR 14105, including, but not limited to, the proper fastening and release of the passenger restraint system, acceptable placement of passenger restraint systems on students, times at which the passenger restraint systems should be fastened and released, and acceptable placement of the passenger restraint systems when not in use
  - d. Proper passenger conduct
  - e. Bus evacuation procedures
  - f. Location of emergency equipment

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

**TRANSPORTATION SAFETY AND EMERGENCIES**

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

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

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

3. Before departing on a school activity trip, all students riding on a school bus or student activity bus shall receive safety instruction which includes, but is not limited to, the location of emergency exits and the location and use of emergency equipment. This instruction also may include responsibilities of passengers seated next to an emergency exit.

*Legal Reference:*

EDUCATION CODE

39830-39842 *Transportation, school buses, especially:*

51202 *Instruction in personal and public health and safety*

PENAL CODE

241.3 *Assault against school bus driver*

243.3 *Battery against school bus driver*

VEHICLE CODE

415 *Definition of motor vehicle*

545-546 *Definition of school bus and school pupil activity bus*

22112 *Loading and unloading passengers*

23123 *Use of wireless telephone prohibited while driving motor vehicle*

23123.5 *Text communications prohibited while driving motor vehicle*

23125 *Use of wireless telephone prohibited while driving school bus*

27316-27316.5 *Passenger restraint systems*

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

34501.5 *California Highway Patrol responsibility to adopt rules re: safe operation of school buses*

34501.6 *School buses; reduced visibility*

34508 *Investigation of accidents*

CODE OF REGULATIONS, TITLE 5

14100-14105 *School buses and student activity buses*

CODE OF REGULATIONS, TITLE 13

1200-1293 *Motor carrier safety*

2480 *Airborn toxic control measure; limitation on bus idling*

CODE OF REGULATIONS, TITLE 19

574-575.3 *Inspection and maintenance of fire extinguishers*

**TRANSPORTATION SAFETY AND EMERGENCIES**

*CODE OF FEDERAL REGULATIONS, TITLE 49*

*571.1-571.500 Motor vehicle standards, including school buses*

*Management Resources*

*WEB SITES*

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

*California Association of School Transportation Officials: <http://www.castoways.org>*

*California Department of Education, Office of School Transportation: <http://www.cde.ca.gov/ls/tn>*

*California Highway Patrol: <http://www.chp.ca.gov>*

*National Coalition for School Bus Safety: <http://www.ncsbs.org>*

*National Transportation Safety Board: <http://www.nts.gov>*

*U.S. Department of Transportation, National Highway Traffic Safety Administration: <http://www.nhtsa.dot.gov>*

Regulation

approved: June 21, 2001

revised: July 17, 2013

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

**FOOD SERVICE/CHILD NUTRITION PROGRAM**

The Board of Trustees recognizes that nourishing food is essential to student health, development, and ability to learn. The Superintendent or designee shall develop strategies to increase students' access to the district's food service programs and to maximize their participation in available programs.

Foods and beverages available through the District Food Service Program shall:

1. Be carefully selected so as to contribute to students' nutritional well-being and the prevention of disease

*(cf. 5141.27 – Food Allergies/Special Dietary Needs)*

2. Meet or exceed nutritional standards specified in law and administrative regulation

*(cf. 3552 – Summer Meal Program)*

*(cf. 3554 – Other Food Sales)*

*(cf. 5030 – Student Wellness)*

*(cf. 5148 – Child Care and Development)*

*(cf. 5148.2 – Before/After School Programs)*

*(cf. 6300 – Preschool/Early Childhood Education)*

3. Be prepared in ways that will appeal to students, retain nutritive quality, and foster lifelong healthful eating habits

4. Be served in age-appropriate portions

5. Be available to students who meet federal eligibility criteria at no cost or at reduced prices, and to other students at reasonable prices

*(cf. 3551 – Food Service Operations/Cafeteria Fund)*

*(cf. 3553 - Free and Reduced Price Meals)*

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

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

*(cf. 6142.8 – Comprehensive Health Education)*

**FOOD SERVICE/CHILD NUTRITION PROGRAM**

To encourage student participation in school meal programs, schools may offer multiple choices of food items within a meal service, provided all food items meet nutrition standards and all students are given an opportunity to select any food item.

The Superintendent or designee may invite students and parents/guardians to participate in the selection of foods of good nutritional quality for school menus.

The Board desires to provide students with adequate time and space to eat meals. To the extent possible, school, recess, and transportation schedules shall be designed to encourage participation in school meal programs.

The Superintendent or designee shall periodically review the adequacy of school facilities for cafeteria eating and food preparation.

*(cf. 1312.4 – Williams Uniform Complaint Procedures)*

*(cf. 3517 – Facilities Inspection)*

*(cf. 7110 – Facilities Master Plan)*

In accordance with law, the Superintendent or designee shall develop and maintain a food safety program in order to reduce the risk of foodborne hazards at each step of the food preparation process, from receiving to service.

The Superintendent or designee shall annually report to the Board on student participation in the district's nutrition programs and the extent to which the district's food services program meets state and federal nutrition standards for foods and beverages.

*(cf. 0500 – Accountability)*

*(cf. 3555 – Nutrition Program Compliance)*

*Legal Reference:*

**EDUCATION CODE**

*35182.5 Contracts, non-nutritious beverages*

*38080-38103 Cafeterias - establishment and use*

*45103.5 Contracts for management consulting services; restrictions*

*49430-49436 Pupil Nutrition, Health and Achievement Act of 2001*

*49490-49494 School breakfast and lunch programs*

*49500-49505 School meals*

*49510-49520 Nutrition*

*49530-49536 Child Nutrition Act of 1974*

*49540 - 49546 Child care food program*

*49547-48548.3 Comprehensive nutrition services*

*49550-49562 Meals for needy students*

*49570 National School Lunch Act*

*51795-51797 School gardens*

**FOOD SERVICE/CHILD NUTRITION PROGRAM**

**HEALTH AND SAFETY CODE**

*113700-114455 California Uniform Retail Food Facilities Law*

**CODE OF REGULATIONS, TITLE 5**

*15510 Mandatory meals for needy students*

*15530-15535 Nutrition education*

*15550-15565 School lunch and breakfast programs*

*15575-15578 Requirements for foods and beverages outside federal meal programs*

**UNITED STATES CODE, TITLE 42**

*1751-1769j National School Lunch Program, including:*

*1758b Local wellness policy*

*1761 Summer Food Service Program and Seamless summer Feeding Option*

*1769a Fresh Fruit and Vegetable Program*

*1771-1793 Child nutrition, especially:*

*1772 Special Milk Program*

*1773 National School Breakfast Program*

**CODE OF FEDERAL REGULATIONS, TITLE 7**

*210.1-210.31 National School Lunch Program*

*215.1-215.18 Special Milk Program*

*220.1-220.21 National School Breakfast Program*

*245.1-245.13 Eligibility for free and reduced-price meals and free milk*

*Management Resources:*

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*Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007*

*Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007*

*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006*

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*School Breakfast Toolkit*

*Fresh Fruit and Vegetable Program: Handbook for Schools, December 2010*

*Food Buying Guide for Child Nutrition Programs, December 2007*

*Civil Rights Compliance and Enforcement – Nutrition Programs and Activities, FNS Instruction, 113-1, November 2005*

*Guidance for School Authorities: Developing a School Food Safety Program Based on the Process*

*Approach to HACCP Principles, June 2005*

*Dietary Guidelines for Americans, 2005*

**WEB SITES**

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

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

*California Department of Public Health: <http://www.cdph.ca.gov>*

*California Farm Bureau Federation: <http://www.cfbf.com>*

*California Food Policy Advocates: <http://www.cfpa.net>*

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

*California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.californiaprojectlean.org>*

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

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

*National Alliance for Nutrition and Activity:*  
<http://www.cspinet.org/nutritionpolicy/nana.html>  
*U.S. Dept. of Agriculture, Food and Nutrition Information Center (FNIC):*  
<http://www.nal.usda.gov/fnic>

Policy  
adopted: June 21, 2001  
revised: March 2, 2006  
revised: April 17, 2008  
revised: August 18, 2011

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**  
Winters, California



**FOOD SERVICE/CHILD NUTRITION PROGRAM**

**Nutrition Standards for School Meals**

Meals, food items, and beverages provided through the district's food services program shall: (Education Code 49531, 49553; 42 USC 1758, 1773)

1. Comply with National School Lunch and/or Breakfast Program standards for meal patterns, nutrient levels, and calorie requirements for the ages/grade levels served, as specified in 7 CFR 210.10 or 220.8, as applicable
2. Not be deep fried, par fried, or flash fried, as defined in Education Code 49430 and 49430.7

*(cf. 3552-Summer Meal Program)*

*(cf. 3553-Free and Reduced Price Meals)*

*(cf. 3554-Other Food Sales)*

*(cf. 5030-Student Wellness)*

*(cf. 5141.27-Food Allergies/Special Dietary Needs)*

**Drinking Water**

The district shall provide access to free, fresh drinking water during meal times in food service areas at all district schools, including, but not limited to, areas where reimbursable meals under the national School Lunch or Breakfast Program are served or consumed. (Education Code 38086; 42 USC 1758)

**Food Safety**

The Superintendent or designee shall ensure that the district's food service program meets the applicable sanitation and safety requirements of the California Retail Food Code as set forth in Health and Safety Code 113700-114437.

For all District schools participating in the National School Lunch and/or School Breakfast Program, the Superintendent or designee shall implement a written food safety program for the storage, preparation, and service of school meals which complies with the national Hazard Analysis and Critical Control Point (HACCP) system. The District's HACCP plan shall include, but is not limited to, a determination of critical control points and critical limits at each stage of food production, monitoring procedures, corrective actions, and recordkeeping procedures. (42 USC 1758; 7 CFR 210.13, 220.7)

The Superintendent or designee shall provide ongoing staff development on food safety to food service managers and employees. The Superintendent or designee shall document the date, trainer, and subject of each training.

## **FOOD SERVICE/CHILD NUTRITION PROGRAM**

*(cf. 4231 – Staff Development)*

The Superintendent or designee shall assign staff to maintain records and logs documenting food safety activities, including, but not limited to, records of food deliveries, time and temperature monitoring during food production, equipment temperature (freezer, cooler, thermometer calibration), corrective actions, verification or review of safety efforts, and staff training.

### **Inspection of Food Facilities**

All food preparation and service areas shall be inspected in accordance with Health and Safety Code 113725-113725.1 and applicable county regulations.

Each school participating in the National School Lunch and/or Breakfast Program shall, during each school year, obtain a minimum of two food safety inspections conducted by the county environmental health agency. (42 USC 1758; 7 CFR 210.13, 220.7)

The Superintendent or designee shall retain records from the most recent food safety inspection. All schools shall post a notice indicating that the most recent inspection report is available to any interested person upon request. (Health and Safety Code 113725.1; 42 USC 1758; 7 CFR 210.13, 210.15, 220.7)

*(cf. 1340 – Access to District Records)*

*(cf. 3580 – District Records)*

Regulation  
approved: March 2, 2006  
revised: November 15, 2012

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**  
Winters, California

**FOOD SERVICE OPERATIONS/CAFETERIA FUND**

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

*(cf. 3100 – Budget)*

*(cf. 3300 – Expenditures and Purchases)*

*(cf. 3311 – Bids)*

*(cf. 3550 – Food Service/Child Nutrition Program)*

*(cf. 3552 – Summer Meal Program)*

*(cf. 5030 – Student Wellness)*

The Superintendent or designee shall ensure that food service director(s) possess the qualifications required by 7 CFR 210.30 and California Department of Education (CDE) standards.

*(cf. 4231 – Staff Development)*

*(cf. 4331 – Staff Development)*

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

**Meal Sales**

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

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

Meal prices, as recommended by the Superintendent or designee and approved by the Board, shall be based on the costs of providing food services and consistent with Education Code 38084 and 42 USC 1760. Students who are enrolled in the free or reduced-price meal programs shall receive meals free of charge or at a reduced price in accordance with law, Board policy, and administrative regulation.

*(cf. 3553 – Free and Reduced Price Meals)*

The Superintendent or designee shall establish strategies and procedures for the collection of meal payments, including delinquent meal payments. Such procedures shall conform with BP/AR 3553 - Free and Reduced Price Meals, 2 CFR 200.426, and any applicable CDE guidance. The Superintendent or designee shall clearly communicate these procedures to students and parents/guardians, and shall make this policy and the accompanying administrative regulation available to the public pursuant to Education Code 49557.5.

**FOOD SERVICE OPERATIONS/CAFETERIA FUND**

The Superintendent or designee shall ensure that a student whose parent/guardian has unpaid school meal fees or a student who is enrolled in the free or reduced-price meal program is not overtly identified; by the use of special tokens, tickets, or other means and is not shamed, treated differently, or served a meal that differs from the meal served to other students. (Education Code 49557, 49557.5)

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

*(cf. 0415 - Equity)*

**Cafeteria Fund**

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

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

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

*(cf. 3230 - Federal Grant Funds)*

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

*(cf. 3460 - Financial Reports and Accountability)*

To the maximum extent practicable, foods purchased for use in school meals by the district or by any entity purchasing food on its behalf shall be domestic commodities or products. *Domestic commodity or product* means an agricultural commodity that is produced in the United States and a food product that is processed in the United States substantially using agricultural commodities that are produced in the United States. (42 USC 1760; 7 CFR 210.21)

A nondomestic food product may be purchased for use in the district's food service program only as a last resort when the product is not produced or manufactured in the United States in sufficient and reasonable quantities of a satisfactory quality, or when competitive bids reveal the costs of a United States product are significantly higher than the nondomestic product. In such cases, the Superintendent or designee shall retain documentation justifying the use of the exception.

Furthermore, the district shall accept a bid or price for an agricultural product grown in California before accepting a bid or price for an agricultural product grown outside the state, if the quality of the California-grown product is comparable and the bid or price does not exceed the lowest bid or price of a product produced outside the state. (Food and Agriculture Code 58595)

Bid solicitations and awards for purchases of equipment, materials, or supplies in support of the district's child nutrition program, or for contracts awarded pursuant to Public Contract Code 2000,

**FOOD SERVICE OPERATIONS/CAFETERIA FUND**

shall be consistent with the federal procurement standards in 2 CFR 200.318-200.326. Awards shall be let to the most responsive and responsible party. Price shall be the primary consideration, but not the only determining factor, in making such an award. (Public Contract Code 20111)

**Program Monitoring and Evaluation**

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

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

(cf. 3555 - Nutrition Program Compliance)

*Legal Reference:*

EDUCATION CODE

38080-38086.1 Cafeteria, establishment and use

38090-38095 Cafeterias, funds and accounts

38100-38103 Cafeterias, allocation of charges

42646 Alternate payroll procedure

45103.5 Contracts for management consulting services; restrictions

49490-49493 School breakfast and lunch programs

49500-49505 School meals

49550-49564.5 Meals for needy students, especially:

49550.5 Universal breakfast

49554 Contract for services

49580-49581 Food recovery program

FOOD AND AGRICULTURE CODE

58595 Preference for California-grown agricultural products

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

PUBLIC CONTRACT CODE

2000-2002 Responsive bidders

20111 Contracts

CODE OF REGULATIONS, TITLE 5

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1769j School lunch programs

1771-1791 Child nutrition, including:

1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 2

200.56 Indirect costs, definition

200.317-200.326 Procurement standards

200.400-200.475 Cost principles

200 Appendix VII Indirect cost proposals

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

**FOOD SERVICE OPERATIONS/CAFETERIA FUND**

220.1-220.21 *National School Breakfast Program*

250.1-250.70 *USDA foods*

*Management Resources:*

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Food Distribution Program Administrative Manual

*Professional Standards in the SNP and New Hiring Flexibility, NSD Management Bulletin, SNP-10-2019, April 2019*

*Paid Lunch Equity Requirement and Calculation Tool, NSD Management Bulletin, SNP-12-2018, May 2018*

*Clarification for the Use of Alternate Meals in the National School Lunch and School Breakfast Programs, and Additional Guidance on the Handling of Unpaid Meal Charges, NSD Management Bulletin, SNP-03-2018, February 2018*

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*Unpaid Meal Charges: Local Meal Charge Policies, Clarification on Collection of Delinquent Meal Payments, and Excess Student Account Balances, NSD Management Bulletin, SNP-03-2017, April 2017*

*Procuring and Monitoring of Food Service Management Contracts, NSD Management Bulletin, SNP-13-2015*

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

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

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FAQs About School Meals

*Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program, SP 38-2017, June 2017*

*Overcoming the Unpaid Meal Challenge: Proven Strategies from Our Nation's Schools*, ~~September 2016~~ May 2017

*Unpaid Meal Charges: Guidance and Q&A, SP 23-2017, March 2017*

*Indirect Costs: Guidance for State Agencies and School Food Authorities SP 60-2016, September 2016*

*Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016*

*Discretionary Elimination of Reduced Price Charges in the School Meal Programs, SP 17-2014, January 2014*

WEB SITES

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

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

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

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

Policy

adopted: June 21, 2001

reviewed: March 2, 2006

revised: August 18, 2011

revised: March 6, 2014

revised: August 15, 2019

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

**FOOD SERVICE OPERATIONS/CAFETERIA FUND**

With the exception of students who are eligible to receive meals at no cost, students may pay on a per-meal basis or may submit payments in advance. The Superintendent or designee shall maintain an account indicating payments received from each student for the purchase of school meals.

*(cf. 3550 – Food Service/Child Nutrition Program)*

*(cf. 3552 – Summer Meal Program)*

*(cf. 3553 – Free and Reduced Price Meals)*

*(cf. 3555 – Nutrition Program Compliance)*

At the beginning of the school year, parents/guardians shall be notified of the district's meal payment policies and encouraged to prepay for meals whenever possible.

*(cf. 1113 – District and School Web Sites)*

Students and their parents/guardians shall be notified whenever their account has a zero balance. Whenever a student's account has an unpaid balance of \$50 or more, parents/guardians shall be notified in writing that full payment is due within seven school days from the date of the notice.

In cases of repeated nonpayment by a student, the Superintendent or designee may contact parents/guardians to discuss the reasons for the nonpayment. The Superintendent or designee may evaluate individual circumstances to determine if the student's parents/guardians need assistance completing an application for free or reduced-price meals or need referral to social services.

**Reimbursement Claims**

The Superintendent or designee shall maintain records of the number of meals served each day by school site and by category of free, reduced-price, and full-price meals. The Superintendent or designee shall submit reimbursement claims for school meals to the California Department of Education (CDE) using the online Child Nutrition Information and Payment System.

**Cafeteria Fund**

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. The income and expenditures of any cafeteria revolving account established by the Boards of Trustees shall be recorded as income and expenditures of the cafeteria fund. (Education Code 38090, 38091, and 38092)

*(cf. 3100 – Budget)*

*(cf. 3300 – Expenditures and Purchases)*

## **FOOD SERVICE OPERATIONS/CAFETERIA FUND**

The cafeteria fund shall be used only for Board-authorized expenditures necessary for the operation of school cafeterias in accordance with Education Code 38100-38103, 2 CFR 255, and the California School Accounting Manual. (Education Code 38091, 38101, 2 CFR 255)

Any charges to, or transfers from, a food service program shall be dated and accompanied by a written explanation of the expenditure's purpose and basis. (Education Code 38101)

*(cf. 3110 – Transfer of Funds)*

### **U.S. Department of Agriculture Foods**

The Superintendent or designee shall ensure that foods received through the U.S. Department of Agriculture (USDA) are handled, stored, and distributed in facilities which: (7 CFR 250.14)

1. Are sanitary and free from rodent, bird, insect, and other animal infestation
2. Safeguard foods against theft, spoilage, and other loss
3. Maintain foods at proper storage temperatures
4. Store foods off the floor in a manner to allow for adequate ventilation
5. Take other protective measures as may be necessary

The Superintendent or designee shall maintain inventories of USDA foods in accordance with 7 CFR 250.59 and CDE procedures, and shall ensure that foods are used before their expiration dates.

USDA foods shall be used in school lunches as far as practicable, but also may be used in other nonprofit food service activities, with any revenues accruing to the district's nonprofit food service account. Such activities may include school breakfasts or other meals, a la carte foods sold to students, meals served to adults directly involved in the operation and administration of the food service and to other school staff, and training in nutrition, health, food service, or general home economics instruction for students. (7 CFR 250.60)

Regulation  
approved: June 21, 2001  
reviewed: March 2, 2006  
revised: August 18, 2011

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**  
Winters, California



**FREE AND REDUCED PRICE MEALS**

The Board of Trustees recognizes that adequate nutrition is essential to child development, health, and learning of all students. The Superintendent or designee shall facilitate and encourage the participation of students from low-income families in the District's Food Service Program.

*(cf. 3551 – Food Service Operations/Cafeteria Fund)*

*(cf. 3552-Summer Meal Program)*

*(cf. 5030 – Student Wellness)*

*(cf. 5148 – Child Care and Development)*

*(cf. 5148.2 – Before/After School Programs)*

*(cf. 6177 – Summer Learning Programs)*

The District shall provide at least one nutritionally adequate meal each school day, free of charge or at a reduced price, for students whose families meet federal eligibility criteria. (Education Code 49550, 49552)

The Superintendent or designee shall ensure that meals provided through the free and reduced-price meals program meet applicable state and/or federal nutritional standards in accordance with law, Board policy, and administrative regulation.

*(cf. 3550 – Food Service/Child Nutrition Program)*

*(cf. 0410 – Nondiscrimination in District Programs and Activities)*

*(cf. 3555 – Nutrition Program Compliance)*

*(cf. 5145.3 – Nondiscrimination/Harassment)*

**Confidentiality/Release of Records**

All applications and records related to eligibility for the free and reduced-price meal program shall be confidential and may not be released except as provided by law and authorized by the Board or pursuant to a court order. (Education Code 49558)

*(cf. 5125 – Student Records)*

The Board authorizes designated employees to use individual records pertaining to student eligibility for any free and reduced-price meal program for the purposes of: (Education Code 49558)

1. Disaggregation of academic data

*(cf. 6162.51 - State Academic Achievement Tests)*

2. Identification of students eligible for alternative supports in any school identified as a Title I program improvement school

*(cf. 0520.2 – Title I Program Improvement Schools)*

*(cf. 6171 – Title I Programs)*

**FREE AND REDUCED PRICE MEALS**

If a student transfers from the district to another district, charter school, county office of education program, or private school, the Superintendent or designee may share the student's meal eligibility information to the other educational agency to assist in the continuation of the student's meal benefits.

The Superintendent or designee may release the name and eligibility status of a student participating in the free or reduced-price meal program to another school district, charter school, or county office of education that is serving a student living in the same household for purposes related to program eligibility and data used in local control funding formula calculations. (Education Code 49558)

(cf. 5141.6 – *Student Health and Social Services*)

*Legal Reference:*

EDUCATION CODE

48980 Notice at beginning of term

49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001

49490-49494 School breakfast and lunch programs

49500-49505 School meals

49510-49520 Nutrition

49530-49536 Child Nutrition Act of 1974

49547-49548.3 Comprehensive nutrition service

49550-49562 Meals for needy students

CODE OF REGULATIONS, TITLE 5

15510 Mandatory meals for needy students

15530-15535 Nutrition education

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 20

1232g Federal Educational Rights and Privacy Act

6301-6514 Title I programs

UNITED STATES CODE, TITLE 42

1751-1769j School lunch programs

1771-1791 Child nutrition, especially

1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 7

210-1-210.31 National School Lunch Program

220.10-220.21 National School Breakfast Program

245.1-245.13 Determination of eligibility for free and reduced-price meals and free milk

WELFARE AND INSTITUTIONS CODE

14005.41 Basic health care

*Management Resources:*

CSBA PUBLICATIONS

Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, 2012

Student Wellness: A healthy Food and Physical Activity Policy Resource Guide, 2012

**FREE AND REDUCED PRICE MEALS**

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

*NSD SNP-12-2015 Updated Guidance on Sharing of School Meal Applications and the Passing of Assembly Bill 1599, July 2015*

*USDA-SNP-07-2010 Change in Free and Reduced-Price Meal Application Approval Process, September 2010*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Feed More Kids, Improve Program Participation*

*Direct Certification Implementation Checklist, May 2008*

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

*Eligibility Manual for School Meals: Determining and Verifying Eligibility, July 2015*

*Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002*

WEB SITES

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

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

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

California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.californiaprojectlean.org>

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

Policy

adopted: June 21, 2001

revised: October 18, 2012

revised: October 6, 2016

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

**FREE AND REDUCED PRICE MEALS**

**Applications**

The Superintendent or designee shall ensure that the district's application form for free and reduced-price meals and related materials include the statements specified in Education Code 49557 and 7 CFR 245.5. In addition, the application packet may include the notifications and information listed in Education Code 49557.2.

The application form for free or reduced price meals shall be distributed to all parents/guardians at the beginning of each school year and shall be available to students at all times during the school day. (Education Code 48980, 49520; 42 USC 1758; 7 CFR 245.5)

**FREE AND REDUCED PRICE MEALS**

*(cf. 3550 – Food Service/Child Nutrition Program)*  
*(cf. 3551 – Food Service Operations/ Cafeteria Fund)*  
*(cf. 5145.6 - Parental Notifications)*

The form and information shall also be provided whenever a new student is enrolled.

At the beginning of each school year, the Superintendent or designee shall send a public release, containing the same information supplied to parents/guardians and including eligibility criteria, to local media, the local unemployment office, and any major employers in the district attendance area contemplating large layoffs. Copies of the public release shall be made available upon request to any interested person. (7 CFR 245.5)

*(cf. 1112 – Media Relations)*

**Eligibility**

The Superintendent or designee shall determine students' eligibility for the free and reduced-price meal program based on the criteria specified in 42 USC 1758 and 1773 and 7 CFR 245.1-245.13 and made available by the California Department of Education.

When authorized by law, participants in other federal or state programs may be directly certified, without further application, for enrollment in the free and reduced-price meal program. (Education Code 49561; 42 USC 1758)

*(cf. 6173 – Education for Homeless Children)*  
*(cf. 6173.1 – Education for Foster Youth)*  
*(cf. 6175 – Migrant Education Program)*

**FREE AND REDUCED PRICE MEALS**

**Verification of Eligibility**

Not later than November 15, of each year, the Superintendent or designee shall verify the eligibility of a sample of household applications approved for the school year in accordance with the sample sizes and procedures specified in 42 USC 1758 and 7 CFR 245.6a. (42 USC 1758; 7 CFR 245.6a)

If the review indicates that the initial eligibility determination is correct, the Superintendent or designee shall verify the approved household application. If the review indicates that the initial eligibility determination is incorrect, the Superintendent or designee shall: (42 USC 1758; 7 CFR 245.6a)

1. If the eligibility status changes from reduced price to free, make the increased benefits immediately available and notify the household of the change in benefits
2. If the eligibility status changes from free to reduced price, first verify the application, then notify the household of the correct eligibility status, and, when required by law, send a notice of adverse action as described below
3. If the eligibility status changes from free or reduced price to paid, send the household a notice of adverse action as described below

If any household is to receive a reduction or termination of benefits as a result of verification activities, or if the household fails to cooperate with verification efforts, the Superintendent or designee shall reduce or terminate benefits, as applicable, and shall properly document and retain on file in the district the reasons for ineligibility. He/she also shall send a notice of adverse action to any household that is to receive a reduction or termination of benefits. Such notice shall be provided 10 days prior to the actual reduction or termination of benefits. The notice shall advise the household of: (7 CFR 245.6a)

1. The change and the reasons for the change
2. The right to appeal, when the appeal must be filed to ensure continued benefits while awaiting a hearing and decision, and instructions on how to appeal
3. The right to reapply at any time during the school year

**FREE AND REDUCED PRICE MEALS**

**Confidentiality/Release of Records**

The Superintendent designates the following district employee(s) to use individual records pertaining to student participation in the free or reduced price meal program for the purpose of disaggregation of academic achievement data or for the identification of students in any program improvement school eligible for school choice and supplemental educational services pursuant to 20 USC 6316:

Director of Educational Services

In using these records for that purpose, the following conditions shall be satisfied: (Education Code 49558)

1. No individual indicators of participation in the free or reduced price meal program shall be maintained in the permanent records of any students if not otherwise allowed by law.

*(cf. 5125 - Student Records)*

2. Information regarding individual student participation in the free or reduced price meal program shall not be publicly released.

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

3. All other confidentiality provisions required by law shall be met.
4. Information collected regarding individual students certified to participate in the free or reduced price meal program shall be destroyed when no longer needed for its intended purpose.

**Nondiscrimination Plan**

The district's plan for students receiving free or reduced-price meals shall ensure the following: (Education Code 49557; 42 USC 1758)

1. The names of the students shall not be published, posted, or announced in any manner, or used for any purpose other than the National School Lunch and School Breakfast Programs, unless otherwise provided by law.
2. There shall be no overt identification of any of the students by the use of special tokens or tickets or by any other means.
3. The students shall not be required to work for their meals or for milk.

**FREE AND REDUCED PRICE MEALS**

4. The students shall not be required to use a separate dining area, go through a separate serving line or entrance, or consume their meals or milk at a different time.

*(cf. 0410 – Nondiscrimination in District Programs and Activities)*

*(cf. 3555 – Nutrition Program Compliance)*

When more than once lunch, breakfast, or type of milk is offered, the students shall have the same choice of meals or milk as is available to those students who pay the full price. (Education Code 49557; 7 CFR 245.8)

**Prices**

The maximum price that shall be charged to eligible students for reduced-price meals shall be 40 cents for lunch and 30 cents for breakfast. (42 USC 1758, 1773)

Regulation

approved: June 21, 2001

revised: March 2, 2006

revised: April 17, 2008

revised: August 18, 2011

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California



**OTHER FOOD SALES**

The Board of Trustees believes that sales of foods and beverages at school during the school day should be aligned with the District's goals to promote student wellness. Any food sales conducted outside the District's food service program shall meet nutritional standards specified in law, Board policy, and administrative regulation and shall not reduce student participation in the District's Food Service Program.

*(cf. 3550 - Food Service/Child Nutrition Program)*  
*(cf. 3551 - Food Service Operations/Cafeteria Fund)*  
*(cf. 3553 - Free and Reduced Price Meals)*  
*(cf. 5030 – Student Wellness)*  
*(cf. 5141.27 – Food Allergies/Special Dietary Needs)*

The Board of Trustees authorizes the Superintendent or designee to approve the sale of foods and beverages outside the district's food services program, including sales by student or school-connected organizations, sales through vending machines, and/or sales at secondary school student stores for fundraising purposes.

*(cf. 1230 - School-Connected Organizations)*  
*(cf. 1321 - Solicitations of Funds from and by Students)*

When vending machines are sponsored by the district or a student or adult organization, the Superintendent or designee shall determine how and where vending machines may be placed at school sites, district offices or other school facilities.

*(cf. 3312 - Contracts)*

*Legal Reference:*

EDUCATION CODE

35182.5 Contracts, non-nutritious beverages

48931 Authorization and sale of food

49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001

51520 School premises; prohibited solicitations

CODE OF REGULATIONS, TITLE 5

15500 Food sales in elementary schools

15501 Sales in high schools and junior high schools

HEALTH AND SAFETY CODE

113700-114455 California Uniform Retail Food Facilities Law, including:

UNITED STATES CODE, TITLE 42

1751-1769h National School Lunch Act, including:

1751 Note Local Wellness Policy

1771-1791 Child Nutrition, School Breakfast Program

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

**OTHER FOOD SALES**

*Management Resources:*

CSBA PUBLICATIONS

*Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007*

*Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007*

*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006*

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

*06-110 Restrictions on Food and Beverage Sales Outside of the School Meal Program, August 2006*

FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

*Associated Student Body Accounting Manual and Desk Reference, 2002*

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

*Fit, Healthy and Ready to Learn, 2000*

WEB SITES

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

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

California Department of Public Health: <http://www.cdph.ca.gov>

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

California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.californiaprojectlean.org>

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

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

National Association of State Boards of Education (NASBE): <http://www.boards@nasbe.org>

US Dept. of Agriculture, Food and Nutrition Information Center (FNIC): <http://www.nal.usda.gov/fnic>

Policy

adopted: June 21, 2001

revised: September 2, 2004

reviewed: March 2, 2006

revised: April 17, 2008

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

**OTHER FOOD SALES**

**Nutritional Standards for Foods and Beverages**

Food and beverage sales outside the District Food Service Program shall comply with applicable nutritional standards specified in Education Code 49431, 49431.2, 49431.5, and 49431.7.

*(cf. 3550 – Food Service/Child Nutrition Program)*

*(cf. 5030 – Student Wellness)*

*(cf. 5141.27 – Food Allergies/Special Dietary Needs)*

At an elementary school, the sale of foods or beverages that do not comply with the standards in Education Code 49431 and 49431.5 may be permitted, as part of a fundraising event, only when the items sold by students of the school and the sale meets either of the following conditions: (Education Code 49431, 49431.5)

1. It takes place off and away from school premises.
2. It takes place at least one-half hour after the end of the school day.

*(cf. 1230 – School-Connected Organizations)*

*(cf. 1321 – Solicitations of Funds from and by Students)*

At a middle, junior high, or high school, the sale of food items that do not comply with the standards in Education Code 49431.2 may be permitted in any of the following circumstances: (Education Code 49431.2)

1. The sale takes place off and away from school premises.
2. The sale takes place on school premises at least one-half hour after the end of the school day.
3. The sale occurs during a school-sponsored student activity after the end of the school day.

*(cf. 6145 – Extracurricular and Cocurricular Activities)*

Beverage sales that do not comply with the standards in Education Code 49431.5 may be permitted at a middle or junior high school as part of a school event under either of the following circumstances: (Education Code 49431.5)

1. The sale occurs during a school-sponsored event and takes place at the location of the event at least one-half hour after the end of the school day.

**OTHER FOOD SALES**

2. Vending machines, student stores, and cafeterias are used later than one-half hour after the end of the school day.

**Additional Requirements for Schools Participating in the National School Lunch or Breakfast Program**

The sale of foods outside of the District's Food Service Program during meal periods in food service areas shall be allowed only if all income from the sale, including the sale of approved foods or drinks from vending machines, accrues to the benefit of the school, the school food service program, or the student organization(s) sponsoring the sale. (7 CFR 210.11, 220.12)

No foods of minimal nutritional value, as listed in 7 CFR 210, Appendix B, and 7 CFR 220, Appendix B, shall be sold in food service areas during breakfast and lunch periods. (7 CFR 210.11, 220.12)

In a school with any of grades K-8 that is participating in the National School Lunch and/or Breakfast Program, the Superintendent or designee shall not permit the sale of foods by a student organization except when all of the following conditions are met: (5 CCR 15500)

1. The student organization may sell one food item per sale.
2. The specific nutritious food item is approved by the Superintendent or designee.
3. The food sales does not begin until after the close of the regularly scheduled midday food service period.
4. The sales during the regular school day is not of food items prepared on the premises.
5. There are no more than four such sales per year per school.
6. The food sold is a dessert-type food, such as pastry, ice cream or fruit.
7. The food sold is not one sold in the district's food service program at that school during that school day.

In high schools and junior high schools, a student organization may be approved to sell food items during or after the school day if all of the following conditions are met: (5 CCR 15501)

1. Only one student organization conducts food sales on a given school day and the organization sells no more than three types of food or beverage items, except that up to four days during the school year may be designated on which any number of organizations may conduct the sale of any food items.

**OTHER FOOD SALES**

2. The specific nutritious food items are approved by the Superintendent or designee.
3. Food items sold during the regular school day are not prepared on the premises.
4. The food items sold are not those sold in the district's food service program at that school during that school day.

Regulation  
adopted: September 2, 2004  
reviewed: March 2, 2006  
revised: April 17, 2008

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**  
Winters, California

**NUTRITION PROGRAM COMPLIANCE**

The Board of Trustees recognizes the district's responsibility to comply with state and federal nondiscrimination laws as they apply to the district's nutrition programs. The district shall not deny any individual the benefits or service of any nutrition program or discriminate on any other basis prohibited by law.

*(cf. 0410 – Nondiscrimination in District Programs and Activities)*

*(cf. 3550 – Food Service/Child Nutrition Program)*

*(cf. 3552 – Summer Meal Program)*

*(cf. 3553 – Free and Reduced Price Meals)*

*(cf. 5030 – Student Wellness)*

**Compliance Coordinator**

The Board shall designate a compliance coordinator for nutrition programs, who may also be the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures, as the district's civil rights coordinator to ensure compliance with the laws governing its the district's nutrition programs. and to investigate any related complaints.

The responsibilities of the compliance officer/coordinator include, but are not limited to:

1. Providing the name of the civil rights compliance coordinator, and the Section 504 coordinator and Title IX coordinator if different from the civil rights compliance coordinator, to the California Department of Education (CDE) and other interested parties

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

2. Annually providing mandatory civil rights training to all frontline staff who interact with program applicants or participants and to those who supervise frontline staff

The subject matter of such training shall include, but not be limited to, collection and use of data, effective public notification systems, complaint procedures, compliance review techniques, resolution of noncompliance, requirements for reasonable accommodation of persons with disabilities, requirements for language assistance, conflict resolution, and customer service.

3. Establishing admission and enrollment procedures that do not restrict enrollment of students on the basis of race, ethnicity, national origin, or disability, including preventing staff from incorrectly denying applications and ensuring that such persons have equal access to all programs

*(cf. 6159 - Individualized Education Program)*

**NUTRITION PROGRAM COMPLIANCE**

4. Sending a public release announcing the availability of the child nutrition programs and/or changes in the programs to public media and to community and grassroots organizations that interact directly with eligible or potentially eligible participants
5. Communicating the program's nondiscrimination policy and applicable complaint procedures, as provided in the section "Notifications" below
6. Providing appropriate translation services when a significant number of persons in the surrounding population have limited English proficiency
7. Ensuring that every part of a facility is accessible to and usable by persons with disabilities and that participants with disabilities are not excluded from the benefits or services due to inaccessibility of facilities
8. Ensuring that special meals are made available to participants with disabilities who have a medical statement on file documenting that their disability restricts their diet

*(cf. 5141.27 - Food Allergies/Special Dietary Needs)*

9. Implementing procedures to process and resolve civil rights (discrimination) complaints and program-related complaints, including maintaining a complaint log, working with the appropriate person to resolve any complaint, and referring the complainant to the appropriate state or federal agency when necessary
10. Developing a method, which preferably uses self-identification or self-reporting, to collect racial and ethnic data for potentially eligible populations, applicants, and participants

*(cf. 5022 - Students and Family Privacy Rights)*

*(cf. 5125 - Student Records)*

*(cf. 5145.13 - Response to Immigration Enforcement)*

**Notifications**

The compliance coordinator shall ensure that tThe U.S. Department of Agriculture's (USDA) "And Justice for All" civil rights poster or a substitute poster approved by the USDA's Food and Nutrition Service is displayed in areas visible to the district's nutrition program participants, such as food service areas and school offices.

The compliance coordinator shall notify the public, all program applicants, participants, and potentially eligible persons of their rights and responsibilities and steps necessary to participate in the nutrition programs. Applicants, participants, and the public also shall be advised of their right to file a complaint, how to file a complaint, the complaint procedures, and that a complaint may be file anonymously or by a third party.

**NUTRITION PROGRAM COMPLIANCE**

*(cf. 5145.6 – Parental Notifications)*

In addition, the compliance coordinator shall ensure that all forms of communication available to the public regarding program availability shall contain, in a prominent location, a statement provided by USDA about the district's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the district.

Forms of communication requiring this nondiscrimination statement include, but are not limited to, web sites, public information releases, publications, and posters, but exclude menus items such as cups, buttons, magnets, and pens that identify the program when the size or configuration makes it impractical. The nondiscrimination statement need not be included on every page of program information on the district's or school's web site, but the statement or a link to the statement shall be included on the home page of the program information.

A short version of the nondiscrimination statement, as provided by USDA, may be used on pamphlets, brochures, and flyers in the same print size as the rest of the text.

**Complaints of Discrimination**

Any complaint concerning the district's nutrition programs shall be investigated using the process identified in AR 1312.3 - Uniform Complaint Procedures.

*(cf. 1312.3 - Uniform Complaint Procedures)*

A complaint alleging discrimination in the district's nutrition program(s) on the basis of race, color, national origin, sex, age, or disability shall, within 180 days of the alleged discriminatory act, be filed or referred to USDA at: (5 CCR 15582)

U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410, (866) 632-9992, (800) 877-8339 (Federal Relay Service - English, deaf, hard of hearing, or speech disabilities), (800) 845-6136 (Federal Relay Service - Spanish), fax (202) 690-7442, or email [program.intake.usda.gov](mailto:program.intake.usda.gov).

Complaints of discrimination on any other basis shall be investigated by the district using the process identified in AR 1312.3 - Uniform Complaint Procedures.

*(cf. 1312.3 - Uniform Complaint Procedures)*

**Complaints Regarding Noncompliance with Program Requirements**

Any complaint alleging that the district has not complied with program requirements pertaining to meal counting and claiming, reimbursable meals, eligibility of a child or adult, use of cafeteria funds



**NUTRITION PROGRAM COMPLIANCE**

and allowable expenses shall be filed with or referred to CDE. (Education Code 49556; 5 CCR 15584)

Complaints of noncompliance with any other nutrition program requirements shall be submitted to and investigated by the district using the following procedures.

Complaints may be filed by a student or the student's parent/guardian by phone, email, or letter. The complaint shall be submitted within one year from the date of the alleged violation and shall include the following: (5 CCR 15581)

1. A statement that the district has violated a law or regulation relating to its child nutrition program
2. The facts on which the statement is based
3. The name of the district or the school against which the allegations are made
4. The complainant's contact information
5. The name of the student if alleging violations regarding a specific student

The district shall investigate and prepare a written report pursuant to 5 CCR 4631. (5 CCR 15583)

Unless extended by written agreement with the complainant, the district's compliance coordinator shall investigate the complaint and prepare a written report to be sent to the complainant within 60 days of the district's receipt of the complaint. (5 CCR 15583; 5 CCR 4631)

If the complainant is not satisfied with the findings in the district's report, the complainant may appeal the decision to CDE by filing a written appeal within 30 days of receiving the decision. (5 CCR 4632)

*Legal Reference:*

**EDUCATION CODE**

*200-262.4 Prohibition of discrimination*

*42238.01 Definitions for purposes of funding*

*48985 Notices to parents in language other than English*

*49060-49079 Student records*

*49490-49590 Child nutrition programs*

**PENAL CODE**

*422.6 Interference with constitutional right or privilege*

**CODE OF REGULATIONS, TITLE 5**

*3080 Application of section*

*4600-4670 Uniform complaint procedures*

*4900-4965 Nondiscrimination in elementary and secondary education programs*

*15580-15584 Child nutrition programs complaint procedures*

**UNITED STATES CODE, TITLE 20**

*1400-1482 Individuals with Disabilities Education Act*

*1681-1688 Discrimination based on sex or blindness, Title IX*

## NUTRITION PROGRAM COMPLIANCE

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210.19 National School Lunch Program, additional responsibilities

210.23 National School Lunch Program, district responsibilities

215.7 Special Milk Program, requirements for participation

215.14 Special Milk Program, nondiscrimination

220.7 School Breakfast Program, requirements for participation

220.13 School Breakfast Program, special responsibilities of state agencies

225.3 Summer Food Service Program, administration

225.7 Summer Food Service Program, program monitoring and assistance

225.11 Summer Food Service Program, corrective action procedures

226.6 Child and Adult Care Food Program, state agency administrative responsibilities

250.15 Out-of-condition donated foods, food recalls, and complaints

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Nondiscrimination on the basis of disability, public accommodations, auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

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, especially:

106.9 Dissemination of policy

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Civil Rights and Complaint Procedures for the U.S. Department of Agriculture Child Nutrition Programs, June 2018

U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE PUBLICATIONS

Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1, November 2005

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Notice of Non-Discrimination, August 2010

WEB SITES

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

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

U.S. Department of Agriculture, Office for Civil Rights: <http://www.ascr.usda.gov>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

Policy

adopted: November 18, 2010

revised: October 6, 2016

revised: October 1, 2020

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**

Winters, California

**DISTRICT RECORDS**

The Board recognizes the importance of securing and retaining district documents. The Superintendent or designee shall ensure that district records are developed, maintained and disposed of in accordance with law, Board policy, administrative regulation.

*(cf. 1340 - Access to District Records)*  
*(cf. 3440 - Inventories)*  
*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*  
*(cf. 5125 - Student Records)*

The Superintendent or designee shall consult with district legal counsel, site administrators, district information technology staff, personnel department staff, and others as necessary to develop a secure document management system that provides for the storage, retrieval, archiving, and destruction of district documents, including electronically stored information such as email. This document management system shall be designed to comply with state and federal laws regarding security of records, record retention and destruction, response to “litigation hold” discovery requests, and the recovery of records in the event of a disaster or emergency.

*(cf. 0440 – District Technology Plan)*  
*(cf. 3516 – Emergencies and Disaster Preparedness Plan)*  
*(cf. 4040 – Employee Use of Technology)*  
*(cf. 9011 – Board Member Electronic Communications)*

The Superintendent or designee shall ensure the confidentiality of records as required by law and shall establish regulations to safeguard data against damage, loss or theft.

*(cf. 5125.1 – Release of Directory Information)*

The Superintendent or designee shall ensure that employees receive information about the District’s document management system, including retention and confidentiality requirements and an employee’s obligations in the event of a litigation hold established on the advice of legal counsel.

*(cf. 4131/4231/4331 – Staff Development)*

If the district discovers or is notified that a breach of security of district records containing unencrypted personal information has occurred, the Superintendent or designee shall notify every individual whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person. Personal information includes, but is not limited to, a social security number, driver’s license or identification card number, medical information, health insurance information, or an account number in combination with an access code or password that would permit access to a financial account. (Civil Code 1798.29)

## **DISTRICT RECORDS**

The Superintendent or designee shall provide the notice in a timely manner either in writing or electronically, unless otherwise provided in law. The notice shall include the material specified in Civil Code 1798.29, be formatted as required, and be distributed in a timely manner, consistent with the legitimate needs of law enforcement to conduct an uncompromised investigation or any measures necessary to determine the scope of the breach and restore reasonable integrity of the data system. (Civil Code 1798.29)

*(cf. 1112 - Media Relations)*

*(cf. 1113 - District and School Web Sites)*

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

*(cf. 5145.6 - Parental Notifications)*

## **Safe at Home Program**

District public records shall not include the actual addresses of students, parents/guardians, or employees when a substitute address is designated by the Secretary of State pursuant to the Safe at Home Program. (Government Code 6206, 6207)

When a substitute address card is provided pursuant to this program, the confidential, actual address may be used only to establish district residency requirements for enrollment and for school emergency purposes.

*(cf. 5111.1 - District Residency)*

*(cf. 5141 – Health Care and Emergencies)*

### *Legal Reference:*

#### EDUCATION CODE

35145 Public meetings

35163 Official actions, minutes and journal

35250-35255 Records and reports

44031 Personnel file contents and inspection

49065 Reasonable charge for transcripts

49069 Absolute right to access

#### CIVIL CODE

1798.29 Breach of security involving personal information

#### CODE OF CIVIL PROCEDURE

1985.8 Electronic Discovery Act

2031.010-2031.060 Civil Discovery Act, scope of discovery demand

2031.210-2031.320 Civil Discovery Act, response to inspection demand

#### GOVERNMENT CODE

6205-6210 Confidentiality of addresses for victims of domestic violence, sexual assault or stalking

6252-6265 Inspection of public records

12946 Retention of employment applications and records for two years

#### PENAL CODE

11170 Retention of child abuse reports

**DISTRICT RECORDS**

CODE OF REGULATIONS, TITLE 5

430 Individual student records; definition

432 Varieties of pupil records

16020-16022 Records-general provisions

16023-16027 Retention of records

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.8 Family Educational Rights and Privacy Act

*Management Resources:*

WEB SITES

California Secretary of State: <http://www.sos.ca.gov/safeathome>

Policy  
adopted: June 21, 2001  
revised: June 20, 2013  
revised: June 16, 2016

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**  
Winters, California

## **DISTRICT RECORDS**

### **Classification of Records**

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

*(cf. 1340 – Access to District Records)*

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

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

An inventory of equipment shall be a continuing record and shall not be classified until the inventory is superseded or until the equipment is removed from District ownership. (5 CCR 10622)

*(cf. 3440 – Inventories)*

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

*(cf. 5125 – Student Records)*

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

### **Class 1 - Permanent Records**

The original of each of the following records, or one exact copy of it when the original is required by law to be filed with another agency, is a Class 1 (Permanent) Record and shall be retained indefinitely unless microfilmed in accordance with 5 CCR 16022: (5 CCR 16023)

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

**DISTRICT RECORDS**

- (1) Those containing information relating to property, activities, financial condition or transactions
- (2) Those declared by Governing Board minutes to be permanent

*(cf. 3100 – Budget)*

*(cf. 3452 – Student Activity Funds)*

*(cf. 3460 – Financial Reports and Accountability)*

*(cf. 3551 – Food Service Operations/Cafeteria Fund)*

**2. Official Actions**

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

*(cf. 7214 – General Obligation Bonds)*

*(cf. 9324 – Minutes and Recordings)*

**3. Personnel Records**

Class 1 (Permanent) records include all detailed records relating to employment; assignment; amounts and dates of service rendered; termination or dismissal of an employee in any position; sick leave record; rate of compensation, salaries, or wages paid; and deductions or withholdings made and the person or agency to whom such amounts were paid. In lieu of the detailed records, a complete proven summary payroll record for each employee containing the same data may be classified as Class 1 (Permanent) and the detailed records may then be classified as Class 3 (Disposable) records.

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

*(cf. 4112.6/4212.6/4312.6 – Personnel Files)*

*(cf. 4112.62/4212.62/4312.62 – Maintenance of Criminal Offender Records)*

**4. Student Records**

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

*(cf. 5111.1 – District Residency)*

*(cf. 5141 – Health Care and Emergencies)*

**DISTRICT RECORDS**

*(cf. 5143 – Insurance)*

**5. Property Records**

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

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

**Class 2 - Optional Records**

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

**Class 3 - Disposable Records**

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

All Class 3 (Disposable) records shall be destroyed during the third school year after the school year in which the records originated. In addition, Class 3 (Disposable) records shall not be destroyed until after the third school year following the completion of any legally required audit or the retention

period required by any agency other than the State of California, whichever is later. A continuing record shall not be destroyed until the fourth year after it has been classified as Class 3 (Disposable) record. (5 CCR 16026, 16027)

*(cf. 5113.2 – Work Permits)*



**DISTRICT RECORDS**

**Electronically Stored Information**

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

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

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

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

*(cf. 4040 - Employee Use of Technology)*

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

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

**CONSULTANTS**

The Board of Trustees authorizes the use of consultants to provide expert professional advice or specialized technical or training services which are not needed on a continuing basis and which cannot be provided by district staff because of limitations of time, experience or knowledge. Individuals, firms or organizations employed as consultants may assist management with decisions and/or project development related to financial, economic, accounting, engineering, legal, administrative, instructional or other matters.

As part of the contract process, the Superintendent or designee shall determine, in accordance with Internal Revenue Service guidelines, that the consultant is properly classified as an independent contractor. District employees who perform extra-duty consultant services shall not be retained as independent contractors. They shall be considered employees for all purposes, even if the additional services are not related to their regular duties.

*(cf. 4117.12/4317.12 - Retirement Consultancy Contracts)*

All consultant contracts shall be brought to the Board for approval.

*(cf. 3312 - Contracts)*

The district shall not contract for consulting services that can be performed without charge by a public agency or official unless these services are unavailable from the public source for reasons beyond the district's control.

All qualified firms or resource persons shall be accorded equal opportunity for consultant contracts regardless of race, creed, color, gender, national or ethnic origin, age or disability.

*(cf. 3311 - Bids)*

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

*(cf. 4030 - Nondiscrimination in Employment)*

Independent contractors applying for a consultant contract shall submit a written conflict of interest statement disclosing financial interests as determined necessary by the Superintendent or designee, depending on the range of duties to be performed by the consultant. The Superintendent or designee shall consider this statement when deciding whether to recommend the consultant's employment.

*(cf. 9270 - Conflict of Interest)*

**CONSULTANTS**

When employees of a public university, county office of education or other public agency serve as consultant or resource persons for the district, they shall certify as part of the consultant agreement that they will not receive salary or remuneration other than vacation pay from any other public agency for the specific days when they work for this district.

*Legal Reference:*

EDUCATION CODE

*10400-10407 Cooperative improvement programs*

*17596 Limit on continuing contracts*

*35010 Control of districts; prescription and enforcement of rules*

*35172(a) Promotional activities*

*35204 Contract with attorney*

*44925 Part-time readers employed as independent contractors*

*45103 Classified service in districts not incorporating the merit system*

*45103.5 Contracts for food service consulting services*

*45134-45135 Employment of retired classified employee*

*45256 Merit system districts; classified service; positions established for professional experts on a temporary basis*

GOVERNMENT CODE

*53060 Contract for special services and advice*

*Management Resources:*

INTERNAL REVENUE SERVICE PUBLICATIONS

*15-A Employer's Supplemental Tax Guide*

Policy  
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reviewed: March 2, 2006

**WINTERS JOINT UNIFIED SCHOOL DISTRICT**  
Winters, California