



**DEL MAR UNION SCHOOL DISTRICT
ARTICLE 3
BUSINESS & NONINSTRUCTIONAL
OPERATIONS
(Series 3000)**

DEL MAR UNION SCHOOL DISTRICT
ARTICLE 3
BUSINESS & NONINSTRUCTIONAL OPERATIONS
(Series 3000)

NOTE: The CSBA comprehensive index/table of contents is widely used by districts throughout the state. It provides a standard index system designed to accommodate future policies/regulations and at the same time provides a table of contents for this manual. This manual contains only those Board policies (BP), administrative regulations (AR) and exhibits (E) specified in the right-hand column.

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**DEL MAR UNION SCHOOL DISTRICT
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BOARD POLICY 3000: CONCEPTS AND ROLES

The Governing Board 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.

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.

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 non-instructional operations.

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.

Legal Reference:

EDUCATION CODE

35035 Powers and duties of superintendent

35160 Authority of governing boards

35160.1 Broad authority of school district

35161 Powers and duties of governing boards

***DEL MAR UNION SCHOOL DISTRICT
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BOARD POLICY 3100: BUDGET

The Governing Board accepts responsibility for adopting a sound budget for each fiscal year, which is aligned with the district's vision, goals, and priorities. The district budget shall guide administrative decisions and actions throughout the year and shall serve as a tool for monitoring the fiscal health of the district.

The district budget shall show a complete plan and itemized statement of all proposed expenditures and all estimated revenues for the following fiscal year, together with a comparison of revenues and expenditures for the current fiscal year. The budget shall also include the appropriations limit and the total annual appropriations. (Education Code 42122)

The Superintendent or designee shall establish an annual budget development process and calendar in accordance with the single budget adoption process described in Education Code 42127.

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

The Board encourages public input in the budget development process and shall hold public hearings and meetings in accordance with law.

The Superintendent or designee may appoint a budget advisory committee composed of members of the community and staff. The committee shall provide recommendations to the Superintendent during the budget development process. Duties of the committee shall be clearly defined and communicated to all members.

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 Board also shall establish budget assumptions or parameters which may take into consideration the stability of funding sources, enrollment trends, legal requirements and constraints, anticipated increases and/or decreases in the cost of services and supplies, use of one-time resources, categorical program requirements, scheduled salary increases, and any other factors necessary to ensure that the budget is a realistic plan for district revenues and expenditures.

The Board shall establish and maintain a general fund reserve for economic uncertainty that meets or exceeds the requirements of 5 CCR 15443.

Prior to adopting the budget, the Board shall conduct a first-tier review, and if necessary a second-tier review, to ensure that the budget meets standards and criteria adopted by the State Board of Education. (Education Code 33127, 33128, 33129; 5 CCR 15440-15452)

The Superintendent or designee shall ensure that the district budget is clearly presented and effectively communicated to the Board, staff, and public. He/she may adapt or supplement the state-required budget format as necessary for these purposes.

Whenever revenues and expenditures change significantly throughout the year, the Superintendent or designee shall recommend budget amendments to ensure accurate projections of the district's net ending balance. When final figures for the prior-year budget are available, this information shall be used as soon as possible to update the current-year budget's beginning balance and projected revenues and expenditures. In addition, budget amendments shall be submitted for Board approval when the state budget is adopted, collective bargaining agreements are accepted, district income declines, increased revenues or unanticipated savings are made available to the district, program proposals are significantly different from those approved during budget adoption, and/or other significant changes occur that impact budget projections.

Legal Reference:

EDUCATION CODE

33127 Development of standards and criteria for local budgets and expenditures
33128 Standards and criteria
33129 Standards and criteria; use by local agencies
35035 Powers and duties of superintendent
35161 Powers and duties, generally, of governing boards
42103 Public hearing on proposed budget; requirements for content of proposed budget; publication of notice of hearing
42103.3 Public budget information; CDE sampling and suggested improvements
42120-42129 Budget requirements
42132 Resolutions identifying estimated appropriations limit
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

GOVERNMENT CODE

7900-7914 Expenditure limitations

CODE OF REGULATIONS, TITLE 5

15060 Standardized account code structure
15440-15452 Criteria and standards for school district budgets

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: Budget Planning and Adoption, 2005

Maximizing School Board Governance: Understanding District Budgets, 2005

CDE PUBLICATIONS

California School Accounting Manual

GOVERNMENTAL ACCOUNTING STANDARDS BOARD

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

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

WEB SITES

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

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

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

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

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

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

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

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

***DEL MAR UNION SCHOOL DISTRICT
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ADMINISTRATIVE REGULATION TO BOARD POLICY 3100: BUDGET

Budget Adoption and Submission Process

Before adopting the district budget for the subsequent fiscal year, the Governing Board 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)

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 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 so desire have had the opportunity to be heard. (Education Code 42103)

The district's budget shall be presented in the format prescribed by the Superintendent of Public Instruction. (Education Code 42126)

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)

No later than 45 days after the Governor signs the annual Budget Act, the Superintendent or designee shall make available for public review any revisions in budgeted revenues and expenditures which are consequently necessary. (Education Code 42127)

If the County Superintendent disapproves the district's budget, the Board shall review and respond to his/her recommendations at a public meeting on or before September 8. (Education Code 42127)

Before revising the budget, the Board shall hold a second public hearing in accordance with Education Code 42103. (Education Code 42127)

The revised budget and supporting data shall be maintained and made available for public review. (Education Code 42127)

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ADMINISTRATIVE REGULATION 3110: TRANSFER OF FUNDS

Transfers may be made from the designated fund balance or the unappropriated fund balance to any expenditure classification or between expenditure classifications by the Governing Board on adoption of a resolution by a majority vote.

The resolution must be approved by the County Superintendent of Schools and filed with the county auditor. (Education Code 42600)

End-of-the-Year Procedures

At the close of the school year, the Superintendent or designee may, with Board approval, identify and request the County Superintendent of Schools to make transfers between the designated fund balance or the unappropriated fund balance and any expenditure classification(s) or balance any budget expenditure classifications as necessary to permit the payment of obligations incurred by the district during that school year. (Education Code 42601)

Temporary Transfers Between Classifications

The Board may direct that monies held in any fund or account may be temporarily transferred from one or more of these accounts to another fund or account to be used for the payment of obligations of the district, with limitations as set by Education Code 42603. The transfer shall be accounted for as temporary borrowing and shall not be available for appropriation or be considered income to the borrowing fund or account. (Education Code 42603)

Special Reserve Funds

Upon resolution of the Board, a special reserve fund may be established for such purpose(s) as specified in the resolution. A copy of the resolution shall be filed with the County Superintendent of Schools, as well as the county auditor and treasurer. As necessary, the Board may amend the resolution to specify additional purposes or to withdraw any previously designated purpose. (Education Code 42841)

The Board may expend the money in the special reserve fund for capital outlay for the purpose specified in the resolution. In addition, unless encumbered for ongoing expenses, the Board may expend money in the fund for the general operating purposes of the district. Any money in a special reserve fund that is maintained for purposes other than capital outlay must be transferred into the district's general fund before it is expended. (Education Code 42842)

Deferred Maintenance Funds

Funds deposited in the district's deferred maintenance fund may be received from any source and shall only be expended for maintenance purposes as provided for in Education Code 17582. (Education Code 17582)

Upon resolution of the Board, excess local funds deposited in the deferred maintenance fund may be transferred to other expenditure classifications when state funds provided pursuant to Education Code 17584 and 17585 are insufficient to fully match the local funds. The resolution shall be approved by a two-thirds vote of the Board and filed with the County Superintendent of Schools and the county auditor. (Education Code 17583)

State School Building Funds

The Board shall transfer to the district state school building fund all funds, which are required to be expended for the project for which the apportionment was made. (Education Code 16095)

Legal Reference:

EDUCATION CODE

- 78 Definition governing board*
- 5200 Districts governed by boards of education*
- 16095 Transfer of district funds to district state school building fund*
- 17582 Deferred maintenance fund; establishment; purpose*
- 17583 Deferred maintenance fund; transfer*
- 17584 Budgeting certification deferred maintenance fund; apportionment*
- 17585 Applications for deferred maintenance funding*
- 41301 Section A state school fund allocation schedule*
- 42125 Designated and unappropriated fund balances*
- 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*

**DEL MAR UNION SCHOOL DISTRICT
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BOARD POLICY 3111: DEFERRED MAINTENANCE FUNDS

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

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)

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/>.

**DEL MAR UNION SCHOOL DISTRICT
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BOARD POLICY 3220.1: LOTTERY FUNDS

The Governing Board intends to use lottery funds for supplemental and nonrecurring expenditures which support educational programs and activities. In recognition of the fact that amounts received from the California State Lottery fluctuate from year to year, the Board shall not commit lottery funds for any purpose until they have been received.

The Board shall establish funding priorities and approve all allocations within the parameters of law. Lottery funds allocated for the purchase of instructional materials pursuant to Government Code 8880.4 (Proposition 20, March 2001 ballot initiative) shall be expended on instructional materials as defined in Education Code 60010.

"Instructional materials" means all materials that are designed for use by students and their teachers as a learning resource to help students to acquire facts, skills, or opinions or to develop cognitive processes. Instructional materials may be printed or non-printed, and may include textbooks, technology-based materials, other educational materials and tests. (Education Code 60010)

Lottery funds shall not be used to acquire real estate, build school facilities, finance research, or serve any other non-instructional purpose, such as those related to school maintenance, business and administrative operations.

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

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*

Management Resources:

CDE COMMUNICATIONS

2001.05.10 *Proposition 20 - Allocation of Lottery Funds for Instructional Materials*

WEB SITES

CDE: <http://www.cde.ca.gov>

***DEL MAR UNION SCHOOL DISTRICT
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BOARD POLICY 3260: FEES AND CHARGES

The Governing Board desires to furnish books, materials and instructional equipment as needed for the educational program. Because the needs of the district must be met with limited available funds, the Board may charge fees when specifically authorized by law.

The district shall consider the student and parent/guardian's ability to pay when establishing fee schedules and granting exceptions.

Legal Reference:

EDUCATION CODE

8263 Child care eligibility
8760-8773 Outdoor science and conservation programs
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
38080-38085 Cafeteria establishment and use
38119 Lease of personal property; caps and gowns
38120 Use of school band equipment on excursions to foreign countries
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
49066 Grades, effect of physical education class apparel
49091.14 Prospectus of school curriculum
51810-51815 Community service classes
52612 Tuition for adult classes
52613 Nonimmigrant aliens
60410 Students in classes for adults

GOVERNMENT CODE

6253 Request for copy; fee

VEHICLE CODE

21113 Public grounds (parking)

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

UNITED STATES CODE, TITLE 8

1184 Foreign Students

COURT DECISIONS

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

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

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

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

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

Management Resources:

CDE MANAGEMENT ADVISORIES

1030.97 Fiscal Management Advisory 97-02: Fees Deposits and Other Charges

WEB SITES

CDE: <http://www.cde.ca.gov>

***DEL MAR UNION SCHOOL DISTRICT
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***ADMINISTRATIVE REGULATION TO BOARD POLICY 3260:
FEES AND CHARGES***

FEES AND CHARGES

The district shall charge only those fees specifically authorized by law. (5 CCR 350)

The following fees and charges are permissible if approved by the Governing Board:

1. 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)
2. Student fingerprinting program (Education Code 32390)
3. School camp programs operated pursuant to Education Code 8760-8773 provided that the fee is not mandatory (Education Code 35335)
4. 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)
5. Fees for community service classes (Education Code 51815)
6. Costs of duplication for copies of public records (Government Code 6253)
7. Actual costs of duplication for reproduction of the prospectus of school curriculum (Education Code 49091.14)
8. Food sold at school subject to free and reduced price meal program eligibility and other restrictions specified in law (Education Code 38084)
9. Fines or reimbursements for lost or damaged district property or damage to library property (Education Code 19910-19911, 48904)
10. Child care and development services (Education Code 8263)

**DEL MAR UNION SCHOOL DISTRICT
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BOARD POLICY 3270:

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES

When district-owned books, equipment and supplies become unusable, obsolete, or no longer needed, the Superintendent or designee shall identify these items to the Governing Board, together with their estimated value and a recommendation that they be sold or disposed of by one of the methods prescribed in law and administrative regulations. With Board approval, the Superintendent or designee shall arrange for the sale or disposal of these items.

Instructional materials may be considered obsolete or unusable when they:

1. Contain information rendered inaccurate or incomplete by new discoveries or technologies
2. Have been replaced by more recent versions or editions of the same material and are of no foreseeable value in other instructional areas
3. Contain demeaning, stereotyping or patronizing references to either sex, members of racial, ethnic, religious, vocational or cultural groups, or persons with physical or mental disabilities
4. Have been inspected and discovered to be damaged beyond use or repair

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

Legal Reference:

EDUCATION CODE

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

17545-17555 Sale of personal property

42291.5 Temporary school bus designation

42303 School bus sale to another district

60500 Determination of obsolescence

60510-60511 Donation or sale

60520-60521 Disposition of sale proceeds

60530 Methods of destruction

GOVERNMENT CODE

25505 District property; disposition; proceeds

UNITED STATES CODE, TITLE 40

484 Surplus property

CODE OF FEDERAL REGULATIONS, TITLE 34

80.32 Equipment acquired under a grant or subgrant

**DEL MAR UNION SCHOOL DISTRICT
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ADMINISTRATIVE REGULATION TO BOARD POLICY 3270:

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES

The Governing Board may dispose of personal property belonging to the district by any of the following methods:

1. If the Board members attending a meeting unanimously agree that the property is worth no more than \$2,500, the Board may designate any district employee to sell the property without advertising. (Education Code 17546)
2. The Board may advertise for bids and either sell the property to the highest responsible bidder or reject all bids. (Education Code 17545)

Notice for bids shall be posted in at least three public places in the district for at least two weeks or published at least once a week for at least two weeks in a newspaper having a general circulation in the district and, if possible, published within the district. (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)

3. The Board may authorize the sale of the property 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 #2 above. (Education Code 17545)
4. Without advertising for bids, the Board may sell 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(j)(3)). In such cases, the sale price shall equal the cost of the property plus estimated cost of purchasing, storing and handling. (Education Code 17540)
5. Without advertising for bids, the Board may sell or lease the property to agencies of federal, state or local government or to any other school district. In such cases, the price and terms of the sale or lease shall be fixed by the Board and approved by the County Superintendent of Schools. (Education Code 17542)
6. 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 donated to any governing board, county free library or other state institution; any United States public agency or institution; any nonprofit charitable organization; or children or adults in California or foreign countries for the purpose of increasing literacy. They also may be sold to any organization that agrees to use the materials for educational purposes. (Education Code 60510)

Any organization, agency or institution receiving obsolete instructional materials from the district shall certify to the Board that it agrees to use the materials for educational purposes and make no charge to any persons to whom the materials are given or lent. (Education Code 60511)

At least 60 days before disposing of these instructional materials, the Board shall notify the public of its intention to do so through a public service announcement on a local television station, in a local newspaper, or by another means the Board 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.

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. By being mutilated so as not to be salable and sold for scrap at the highest obtainable price.
2. By being destroyed by any economical means at least 30 days after the Board has given notice to all persons who have requested such notice.

**DEL MAR UNION SCHOOL DISTRICT
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BOARD POLICY 3280:

SALE, LEASE, RENTAL OF DISTRICT-OWNED REAL PROPERTY

The Governing Board shall dispose of district property whenever it is apparent the district will have no further use for it. If property currently unused will be needed at some future time, the Board may lease it to a governmental or private agency or individual. (Education Code 17453, 17455-17484)

When required by law, the Board shall appoint a district advisory committee to advise the Board in the development of policies and procedures governing the use or disposition of schools or school building space which is not needed for school purposes. (Education Code 17388)

Before offering to sell or lease surplus real property to any other parties, the district may offer it to designated child care providers for child care and development purposes.

Any lease or sale made by the Board will conform in all particulars to the provisions of law.

Legal Reference:

EDUCATION CODE

8469.5 Use of school facilities or grounds for school age child care

17022 Approval of new facilities

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

17230 Surplus property

17385 Conveyances to and from school districts

17387-17391 Advisory committees for use of excess school facilities

17406 Right of district to lease property under lease providing for construction of building

17453 Lease of surplus district property

17455-17484 Sale or lease of real property

17515-17526 Joint occupancy

17527-17535 Joint use of district facilities

38134 Groups which may use school facilities without charge; charges for use by other groups

GOVERNMENT CODE

54222 Offer to sell or lease property

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**ADMINISTRATIVE REGULATION TO BOARD POLICY 3280:
SALE, LEASE, RENTAL OF DISTRICT-OWNED REAL PROPERTY**

The district advisory committee on use or disposition of surplus school buildings or space shall consist of seven to 11 members representative 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 of students
7. Persons with expertise in environmental impact, legal contracts, building codes, land use planning, local zoning, and other local land use restrictions

This 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 Governing Board its recommendations regarding uses of surplus space and real property

Sale, Lease or Rental for Child Care Purposes

Any surplus real property sold or leased to designated child care providers for child care and development purposes shall comply with legally specified outdoor activity space requirements for child care facilities. The provisions of Education Code 17458 shall apply to any such sale or lease.

The use of district facilities or grounds for extended day care services shall be granted only in accordance with the provisions of Education Code 38134. (Education Code 8469.5)

**DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

BOARD POLICY 3290: GIFTS, GRANTS AND BEQUESTS

The Governing Board may accept any bequest or gift of money or property on behalf of the district. While greatly appreciating suitable donations, the Board discourages any gifts, which may directly or indirectly impair its commitment to providing equal educational opportunities for all district students.

Before accepting a gift, the Board shall consider whether the gift:

1. Has a purpose consistent with the district's vision and philosophy
2. Begins a program, which the Board would be unable to continue when the donated funds are exhausted
2. Entails undesirable or excessive costs
3. Implies endorsement of any business or product

The Board shall carefully evaluate any conditions or restrictions imposed by the donor in light of district philosophy and operations. If the Board feels the district will be unable to fully satisfy the donor's conditions, the gift shall not be accepted.

Gift books and instructional materials shall be accepted only if they meet regular district criteria.

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

Legal Reference:

EDUCATION CODE

1834 Acquisition of materials and apparatus

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

***DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS***

ADMINISTRATIVE REGULATIONS 3290: GIFTS, GRANTS, AND BEQUESTS

The Governing Board welcomes donations to add additional programs, materials or equipment at school sites upon approval by the District. Donated funds for positions will be accepted until February 15 of the preceding year in which the expenditures are to be made. The District will designate these funds as general funds, which will be allocated to schools within the following parameters:

1. The District will allocate funding for positions in parity to all schools. Funding for materials and equipment for specific sites will be considered by the Board on a case-by-case basis
2. School sites may make decisions about supplementary programs as long as programs adhere to this Board Policy and are approved by the District's Leadership Team. Positions created through donated funds can be certificated or classified, full time or part time.
3. Full or part time positions created through donated funding must meet the District's funding threshold for full or part time employees.
4. The District will determine the funding threshold to pay for certificated or classified positions for the school year by November 1 of that year except for donations raised for the 2009-2010 school year. In 2009-2010, a determination of the funding threshold will be made by the District's business office on March 2, 2009.
5. The Board of Trustees prefers that funds donated for positions come through the Del Mar Schools Education Foundation (DMSEF) in order to provide consistency and allow the District to budget donated funds. However, the Board reserves the right to accept donations from any organization per this Board Policy.
6. Funds donated for the 2009-2010 school year must adhere to all of the requirements previously listed in these Administrative Regulations, with the following exceptions:
 - (a) Funds donated for program positions in the 2009-2010 school year only will be accepted for specific school site programs until 4 p.m. April 15, 2009 at the District's Business Office. At that time, the District will also accept a firm commitment for site restricted donations from the DMSEF, with the understanding that the DMSEF will process and deliver those funds to the District's Business Office within two weeks thereafter. If any donation to the DMSEF has a corporate match associated with it and the donor has

Approved by the Board of Trustees: March 11, 2009

Approved with revisions by the Board of Trustees: April 15, 2009

informed the DMSEF of the amount and company, the corporate match shall be accepted by the District on a site-specific basis until June 15, 2009. Any funds raised by the Torrey Hills PTA's May 3rd fundraiser will be exempt from this paragraph 6(a) and will be accepted as a site specific donation if it is received by the DMSEF by May 6, 2009 and forwarded to the District's Business Office by May 13, 2009.

- (b) From April 16 through June 15, 2009, the District will not accept funds restricted to specific school site programs but will accept funds donated for positions in parity at all school sites for the 2009-2010 school year.
- (c) The District will accept site specific donations for positions up to an amount that equals that school's allocation for coverage of preparatory time as designated by the District and rounded up to the nearest .5 Full Time Equivalent (FTE.) For example, if a school site is allocated 1.7 FTE to cover teacher preparatory time, then donations may purchase another 1.8 FTE for a total of 3.5 FTE (rounded up from 3.4 FTE) for the 2009-2010 school year.
- (d) If the District receives site specific donations in an amount that exceeds the maximum amount authorized in paragraph 6(c), the excess funds will be deemed accepted as funds donated for positions in parity at all school sites.

**DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

ADMINISTRATIVE REGULATIONS 3290: GIFTS, GRANTS, AND BEQUESTS

The Governing Board welcomes donations to add additional programs, materials or equipment at school sites upon approval by the District. Donated funds for positions will be accepted until February 15 of the preceding year in which the expenditures are to be made. The District will designate these funds as general funds, which will be allocated to schools within the following parameters:

1. The District will allocate funding for positions in parity to all schools. Funding for materials and equipment for specific sites will be considered by the Board on a case-by-case basis.
2. School sites may make decisions about supplementary programs as long as programs adhere to this Board Policy and are approved by the District's Leadership Team. Positions created through donated funds can be certificated or classified, full time or part time.
3. Full or part time positions created through donated funding must meet the District's funding threshold for full or part time employees.
4. The District will determine the funding threshold to pay for certificated or classified positions for the school year by November 1 of that year except for donations raised for the 2009-2010 school year. In 2009-2010, a determination of the funding threshold will be made by the District's business office on March 2, 2009.
5. The Board of Trustees prefers that funds donated for positions come through the Del Mar Schools Education Foundation (DMSEF) in order to provide consistency and allow the District to budget donated funds. However, the Board reserves the right to accept donations from any organization or individual per this Board Policy.
6. Funds donated for the 2009-2010 school year must adhere to all of the requirements previously listed in these Administrative Regulations, with the following exceptions:

(a) Funds donated for program positions in the 2009-2010 school year only will be accepted for specific school site programs until 4 p.m. April 15, 2009 at the District's Business Office. At that time, the District will also accept a firm commitment for site restricted donations from the DMSEF, with the understanding that the DMSEF will process and deliver those funds to the District's Business Office within two weeks thereafter. If any donation to the DMSEF has a corporate match associated with it and the donor has informed the DMSEF of the amount and company, the corporate match shall be accepted by the District on a site-specific basis until June 15, 2009. Any funds

raised by the Torrey Hills PTA's May 3rd fundraiser will be exempt from this paragraph 6(a) and will be accepted as a site specific donation if it is received by the DMSEF by May 6, 2009 and forwarded to the District's Business Office by May 13, 2009.

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(d) If the District receives site specific donations in an amount that exceeds the maximum amount authorized in paragraph 6(c), the excess funds will be deemed accepted as funds donated for positions in parity at all school sites.

**DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

BOARD POLICY 3300: 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.

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 Governing Board.

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

DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NONINSTRUCTIONAL OPERATIONS

BOARD POLICY 3310: 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.

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

Legal Reference:

EDUCATION CODE

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

17605 Delegation of authority to purchase supplies and equipment

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

DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NONINSTRUCTIONAL OPERATIONS

ADMINISTRATIVE REGULATION 3310: 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)

- All departments shall use recycled products whenever practicable. Special emphasis shall be placed on the purchase of products manufactured with post-consumer recycled materials.
- All departments may, at their option and with purchasing concurrence, require procurement of designated recycled products or recycled products above the levels required by this policy.
- The district shall require its contractors and consultants to use and specify recycled products in fulfilling contractual obligations whenever practicable.
- The district shall promote the use of recycled products publicizing its procurement policy whenever practicable.

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)

***DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS***

BOARD POLICY 3311: BIDS

The district shall purchase equipment, supplies and services using competitive bidding when required by law and in accordance with statutory requirements for bidding and bidding procedures. In those circumstances where the law does not require competitive bidding, the Governing Board may request that a contract be competitively bid if the Board determines that it is in the best interest of the district to do so.

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

To ensure that good value is received for funds expended, specifications shall be carefully designed and shall describe in detail the quality, delivery and service required.

To assist the district in determining whether bidders are responsible, the Board may require prequalification procedures as allowed by law and specified in administrative regulation.

Legal Reference:

EDUCATION CODE

17595 Purchases through Department of General Services
38083 Purchase of perishable foodstuffs and seasonable commodities
38110 Purchase of supplies through county superintendent
38111 Purchases by district governing board
38112 Purchases of necessary supplies
39802 Transportation bids and contracts for services

GOVERNMENT CODE

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

2001-2001 Responsive bidders
3400 Bids, specifications by brand or trade name not permitted
3410 United States produce and processed foods
6610 Bid visits
12161 Definitions, recycled paper products
12168 Preference for purchase of recycled paper products
12169 Bidders to specify percentage of recycled paper product
12200 Definitions, recycled goods, materials and supplies
12210 Purchase of recycled products preferred
12213 Specification by bidder of recycled content
20103.8 Award of contracts
20107 Bidder's security
20111-20118.4 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

COURT DECISIONS
Konica Business Machines v. Regents of the University of California, (1988) 206 Cal.App.3d 449
City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court, (1972) 7 Cal.3d 861

Management Resources:

WEB SITES

CSBA: www.csba.org
California Association of School Business Officials: www.casbo.org

**DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

ADMINISTRATIVE REGULATION TO BOARD POLICY 3311: BIDS

Advertised Bids

The district shall seek competitive bids through advertisement for contracts involving an expenditure of \$15,000 or more for a public project. (Public Contract Code 20111)

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

The amount by which contracts shall be competitively bid shall escalate automatically based upon the annual adjustment by the Superintendent of Public Instruction.

Competitive bids shall be sought through advertisement for contracts exceeding the non-public works bid limit for the calendar year for 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 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)

Unless otherwise authorized by law, contracts shall be let to the lowest responsible bidder who shall give such security as the Governing Board 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 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 to 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 20111-20118.4 for contracting after competitive bidding. (Public Contract Code 20116)

Instructions and Procedures for Advertised Bids

The Superintendent or designee shall call for bids by advertising in a local newspaper or general circulation published in the district, or if no such paper exists then in some newspaper of general circulation, circulated in the county at least once a week for two weeks. The notice shall state the work to be done or materials or supplies to be furnished and the time and place where bids will be opened. (Public Contract Code 20112)

The notice shall contain the time, date and location of any mandatory pre-bid 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, including bidders for printing contracts, shall specify the minimum, if not exact, percentage of recycled product in the paper products offered, and both the post-consumer and secondary waste content. (Public Contract Code 12169, 12213)
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, in no event any later than 60 days after the bid is awarded. (Public Contract Code 20111)

3. 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)
4. 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)
5. 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, depending on the availability of funds, 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 taken in order from a specifically identified list of those items, depending on available funds as identified in the solicitation.
 - d. The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders from being revealed to the public entity before the ranking of all bidders from lowest to highest has been determined.
6. Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4.
7. 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.

Bids Not Required

Upon a determination that it is in the best interest of the district, the Board may authorize the purchase, lease or contract for data-processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors and other personal property through a

public corporation or agency ("piggyback") without advertising for bids. (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 may be purchased through bid or on the open market, depending on district preference. (Education Code 38083)

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, by unanimous vote and with the approval of the County Superintendent of Schools, may contract for labor and materials or supplies without advertising for or inviting bids. (Public Contract Code 20113)

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

Whenever the total number of hours on the job does not exceed 350 hours, day labor may be used to erect new buildings and for the following purposes: (Public Contract Code 20114)

1. School building repairs, alterations, additions
2. Painting, repainting 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

Specifications for contracts for construction, alteration or repair of school facilities may not limit bidding to any one product or supplier. Specifications designating a particular brand name shall list at least two brands of comparable quality or utility and follow the description with the words "or equal." (Public Contract Code 3400)

Specifications for contracts may designate a product by brand or trade name (sole sourcing) when one or more of the following conditions apply: (Public Contract Code 3400)

1. The product is designated to match others in use on a particular public improvement that has been completed or is in the course of completion.
2. One product has a unique application required to be used in the public interest.
3. Only one brand or trade name is known.
4. Upon resolution of the Board, the Board makes a finding that the item sought is the subject of a field test to determine its suitability for future use.

Prequalification Procedure

For any contract for which bids are legally required, the Board may require that each prospective bidder 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. Prospective bidders shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids. 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)

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 Superintendent or designee shall furnish each qualified bidder with a standardized proposal form. Bids not presented on the standard form shall be disregarded. (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 valid for up to one calendar year following the date of the initial prequalification. (Public Contract Code 20111.5)

Protests by Bidders

A bidder may protest a bid award if he/she believes that the award was inconsistent with Board policy or the bid's specifications or was not in compliance with law.

A protest must 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 timely file a protest shall constitute a waiver of his/her right to protest the award of the contract.

The Superintendent or designee shall review the documents submitted with the bidder's claims and render a decision in writing within 30 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.

***DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS***

BOARD POLICY 3312: CONTRACTS

Whenever state law invests the Governing Board with the power to enter into contracts on behalf of the district, the Board may, by a majority vote, delegate this power to the Superintendent or designee. To be valid or to constitute an enforceable obligation against the district, all contracts must be approved and/or ratified by the Board. (Education Code 17604)

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

When required by law, contracts and subcontracts made by the district for public works or for goods or services shall contain a nondiscrimination clause prohibiting discrimination by contractors or subcontractors. The nondiscrimination clause shall contain a provision requiring contractors and subcontractors to give written notice of their obligations to labor organizations with which they have a collective bargaining or other agreement. (Government Code 12990)

The district shall not enter into a contract that prohibits a school employee from disparaging the goods or services of the contracting party. (Education Code 35182.5)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

14505 Provisions required in contracts for audits

17595-17606 Contracts

35182.5 Contract prohibitions

45103.5 Contracts for management consulting service related to food service

CODE OF CIVIL PROCEDURE

685.010 Rate of interest

GOVERNMENT CODE

12990 Nondiscrimination and compliance employment programs

53260 Contract provision re maximum cash settlement

53262 Ratification of contracts with administrative officers

LABOR CODE

1775 Penalties for violations

1810-1813 Working hours

PUBLIC CONTRACT CODE

4100-4114 Subletting and subcontracting fair practices

7104 Contracts for excavations; discovery of hazardous waste

7106 Noncollusion affidavit

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

20104.50 Construction Progress Payments

22300 Performance retentions

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

Management Resources:

CSBA PUBLICATIONS

Healthy Food Policy Resource Guide, 2003

WEB SITES

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

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

**DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

BOARD POLICY 3314: PAYMENT FOR GOODS AND SERVICES

The Governing Board 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.

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, or reflect a total price within 10% of the original purchase order price.

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

***DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS***

***ADMINISTRATIVE REGULATION TO BOARD POLICY 3314:
PAYMENT FOR GOODS AND SERVICES***

Payments Related to Construction

The Superintendent or designee shall ensure that requests for progress payments related to construction contracts are processed and paid within 30 days. Any improper request shall be returned to the contractor within seven days, together with a written statement of why the request is not proper. (Public Contract Code 20104.50)

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

Authorized Signatures

The Superintendent or designee may file his/her manual signature with the Secretary of State and may subsequently have a facsimile signature used when executing any instrument of payment. The facsimile signature also may be used to execute any public security, provided that at least one signature required or permitted to be placed on it shall be manually subscribed. (Government Code 5501)

**DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

BOARD POLICY 3314.2: REVOLVING FUNDS

District Revolving Fund

The Governing Board has established by resolution a revolving cash fund for use by the Superintendent or designee in paying for goods, services and other charges determined by the Board, including supplemental payments required to correct any payroll errors. (Education Code 42800-42806, 45167)

At the request of the Board, County Auditor or County Superintendent of Schools, the Superintendent or designee shall give an account of the fund. (Education Code 42804)

The funds shall be deposited in a bank doing business locally, whose deposits are insured by FDIC. The Superintendent or designee shall be responsible for all payments into the account as well as expenditures from the account subject to the restrictions established by the Board.

The Board shall review and revise fund usage as appropriate.

Additional Revolving Funds

No funds maintained in a revolving fund shall be used in an attempt to influence government decisions, for entertainment purposes, or for any other purpose not related to classroom instruction. (Education Code 42810)

The Board shall name the administrators who will have use and control of the funds. Officials so named shall be responsible for all payments into the accounts as well as expenditures from the accounts, subject to restrictions established by the Board.

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

The Board shall provide an audit of revolving funds on a regular basis. (Education Code 42810)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

41020 Audits of all district funds

42238 Local taxation by school districts

42800-42806 Revolving cash fund

42810 Revolving cash funds; use; administrators

45167 Error in salary

***DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS***

BOARD POLICY 3315: RELATIONS WITH VENDORS

No district employee or Governing Board 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. For purposes of this policy, "gift" means 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.

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

This policy is in addition to the requirements of BP 9270 relating to Conflicts of Interests. Gifts that are not prohibited under this policy may nevertheless be "gifts" under the District's conflict of interest code and may be prohibited and/or may need to be disclosed as such."

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

***DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS***

BOARD POLICY 3320: CLAIMS AND ACTIONS AGAINST THE DISTRICT

Any and all claims for money or damages against the district shall be presented to and acted upon in accordance with Board policy and administrative regulation.

Compliance with this policy and accompanying administrative regulation is a prerequisite to any court action, unless the claim is governed by statutes or regulations, which expressly free the claimant from the obligation to comply with district policies and procedures and the claims procedures set forth in the Government Code.

Roster of Public Agencies

The Superintendent or designee shall file the information required for the Roster of Public Agencies with the Secretary of State and the County Clerk. Any changes to such information shall be filed within 10 days after the change in facts. (Government Code 53051)

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

Legal Reference:

EDUCATION CODE

35200 Liability for debts and contracts

35202 Claims against districts; applicability of Government Code

GOVERNMENT CODE

800 Cost in civil actions

810-996.6 Claims and actions against public entities

53051 Information filed with secretary of state and county clerk

PENAL CODE

72 Fraudulent claims

COURT DECISIONS

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

***DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS***

**ADMINISTRATIVE REGULATION TO BOARD POLICY 3320:
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 Governing Board not later than six months after the accrual of the cause of action. (Government Code 905, 911.2)
2. Claims for money or damages specifically excepted from Government Code 905 shall be filed not later than six months after the accrual of the cause of action. (Government Code 905, 911.2, 935)
3. 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)

Late Claims

Any person presenting a claim under item #1 or #2 above later than six months after the accrual of the cause of action shall present, along with the claim, an application to file a late claim. Such claim and application to file a late claim shall be filed not later than one year after the accrual of the cause of action. (Government Code 911.4)

If a claim under item #1 or #2 is filed late and is not accompanied by an application to file a late claim, the Board or Superintendent shall, within 45 days, give written notice that the claim was not filed timely and that it is being returned without further action.

The Board or Superintendent shall grant or deny the application to file 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 or Superintendent provided that such agreement is made before the expiration of the 45-day period. (Government Code 911.6)

The Board or Superintendent shall grant the application to file a late claim under any one of the following circumstances: (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 911.3. (Government Code 911.3)

If the Board or Superintendent does not take action on the application to file a late claim within 45 days, the application shall be deemed to have been denied on the 45th day unless such 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)

Delivery and Form of Claim

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

Claims shall be submitted on the district claim form. The Board or Superintendent may return a claim not using the district's claim form and the claim may be resubmitted using the district's form. (Government Code 910.4)

Notice of Claim Insufficiency

The Superintendent shall review all claims for sufficiency of information.

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

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

Amendments to Claim

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

Action on Claim

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.
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.

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 Superintendent or designee shall transmit to 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)

EXHIBIT 1

**CLAIM FORM AGAINST DEL MAR UNION SCHOOL DISTRICT
Government Code Sections 910 and 910.2**

Name of Claimant: _____

Address: _____

Phone Number:(day)_____ (evening)_____

Date the injury/damage occurred: _____

Place the injury/damage occurred: _____

Describe how and under what circumstances the injury/damage occurred:

What particular action by the district and/or its employees caused the alleged damage or injury: (List employee name(s), if known):

State the amount of the claim if it is less than \$10,000: \$ _____

Include the estimated amount of any prospective injury, damage or loss insofar as it may be known at the time this claim is presented and list the basis for the computation of the amount claimed: _____

If the dollar amount is more than \$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, addresses and phone numbers of any 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 a person who files such a claim may be guilty of a felony punishable by imprisonment and by a fine not exceeding \$10,000.

Signature: _____ Date: _____

EXHIBIT 2

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 or designee on [date] is being returned because it was not presented on the district's 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 [phone number].

EXHIBIT 3

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 [date] fails to comply substantially with the requirements of Government Code Sections 910 and 910.2 or with the requirements of the district's 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 Governing Board will not take any action on the claim for a period of fifteen (15) days from the date of this notice.

Dated: _____

Signature

Typed Title of Officer

EXHIBIT 4

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 [date] 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 [district name] 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.

EXHIBIT 5

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 [date] has been denied. The Governing Board 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 945.6. 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.

EXHIBIT 6

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 [district name] on [date] was [rejected, allowed, 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

**DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

BOARD POLICY 3350: TRAVEL EXPENSES

The district shall provide for the payment of the actual and necessary expenses, including travel expenses, of any employee of the district incurred in the course of performing required services for the district, whether within or outside the district. Mileage reimbursement for utilization of employee's own vehicle for traveling on district business shall be at the rate per mile authorized by the Internal Revenue Service as non-taxable reimbursement (in 2005 it is 48 ½ cents per mile). No employee shall receive mileage reimbursement for home to school or school to home travel. Employees shall submit a Mileage Expense Claim (EXHIBIT 1) with each trip detail included.

The Superintendent may authorize an advance of funds for the payment of an employee's actual and necessary expenses as long as the employee files a proper and timely written claim.

The Superintendent may authorize the payment of an employee's actual and necessary expenses as long as the employee files a proper and timely written claim and there are sufficient funds budgeted for such purposes. Prior approval by the Governing Board is required, however, when the cost of any individual travel is in excess of \$1,000.00.

IN STATE TRAVEL

In computing the allowance for travel, the following maximum reimbursement may be allowed:

Meals

For travel that is less than 24 hours in duration, a meal allowance may be claimed as follows:

- \$9 Breakfast – if travel begins before 7 a.m.
- \$20 Dinner – if travel extends past 6 p.m.

Expenses must be incurred more than 25 miles from the employee's normal work location. Employees who travel for less than 24 hours may not claim any lunch allowance except as allowed in the section describing Business Related Meals.

Up to \$41 for meals may be reimbursed for each complete 24-hour period. For travel that occurs in the last fractional part of a period of travel of more than 24 hours, meal costs may be claimed, if itemized as follows:

- \$9 Breakfast – if travel begins before 7 a.m. and extends past 9 a.m.
- \$12 Lunch – if travel extends past 2 p.m.
- \$20 Dinner – if travel extends past 6 p.m.
- \$41 Total – per 24-hour period

If meals are included in registration fees, subsistence expenses should not be claimed for those meals (e.g., if one lunch is included, reduce the daily subsistence amount by \$12). A copy of the conference agenda and registration form should be submitted with the travel expense claim showing conference provided meals.

To receive a full subsistence allowance reimbursement, an employee must be on travel status for a full 24-hour period. Figure a 24-hour period from the time of departure on day #1 to the same time on day #2, and to the same time on each succeeding day. (Note: Time of departure on travel claims may be expressed as one hour earlier than airplane departure time.)

Lodging

If travel extends overnight, actual lodging costs (supported by a receipt) will also be reimbursed. Whenever feasible, employees should obtain lodging at establishments offering discounted rates for State and Local Government employees when such rates are favorable for the area.

When traveling on District business, employees may be entitled to a government room rate, if available. Be sure to request this reduced rate when making reservations.

When the lodging receipt indicates there were two people in the room, a notation should be made on the Travel Expense Claim (EXHIBIT 2) indicating;

1. the room was shared with another District employee and the name of the employee (In this case the full rate will be allowed)
2. the room rate has been reduced to the single rate (because the person who shared the room was not a District employee; or
3. the single rate and double rate are the same price regardless of how many people were in the room. The employee shall check with the hotel and see if they offer two different rates.

Incidentals

An additional \$5 for incidentals may be claimed for each 24-hour period. It is recommended, but not mandatory, that the incidental expenses be itemized in accordance with IRS rulings. The term “incidentals” includes, but is not limited to, laundry expenses and tips for services such as waiters and baggage handlers. Employees who travel for less than 24 hours may not claim incidentals.

To report subsistence on the Travel Expense Claim, record each item in the appropriate column and attach original lodging, meals and incidentals receipts to the form.

OUT-OF-STATE TRAVEL

The maximum reimbursement for meals for each complete 24-hour period is limited to \$41 for out-of-state travel. Reimbursement of meals for partial days are computed as explained in the section describing In-State Travel. Actual amounts should be reported, with all items of expense and substantiated by an original itemized receipt.

Up to \$5 may be claimed for incidentals for every 24-hour period spent on travel status.

Employees will be authorized actual lodging expense if supported by a hotel receipts. When the lodging receipt indicates there were two people in the room a notation should be made on the Travel Expense Claim indicating;

1. the room was shared with another District employee and the name of the employee (In this case the full rate will be allowed)
2. the room rate has been reduced to the single rate (because the person who shared the room was not a District employee; or
3. the single rate and double rate are the same price regardless of how many people were in the room. The employee shall check with the hotel and see if they offer two different rates.

BUSINESS-RELATED MEALS

When it is necessary for employees to conduct official District business during a meal, they may be reimbursed for actual meal expenses substantiated by an original itemized receipt up to the maximums for breakfast, lunch and dinner.

In order to claim reimbursement for a business-related meal, the circumstances surrounding the meal must be beyond the control of the employee and it must be impractical to complete the business during normal working hours. Employees may not claim reimbursement for a business-related meal if they are also claiming subsistence reimbursement.

Claims for meal expense where business is incidental to the meal or when attendance is primarily for public or community relations are specifically prohibited.

The intent of this section is to allow reimbursement of employees for meal expenses in the limited number of instances where they are required to incur such expenses in connection with the conduct of official District business.

Legal Reference:

EDUCATION CODE

44016 Travel expense

44032 Travel expense payment

44033 Automobile allowance

44802 Student teacher's travel expense

Exhibit 1

Exhibit 2

DEL MAR UNION SCHOOL DISTRICT

TRAVEL EXPENSE CLAIM

Claimant: _____ Site Location: _____

The following expenses were incurred when attending the following meeting:

Name of Meeting or Conference: _____

Location of Meeting: _____

From Date and Time: _____ To Date and Time: _____

Date							
Day of Week							
Registration							
Lodging							
Transportation							
Other Itemize							
Cab or Shuttle							
Telephone							
Misc. (specify)							
Breakfast							
Lunch							
Dinner							
Daily Totals							
Total travel Expense							
Travel funds advanced							
Net amount of claim							

Notes: _____

Claimant's Signature: _____ Date: _____

Supervisor's Signature: _____ Date: _____

***DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS***

BOARD POLICY 3350.1:

REIMBURSEMENT OF EXPENSES FOR EMPLOYEE CANDIDATE

The Superintendent may authorize the reimbursement of travel expenses to an employment candidate as long as a proper written claim is filed and there are sufficient funds budgeted for such purposes.

Legal Reference:

EDUCATION CODE

35161 Powers and duties; authority to delegate

44016 Travel Expense

**DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

BOARD POLICY 3400: 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's accounting system provides ongoing internal controls and meets generally accepted accounting standards.

Capital Assets

The Governing Board 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 of more than one year and an 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.

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.

Legal Reference:

EDUCATION CODE

14500-14508 Financial and compliance audits

35035 Powers and duties of superintendent

35250 Duty to keep certain records and reports

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>

***DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS***

**ADMINISTRATIVE REGULATION TO BOARD POLICY 3400:
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.

Fraud Prevention and Investigation

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

1. Forgery or unauthorized alteration of any document or account belonging to the district
2. Forgery or unauthorized alteration 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
7. Disclosing investment activities engaged in or contemplated by the district
8. Seeking personal gifts or anything of material value from contractors, vendors or persons providing services or materials to the district.
9. Accepting personal gifts or anything of material value from contractors, vendors or persons providing services or materials to the district in excess of the limits permitted by law.
10. Accepting personal gifts, or anything of material value from contractors, vendors, or persons providing services or materials to the district, and failing to comply with relevant reporting, disclosure or disqualification requirements of the

District's Conflict of Interest Code and the Political Reform Act with respect to such gifts.

11. Destroying, removing or inappropriately using of records, furniture, fixtures or equipment
12. Failing to provide financial records to authorized state or local entities
13. Any other dishonest or fraudulent act

The Superintendent or designee shall investigate reports of fraudulent activity in a manner that protects the confidentiality of the parties and the facts to the extent permitted by law. 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 Governing Board. 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.

EXHIBIT 1

MANAGEMENT OF DISTRICT ASSETS/ACCOUNTS

CAPITAL THRESHOLD ADOPTION FOR RECORDING FINANCIAL STATEMENT CAPITAL ASSETS

WHEREAS, generally accepted accounting principles for governmental agencies call for governmental agencies to establish a capitalization threshold that should encompass all material assets of the entity for the reporting of assets on the financial statements; and,

WHEREAS, the provisions in the State Administrative Manual, Section 8603, provide for items costing less than \$5,000 to be expensed as supplies and those items costing \$5,000 or more to be charged to capital outlay; and,

WHEREAS, the provisions in Education Code section 35168, provide for items costing more than \$500 to be: identified, placed in inventory and recorded at the original cost, the date of acquisition, a description, and the location of the item; and,

WHEREAS, the regulations in the Federal Office of Management and Budget A-87 19(a)(2) state that equipment means an article of non expendable, tangible personal property, having a useful life of more than one year and an acquisition cost which equals the lesser of: (a) the capitalization level established by the governmental unit for financial statement purposes, or (b) \$5,000;

NOW, THEREFORE, BE IT RESOLVED that the Del Mar Union School District Governing Board does hereby adopt a Capital Threshold Policy that will provide for the valuation of capital assets for balance sheet purposes at a minimum value of \$5,000 per item in accordance with the State Administrative Manual used by state agencies and the Federal Office of Management and Budget Circular A-87. Inventory supply items costing less than \$5,000 but more than \$500 as per Education Code section 35168, will continue to be placed in inventory for property control purposes.

PASSED AND ADOPTED by the Governing Board on May 22, 2002, by the following vote:

AYES: 5
NOES: 0
ABSENT: 0

STATE OF CALIFORNIA)
)ss
COUNTY OF SAN DIEGO)

I, Thomas F. Bishop, Secretary of the Board, do hereby certify that the foregoing is a full, true, and correct copy of a resolution passed and adopted by the Board at a regularly called and conducted meeting held on said date.

WITNESSED my hand this 23rd day of May, 2002.

*Thomas F. Bishop, Secretary of the Board
Del Mar Union School District*

***DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS***

BOARD POLICY 3430: INVESTING

The Governing Board and the Superintendent of the district support prudent investment of all revenues received by the district. The Superintendent or designee may invest, as permitted by law, all or part of any surplus moneys not required for immediate district operations. Such investments shall be limited to securities specified in Government Code 16430, 53601 & 53635.

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 committee established for the purpose of overseeing county investments. 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 districts investments policy or, if all district surplus funds are invested with the County Treasurer, the county's investment policy.

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 money
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>

***DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS***

ADMINISTRATIVE REGULATION 3440: INVENTORIES

In order to provide for the proper control and conservation 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 federal funds that have a useful life of more than one year with an acquisition cost per unit of \$5,000 or more (34 CFR 80.3)

The Superintendent or designee shall maintain an inventory of all property. The following information must be recorded: (Education Code 35168)

1. Name and description of the property
2. Name of titleholder
3. Serial number or other identification number
4. Cost of the property (a reasonable estimate may be used if original cost is unknown)
5. Acquisition date
6. Location of use
7. Any ultimate disposition data including the date and method of disposal and sale price

The following information must also be recorded for items acquired with federal funds: (34 CFR 80.32)

1. Source of the property (funding source)
2. Use and condition of property
3. Percentage of federal participation in the cost of the property

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

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*

16023 *Class 1 - Permanent records*

16035 *Historical inventory of equipment*

UNITED STATES CODE, TITLE 20

2301-2471 *Carl D. Perkins Vocational Education Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

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

Management Resources:

OFFICE OF MANAGEMENT AND BUDGET

Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments, May 17, 1995

***DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS***

BOARD POLICY 3460: FINANCIAL REPORTS AND ACCOUNTABILITY

The Governing Board is committed to ensuring the fiscal health of the district and providing public accountability. The Board shall adopt sound fiscal policies, oversee the district's financial condition, and ensure that the financial systems support the district's goals for student achievement.

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

The Superintendent 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.

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.

Fiscal Policy Team

The Board may establish a fiscal policy team to periodically review the district's fiscal policies and procedures and advise the Board regarding long-range fiscal management plans. The fiscal policy team may be assigned to examine the fiscal and economic information needs of the district, the impact of budget allocations on district priorities, the financial health of the district, or other duties specified by the Board. The team shall work with the district's budget and audit committees and appropriate staff in carrying out its functions.

Legal Reference:

EDUCATION CODE

14500-14508 Financial and compliance audits
17150 Public disclosure of non-voter-approved debt
33127 Standards and criteria for local budgets and expenditures
33128 Standards and criteria; inclusions
33129 Standards and criteria; use by local agencies
35035 Powers and duties of superintendent
41010-41023 Accounting system
41326 Emergency apportionment
41344 Repayment of apportionment significant audit exceptions
41344.1 Appeals of audit findings
41455 Examination of financial problems of local districts
42100-42105 Requirement to prepare and file annual statement
42127.6 School district operations monitoring; financial obligation nonpayment
42130-42134 Financial reports and certifications
42140-42142 Public disclosure of fiscal obligations

GOVERNMENT CODE

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

CODE OF REGULATIONS, TITLE 5

15070 Submission of reports using standardized account code structure
15453-15463 Criteria and standards for school district interim reports

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: Fiscal Accountability, 2005

CDE COMMUNICATIONS

1208.00 Audit Resolution Process: Repayment Plans

GOVERNMENTAL ACCOUNTING STANDARDS BOARD

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

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

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

Financial Audit Manual, revised 2003

STATE CONTROLLER PUBLICATIONS

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

WEB SITES

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

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

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

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

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

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

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

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

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

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

**DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

**ADMINISTRATIVE REGULATION TO BOARD POLICY 3460:
FINANCIAL REPORTS AND ACCOUNTABILITY**

Interim Reports

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

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

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

If the second interim report of the fiscal year is accompanied by a qualified or negative certification as determined by the Board or subsequently by the County Superintendent, the Superintendent or designee shall, no later than June 1, provide to the County Superintendent, the Controller, and the Superintendent of Public Instruction a financial statement that reports data for the period ending April 30 and projects the district's fund and cash balances as of June 30. (Education Code 42131)

Whenever the district has a qualified or negative certification, it shall allow the county office of education at least 10 working days to review and comment on any proposed agreement with exclusive representatives of employees. The district shall provide the County Superintendent with all information relevant to provide an understanding of the

financial impact of any final collective bargaining agreement. (Government Code 3540.2)

Annual Statement of Receipts and Expenditures

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

Appropriations Limit Report

The Board shall adopt a resolution by September 30 of each year to identify the estimated appropriations limit for the district for the current fiscal year and the actual appropriations limit of the district during the preceding year. Documentation used to identify these limits shall be made available to the public on the day of the Board meeting. (Education Code 42132)

Audit Report

By April 1 of each year, the Board shall either provide for an audit of the district's books and accounts or make arrangements with the County Superintendent to provide for that audit. (Education Code 41020)

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

To conduct the audit, the Board 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 audit partner or coordinating audit partner having primary responsibility for the audit, or the audit partner responsible for reviewing the audit, has performed audit services for the district in each of the six previous fiscal years. Every seven years, the Board will determine the audit cycle for the preceding years. (Education Code 41020)

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

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

The district's audited financial reports shall include:

1. Management's discussion and analysis, which shall introduce the basic financial statements and provide an analytical overview of the district's financial activities, including:
 - a. An objective and easily readable analysis of the district's financial activities based on currently known facts, decisions, and conditions
 - b. Comparisons of the current year to the prior year
 - c. An analysis of the district's overall financial position, enabling a determination as to whether that position has improved or deteriorated as a result of the year's activities
 - d. An analysis of significant changes that occur in funds and significant budget variances
 - e. A description of capital asset and long-term debt activity during the year
 - f. A description of currently known facts, decisions, and conditions that are expected to have a significant effect on the district's financial position
2. Basic financial statements, including:
 - a. Districtwide financial statements, consisting of a statement of net assets and a statement of activities which report all of the assets, liabilities, revenues, expenses, and gains and losses of the district
 - b. Fund financial statements, consisting of a series of statements that focus on information about the district's major governmental and enterprise funds, including its blended component units
 - c. Notes to the financial statements that are essential to a user's understanding of the basic financial statements
3. Supplementary information required by the Governmental Standards Accounting Board, including but not limited to budgetary comparison schedules

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

By January 31 of each year, the Board shall review, at an open meeting, the annual district audit for the prior year, any audit exceptions identified in that audit, the

recommendations or findings of any management letter issued by the auditor, and any description of correction or plans to correct any exceptions or any issue raised in a management letter. (Education Code 41020.3)

Non-Voter-Approved Debt Report

Whenever the Board approves the issuance of certificates of participation bonds, revenue bonds, or any agreement for financing school construction, the Superintendent or designee shall notify the County Superintendent 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. Within 15 days, the County Superintendent and county auditor may comment publicly to the Board regarding the district's capability to repay the debt. (Education Code 17150)

Accrued Benefits and Claims Report

The Superintendent or designee shall plan for the implementation of the Governmental Accounting Standards Board Statement 45, including the procurement of a qualified actuary to perform the required actuarial study. In addition, the Superintendent or designee shall recommend actions to the Board to mitigate the financial impact to the district as a result of this change in the method of accounting for post-employment health and welfare benefits.

DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NONINSTRUCTIONAL OPERATIONS

BOARD POLICY 3511: STORM WATER MANAGEMENT

The Governing Board recognizes the importance of minimizing the district's use of natural resources, providing a high-quality environment that promotes health and productivity, and effectively managing the district's fiscal resources. To that end, the Superintendent or designee will implement a Storm Water Management Program that includes strategies for effective and sustainable resource practices, reducing water consumption and promoting conservation principles.

The Superintendent or designee shall regularly inspect district facilities and operations and make recommendations for maintenance and capital expenditures, which may help the district reach its storm water management goals.

The Superintendent or designee shall make every effort to identify funding opportunities and cost-reducing incentive programs to help the district achieve its storm water management goals.

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

Storm Water Management

The Board desires to ensure that, to the maximum extent practicable, the district reduce the discharge of pollutants into the water system in order to minimize the threat to water quality from storm water runoff. When the district has been designated by the State Water Resources Control Board or a regional water quality control board, the Superintendent or designee shall ensure that the district complies with applicable General Permit requirements.

The Superintendent or designee shall develop a storm water management plan and shall submit the plan and a resolution authorizing the implementation of the plan to the Board for approval. The district's plan shall describe best management practices, measurable goals, and timetables for implementation in the following areas:

1. Public education and outreach on storm water impacts
2. Public participation, such as participation in adoption and implementation of the plan
3. Illicit discharge detection and elimination, such as maps and programs to detect and eliminate illicit non-storm water discharges
4. Construction site storm water runoff control, such as reviewing construction plans, inspecting sites, and tracking construction site runoff, as well as erosion and sediment controls
5. Post-construction storm water management, such as developing design standards for preventing runoff and verifying proper maintenance and operation of control procedures

6. Pollution prevention and good housekeeping, such as evaluating waste disposal, material storage, and equipment-cleaning procedures and spill prevention.

The Superintendent or designee shall report annually to the Board on the status of the district's implementation efforts.

Legal Reference:

WATER CODE

13383.5 Storm water discharge monitoring requirements

CODE OF REGULATIONS, TITLE 23

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:

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES

0706.90 Water Conservation Advisory, 90-09

WEB SITES

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

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

Department of General Resources, Green California, Sustainable Schools:

<http://www.green.ca.gov/GreenBuildings/schools>

**DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

BOARD POLICY 3513.5: TOBACCO-FREE SCHOOLS

The Governing Board recognizes the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy environment for students and staff.

The Board prohibits 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; Labor Code 6404.5; 20 USC 6083)

This prohibition applies to all employees, students and visitors at any instructional program, activity or athletic event.

Smoking or use of any tobacco-related products and disposal of any tobacco-related waste are prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. (Health and Safety Code 104495)

Legal Reference:

EDUCATION CODE

48900 Grounds for suspension/expulsion

48901 Prohibition against tobacco use by students

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

LABOR CODE

6404.5 Occupational safety and health: use of tobacco products

UNITED STATES CODE, TITLE 20

6083 Nonsmoking policy for children's services

7111-7117 Safe and Drug Free Schools and Communities Act

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

CDE: <http://www.cde.ca.gov>

California Department of Health Services: <http://www.dhs.ca.gov>

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

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

**DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

**ADMINISTRATIVE REGULATION TO BOARD POLICY 3513.5:
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)

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.

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.

***DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS***

BOARD POLICY 3514: ENVIRONMENTAL SAFETY

The Governing Board recognizes its obligation to provide a safe and healthy environment at school facilities for students, staff and community members. The Board shall identify and address potential risks to health and the environment and shall ensure that environmental resources are used in a responsible manner.

The Superintendent or designee shall establish regulations to prevent and/or reduce environmental hazards in accordance with law and state guidelines. Strategies shall include but not necessarily be limited to:

1. Considering air quality in the siting and architectural design of new or remodeled facilities and in the selection of building materials and furnishings, and taking steps to reduce indoor air contaminants in maintenance operations
2. Ensuring the use of effective least toxic pest management practices at all district schools
3. Minimizing the exposure to lead in paint, soil or drinking water, especially in areas accessible to very young children
4. Inspecting and testing facilities for asbestos-containing materials and protecting persons during encapsulation and removal of any asbestos

The Superintendent or designee shall notify parents/guardians, as appropriate, if an environmental hazard is discovered at a school site. The notification shall detail the district's efforts to remedy the hazard.

Legal Reference:

EDUCATION CODE

17366 Legislative intent (fitness of buildings for occupancy)

17582 Deferred maintenance fund

17590 Asbestos abatement fund

17608-17613 Healthy Schools Act of 2000

32240-32245 Lead-Safe Schools Protection Act

48980.3 Notification of pesticides

49410-49410.7 Asbestos materials containment or removal

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

CODE OF REGULATIONS, TITLE 8

340-340.3 Employer's obligation to provide safety information

1532.1 Construction safety orders, lead standard

5142 Heating, ventilating and air conditioning systems; minimum ventilation

5143 Mechanical ventilating systems; inspection and maintenance

CODE OF REGULATIONS, TITLE 17

35001-35099 Accreditation in Lead Abatement Services

UNITED STATES CODE, TITLE 7

136-136y Insecticide, Fungicide and Rodenticide Act

UNITED STATES CODE, TITLE 15

2641-2656 Asbestos Hazard Emergency Response Act

CODE OF FEDERAL REGULATIONS, TITLE 40

763.93 Management Plans

763.94 Record keeping

Management Resources:

CDE PUBLICATIONS

Indoor Air Quality, A Guide for Educators, 1995

DEPARTMENT OF HEALTH SERVICES ADVISORIES

Lead Hazards in California's Public Elementary Schools and Child Care Facilities: Report to the California State Legislature, April 1998

U.S. ENVIRONMENTAL PROTECTION AGENCY

Pest Control in the School Environment: Adopting Integrated Pest Management, 1993

WEB SITES

CDE: <http://www.cde.ca.gov>

California Department of Health Services, Lead Poisoning Prevention Branch:

<http://www.dhs.ca.gov/childlead>

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

California Department of Pesticide Regulation: <http://www.cdpr.ca.gov>

**DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

**ADMINISTRATIVE REGULATION TO BOARD POLICY 3514:
ENVIRONMENTAL SAFETY**

Air Quality

The Superintendent or designee shall ensure that the following measures are taken in order to reduce indoor air contaminants:

1. Heating, ventilating and air conditioning systems shall be operated, inspected and maintained in accordance with 8 CCR 5142-5143. School buildings shall be inspected annually to ensure they have adequate ventilation systems, which are properly maintained so as to preclude the buildup of mold, mildew, and other air contaminants. Filters shall be changed frequently.
2. Indoor painting of school buildings shall be limited to those times when school is not in session.
3. Low-emission cleaning products shall be used whenever possible, and custodial duties that require polluting products shall be performed after classes are dismissed.
4. 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.
5. Exterior wall and foundation cracks and openings shall be sealed as soon as possible, to control exposure to radon.
6. Water-damaged ceiling tiles, carpet, and other building materials shall be removed as soon as practicable.
7. Plain water or soap and water, as well as EPA-approved products, shall be used as cleaning agents; the use of aerosols, including air fresheners, shall be minimized.
8. Pest control measures shall involve the use of integrated pest management (IPM) procedures.

Lead Exposure Reduction

The following steps shall be taken to minimize potential exposure to lead:

1. Painted surfaces shall be kept intact whenever possible. To minimize lead dust during maintenance operations, a tarp or plastic shall be placed under paint removal operations to collect old paint debris, paint shall be dampened before removing it with a scraper, nearby surfaces shall be cleaned with a wet mop or cloth after the job is completed.
2. Soil with high lead content may be covered with grass, other plantings, concrete or asphalt. Children's access to bare soil shall be limited.

3. When drinking water is found to have unacceptable levels of lead, water outlets shall be flushed daily for at least 30 seconds prior to use. The Superintendent or designee also may reduce lead concentrations in the source water, install a corrosion control device at the school's point of entry, or provide bottled water as appropriate.
4. 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 dust within the construction area.
5. The Superintendent or designee may provide parents/guardians and students with information about the prevention of lead poisoning.
6. Remedial action to abate existing lead hazards shall be taken only by personnel qualified in accordance with law. (Education Code 32243)

Asbestos Testing and Abatement

Maintenance staff shall be trained in the location, identification, proper cleaning and ongoing maintenance of asbestos-containing materials and in the removal and decontamination of small amounts of such materials when needed to repair pipes or perform similar duties. Extensive asbestos abatement work shall be completed by state-certified asbestos abatement contractors in compliance with state and federal standards.

The district's complete, updated management plan for material containing asbestos in school buildings shall be available for inspection in district and school offices during normal business hours. Parent, teacher and employee organizations shall annually be informed of the availability of this plan. (40 CFR 763.93)

Other Environmental Safety Precautions

Principals or their designees shall enforce school rules designed to:

1. Prevent the accumulation of flammable, noxious or otherwise dangerous materials unless adequate safeguards are provided
2. Keep all school facilities free of debris
3. Keep walkways at all times open to pedestrian traffic and clear of obstructions

**DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

BOARD POLICY 3514.2: INTEGRATED PEST MANAGEMENT

Structural and landscape pests can pose significant problems to people, property, and the environment; however, the pesticides used to solve these problems carry their own risks. It is therefore the policy of the Del Mar Union School District to use Integrated Pest Management (IPM) programs and procedures for control of structural and landscape pests.

Pests

Pests are living organisms (animals, plants, or microorganisms) that interfere with human purposes for the school site. Strategies for managing pest populations will be influenced by the pest species and the degree to which that population poses a threat to people, property, or the environment.

Pest Management

Pests will be managed to:

- ❑ Reduce a potential human health hazard or to protect against a significant threat to public safety
- ❑ Prevent loss or damage to school resources, structures or property
- ❑ Prevent pests from spreading in the community, or to plant and animal populations beyond the school site
- ❑ Enhance the quality of life for students, staff, and others

Pest management strategies must be included in an approved pest management plan for the site.

Integrated Pest Management Procedures

IPM procedures will determine when to control pests, and whether to use physical, horticultural, or biological means. Chemical controls are used as a last resort. IPM practitioners depend on current, comprehensive information on the pest and its environment, and the best available pest control methods. Applying IPM principles prevents unacceptable levels of pest activity and damage. These principles are implemented by the most economical means and with the least possible hazard to people, property, and the environment.

It is the policy of the Del Mar Union School District to utilize IPM principles to manage pest populations adequately. While the goal of this IPM program is to reduce and ultimately eliminate use of toxic chemicals, toxic chemicals may become necessary in certain situations. The choice of using a pesticide will be based on a review of all other available options and a determination that these options are unacceptable or are infeasible, alone or in combination. Cost or staffing considerations alone will not be adequate justification for use of chemical control agents. The full range of alternatives, including no action, will be considered.

When it is determined that a pesticide must be used in order to prevent pest levels from exceeding action thresholds, the least hazardous materials will be chosen. The application of such pesticides is subject to the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 136 et seq.), School District policies and procedures, Environmental Protection Agency regulations in 40 CFR, Occupational Safety and Health Administration regulations, and state and local regulations.

Education

Staff, students, administrative personnel, custodial staff, maintenance staff, pest managers, and the public will be educated about potential school pest problems and the integrated pest management policies and procedures to be used to achieve the desired pest management objectives.

Record Keeping

Records of pesticide use shall be maintained on site to meet the requirements of the state regulatory agency and School Board, and records will also document any non-toxic treatment methods being used. The objective is to create records from which programs and practices can be evaluated in order to improve the system and to eliminate ineffective and unnecessary treatments.

Notification

The Del Mar Union School District takes the responsibility to notify students' parents or guardians and the school staff of upcoming treatments, which will involve a pesticide. Notices will be posted in designated areas at school and sent home with students.

Pesticide Storage and Purchase

No pesticides will be purchased by school personnel or stored on school grounds.

Pesticide Applicators

Pesticide applicators must be educated and trained in the principles and practices of IPM and the use of pesticides approved by the Del Mar Union School District, and they must follow regulations and label precautions. Applicators must be certified and comply with the District's IPM Policy and Pest management Plan. Under no circumstances should applications be made while school or school activities are in progress.

Legal Reference:

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 Records Act

CODE OF REGULATIONS, TITLE 8

340-340.3 Employer's obligation to provide safety information

5142 Heating, 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

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 SITES

CDE: <http://www.cde.ca.gov>

California Department of Pesticide Regulation: <http://www.cdpr.ca.gov>

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

**DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

**ADMINISTRATIVE REGULATION TO BOARD POLICY 3514.2:
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 non-chemical 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 non-chemical 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. Chemical controls will be used as a last resort.
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.
6. Ensure that persons applying pesticides follow label precautions and are trained in the principles and practices of 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) in it.
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.

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)

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)

DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NONINSTRUCTIONAL OPERATIONS

BOARD POLICY 3514.3: WASTE REDUCTION AND RECYCLING

Purpose

The school district will act to make resource conservation an integral part of the physical operation of the waste reduction and recycling programs. The practice of discarding materials used in district facilities is wasteful of natural resources, energy, and money. It is also a function of the school district to set an example of stewardship of our natural resources.

It will be the policy of the school district to implement the following actions:

- The district will integrate the concept of resource conservation, including waste reduction and recycling, into its environmental programs.
- The district will decrease the amount of waste of consumable materials by: a) reduction of the consumption of consumable materials wherever possible; b) full utilization of all materials prior to disposal; and c) minimization of the use of non-biodegradable products wherever possible.
- The district will cooperate with, and participate in, recycling efforts being made by the city and county. As systems for the recovery of waste and recycling are developed within the district, they will participate by appropriately separating and allowing recovery of recyclable waste products.
- The district will purchase, where financially viable, recycled products. The district will also encourage suppliers, both private and public, to make recyclable products and unbleached paper products available for purchase.
- Representatives of the district will actively advocate where appropriate for resource conservation practices to be adopted at the local, regional, and state levels.

Legal Reference:

EDUCATION CODE

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

17605 Delegation of authority to purchase supplies and equipment

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

***DEL MAR UNION SCHOOL DISTRICT
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ADMINISTRATIVE REGULATION 3515: CAMPUS SECURITY

The Superintendent or designee shall ensure that campus security procedures are developed which are consistent with the goals and objectives of the district's comprehensive safety plan and site-level safety plans.

These procedures shall include strategies and methods to:

1. Secure the campus perimeter and school facilities in order to prevent criminal activity. These strategies shall include an analysis of the building security system, lighting system, and campus fencing. Procedures to ensure unobstructed views and eliminate blind spots caused by doorways and landscaping shall also be considered. In addition, parking lot design may be studied, including methods to discourage through traffic.
2. Secure buildings from outsiders and discourage trespassing. These procedures may include requiring visitor registration, requiring staff and student identification tags, and patrolling places used for congregating and loitering.
3. Discourage vandalism and graffiti. These methods may include plans to immediately cover graffiti as well as campus beautification projects and shall also include students and the community in these projects.
4. Control access to keys and other school inventory.
5. Detect and intervene with school crime. These procedures may include the creation of a school watch program, an anonymous crime reporting system, analysis of school crime incidents, and collaboration and communication with local law enforcement agencies.

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

These procedures shall be regularly reviewed and updated in order to reflect changed circumstances and to assess progress in achieving safe school objectives.

Keys

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

The person issued a key shall be responsible for its safekeeping. If a key is lost, the person responsible shall report the loss to the principal or designee immediately and shall pay for a replacement key.

Keys shall be used only by authorized employees and shall never be loaned to students.

The master key shall not be loaned and the duplication of school keys is prohibited. Upon resignation or retirement, employees shall return all District/site keys on the last day of their employment.

Legal Reference:

EDUCATION CODE

32020 Access gates

32211 Threatened disruption or interference with classes

32280-32288 School safety plans

38000-38005 Security patrols

PENAL CODE

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

626-626.10 Disruption of schools

Management Resources:

CDE PUBLICATIONS

Safe Schools: A Planning Guide for Action, 1995

CSBA PUBLICATIONS

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1995

**DEL MAR UNION SCHOOL DISTRICT
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BOARD POLICY 3515.2: DISRUPTIONS

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

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

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

Legal Reference:

EDUCATION CODE

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

PENAL CODE

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

COURT DECISIONS

In Re Jimi A., (1989) 209 Cal. App. 3d 482
In Re Oscar R., (1984) 161 Cal. App. 3d 770

**DEL MAR UNION SCHOOL DISTRICT
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ADMINISTRATIVE REGULATION TO BOARD POLICY 3515.2: DISRUPTIONS

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

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

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

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

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

Appeal Procedure

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

The decision of the Superintendent or designee may be appealed to the Board. Such an appeal shall be made no later than the second school day after the Superintendent or designee has rendered his/her decision. The Board shall consider and decide the appeal

at its next scheduled regular or adjourned regular public meeting. The Board's decision shall be final. (Education Code 32211)

Gun Free School Zone

Possession of unauthorized firearms, weapons, or other dangerous instruments is prohibited.

**DEL MAR UNION SCHOOL DISTRICT
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BOARD POLICY 3515.4: RECOVERY FOR PROPERTY LOSS OR DAMAGE

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

Rewards

If law enforcement officials are unable to fix responsibility for the theft or vandalism, the Superintendent or designee is authorized to offer a reward in any amount he/she deems appropriate, not exceeding \$2,500, for information leading to the identification and apprehension of the guilty party. A reward in excess of \$2,500 must be authorized in advance by the Board.

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

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; withholding of grades, diplomas and transcripts

CIVIL CODE

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

GOVERNMENT CODE

53069.5 Reward for information concerning person causing death, injury, or property damage; liability for reward

53069.6 Actions to recover damages

54951 Local agency, definition

61601.1 Graffiti abatement district

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

**DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

**ADMINISTRATIVE REGULATION TO BOARD POLICY 3515.4:
RECOVERY FOR PROPERTY LOSS OR DAMAGE**

Reports

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.

Investigation

The Superintendent or designee shall ensure that a complete investigation is conducted at the site where the vandalism occurred.

The principal or designee shall conduct a complete investigation of any instance of damage or loss of school property. The investigation shall be carried out in cooperation with law enforcement officials when appropriate.

Recovery of Damages

When the person 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 these costs, including consulting district's legal counsel if necessary. Reasonable steps may include the filing of a civil complaint in a court of competent jurisdiction to recover damages from the responsible person.

If the responsible person is a minor, recovery may be sought from the minor's custodial parent/guardian in accordance with Education Code 48904.

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.

Payment of Reward

When authorized according to Governing Board policy, the reward shall be paid to the party who provides information sufficient to identify and apprehend the person or persons subsequently found responsible for the damage or loss. If more than one informant provides information, the reward shall be divided among the informants. The Superintendent or designee shall determine who is entitled to what portion of the reward. The identity of the informant shall be considered confidential and shall not be made public by the district.

***DEL MAR UNION SCHOOL DISTRICT
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BOARD POLICY 3516:

EMERGENCIES AND DISASTER PREPAREDNESS PLAN

The Governing Board recognizes that all district staff and students must be prepared to respond quickly and responsibly to emergencies, disasters, and threats of disaster.

School employees are considered disaster service workers and are subject to disaster service activities assigned to them. (Government Code 3100)

The Superintendent or designee shall develop and maintain a disaster preparedness plan which details provisions for handling all emergencies and disasters and which shall be included in the comprehensive school safety plan.

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

GOVERNMENT CODE

3100 Public employees as disaster service workers
8607 Standardized emergency management system

CODE OF REGULATIONS, TITLE 5

550 Fire drills
560 Civil defense and disaster preparedness plans

CODE OF REGULATIONS, TITLE 19

2400-2450 Standardized emergency management system

Management Resources:

CSBA PUBLICATIONS

911! *A Manual for Schools and the Media During a Campus Crisis*, 2001

CDE PROGRAM ADVISORIES

0224.94 *Contingency Planning for School Campus Emergencies*, CIL: 93/94-04

GOVERNOR'S OFFICE OF EMERGENCY SERVICES

Standardized Emergency Management System (SEMS) Guidelines, March 1995

SEMS Approved Course of Instruction, March 1995

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities, May 2003

Early Warning, Timely Response: A Guide to Safe Schools, August 1998

WEB SITES

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

American Red Cross: <http://www.redcross.org>

California Department of Education, Crisis Preparedness: <http://www.cde.ca.gov/ls/ss/cp>

California Office of Emergency Services: <http://www.oes.ca.gov>

California Seismic Safety Commission: <http://www.seismic.ca.gov>

Federal Bureau of Investigation: <http://www.fbi.gov>

Federal Emergency Management Agency: <http://www.fema.gov>

U.S. Department of Education, Emergency Planning:
<http://www.ed.gov/admins/lead/safety/emergencyplan/index.html>

U.S. Department of Homeland Security: <http://www.dhs.gov/dhspublic>

**DEL MAR UNION SCHOOL DISTRICT
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**ADMINISTRATIVE REGULATION TO BOARD POLICY 3516:
EMERGENCIES AND DISASTER PREPAREDNESS PLAN**

Components of the Plan

Routine and emergency disaster procedures shall be included in the comprehensive school safety plan in accordance with Education Code 32282.

In addition, the Superintendent or designee shall ensure that district and school site procedures address, at a minimum, the following types of emergencies and disasters:

1. Fire on or off school grounds which endangers students and staff
2. Earthquake or other natural disasters
3. Environmental hazards
4. Attack or disturbance, or threat of attack or disturbance, by an individual or group. The principal or designee announces an "ABC" situation over the school's public address system and staff follows lockdown procedures as specified in the Emergency Preparedness Manual.
5. Bomb threat or actual detonation.
6. Biological, radiological, chemical and other terrorist activities, or heightened warning of such activities

The Superintendent or designee shall also 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 and identification of risks
2. Instruction and practice for students and employees regarding emergency plans
3. The roles and responsibilities of staff during a disaster or other emergency
4. Personal safety and security, including the supervision, evacuation, and release of students, the administration of first aid, and the closure of the school if necessary
5. Communications among staff, parents/guardians, the Governing Board, other governmental agencies, and the media during an emergency

6. Cooperation with other agencies, including guidelines for law enforcement involvement and intervention
7. Steps to be taken following the disaster or emergency, including inspection of school facilities and provision of mental health services for students and staff as needed

School Response to an Emergency

The principal or designee shall assume overall control and supervision of activities at the school site during an emergency. He/she may use his/her discretion in emergency situations, which do not permit execution of prearranged plans.

Students may be released to the custody of a parent/guardian or other adult in accordance with Board policy and administrative regulation. When reference to the emergency card is impossible, individual students shall be released to parents/guardians, persons authorized by the parents/guardians, or authorized persons representing public agencies that may take responsibility, when necessary, for the safety of the student. All such persons shall present identification before a student is released to their custody.

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 they deem necessary to meet the community's needs. (Education Code 32282)

The Board encourages all employees to become proficient in first aid and cardiopulmonary resuscitation (CPR). The Superintendent or designee shall ascertain that at least one staff member at each school holds a valid certificate in these areas. The Superintendent or designee shall provide for CPR inservice training to be offered at least once a year for district staff.

All staff, students, and parents/guardians shall receive information about district and school site procedures to be followed in the event of an emergency. Procedures shall be regularly reviewed and practiced. Evacuation routes shall be posted in classrooms, multipurpose rooms, and other school facilities as appropriate.

***DEL MAR UNION SCHOOL DISTRICT
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ADMINISTRATIVE REGULATION 3516.1: FIRE DRILLS AND FIRES

Fire Drills

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

The principal shall also hold fire drills at least once a month. (Education Code 32001)

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

Fires

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

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

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

Legal Reference:

EDUCATION CODE

17074.50-17074.56 Automatic fire detection, alarm and sprinkler systems

32001 Uniform fire signals

32040 Duty to equip school with first aid kit

CODE OF REGULATIONS, TITLE 5

550 Fire drills

***DEL MAR UNION SCHOOL DISTRICT
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ADMINISTRATIVE REGULATION 3516.2: BOMB THREATS

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. He/she should also try to determine the caller's gender and age and should take note of any distinctive features of voice or speech and any background noises such as music, traffic, machinery or other voices.

Staff members who customarily receive telephone calls or handle packages shall receive training related to bomb threats.

Procedures

1. Any employee who receives a bomb threat shall immediately report to principal or designee.
2. Any student or employee seeing a suspicious package shall promptly notify the principal or designee.
3. The principal or designee shall immediately use fire drill signals and institute standard evacuation procedures as specified in the emergency plan.
4. The principal 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. School police officers may assist in this search. No other school staff shall search for or handle any explosive or incendiary device.

Except for school police officers, no staff or students shall reenter the threatened building(s) until the law enforcement and/or fire department staff advises the principal or designee that reentry is safe.

Any student who makes a bomb threat shall be subject to disciplinary procedures.

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 deadly weapon or force likely to produce great bodily injury; punishment

594 Vandalism; penalty

***DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS***

**ADMINISTRATIVE REGULATION 3516.3:
EARTHQUAKE EMERGENCY PROCEDURE SYSTEM**

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. (Education Code 32282)

Earthquake emergency procedures shall be incorporated into the comprehensive safety plan. The 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
3. Protective measures to be taken before, during, and following an earthquake
4. A program to ensure that students and certificated and classified staff are aware of and properly trained in the earthquake emergency procedure system

The Superintendent or designee may work with the California Office of Emergency Services and the Seismic Safety Commission to develop and establish the earthquake emergency procedures. (Education Code 32282)

Earthquake emergency procedures shall identify and address potential earthquake hazards in classrooms and other district facilities. Equipment and furniture, such as bookshelves, cabinets, computers, and laboratory equipment, shall be secured to the extent possible, and heavy objects moved from high shelves, in order to minimize hazards in the event of an earthquake.

Earthquake emergency procedures also shall outline roles and responsibilities of students and staff during and after an earthquake.

Earthquake Education

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 teachers or other staff in such an emergency.

Drop procedures shall be practiced at least once each school quarter. (Education Code 32282)

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 and an adult is not present to give specific directions.

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. Students 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. Teachers shall have students evacuate the building in an orderly manner when the earthquake is over.

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:

1. The bus driver shall pull to the side of the road away from any buildings, poles, wires, overhead structures, or bridges if possible, set the brakes, and turn off the ignition.
2. The driver shall have students remain at their seats and perform the drop procedure.

3. The driver shall wait until the earthquake is over before proceeding on the route.
4. As soon as possible, the driver shall contact the director of transportation for instructions.

Subsequent Emergency Procedures

After the earthquake has subsided, the following actions shall be taken:

1. Small fires shall be extinguished if possible.
2. In outside assembly areas, staff shall provide assistance to any injured students, take roll, and report missing students to the principal or designee.
3. The principal shall request assistance as needed from the county or city civil defense office or fire and police departments and shall confer with them regarding the advisability of closing the school. He/she shall also contact the Superintendent or designee for further instructions.
4. The principal shall post staff at a safe distance from all building entrances to see that no one reenters until the buildings are declared safe.
5. All buildings shall be inspected for water and gas leaks, electrical breakages, and large cracks or earth slippage affecting buildings. The principal shall notify utility companies of any break or suspected break in lines which may present an additional hazard. If damage has occurred, the custodian shall shut off all utilities.
6. Staff and students shall not light any stoves or burners until the area is declared safe.
7. If the principal or designee believes the school is damaged sufficiently to be a hazard, he/she shall notify the Superintendent or designee and ask that the county or city building inspector check for structural failure and equipment adequacy. Until this is done, the building shall not be occupied.

Legal Reference:

EDUCATION CODE

32280-32289 *School safety plans*

Management Resources:

FEMA PUBLICATIONS

Guidebook for Developing a School Earthquake Safety Program, 1990

WEB SITES

American Red Cross: <http://www.redcross.org>

California Office of Emergency Services: <http://www.oes.ca.gov>

California Seismic Safety Commission: <http://www.seismic.ca.gov>

Federal Emergency Management Agency (FEMA): <http://www.fema.gov/hazards/earthquakes>

**DEL MAR UNION SCHOOL DISTRICT
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BOARD POLICY 3516.5: EMERGENCY SCHEDULES

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

The Superintendent or designee shall establish a system for informing students and parents/guardians when the school day schedule is changed or the school is closed.

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

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

Legal Reference:

EDUCATION CODE

41422 Schools not maintained for 175 days

46010 Total days of attendance

46100-46192 Attendance; maximum credit; minimum day

46390 Calculation of ADA in emergency

46392 Decreased attendance in emergency situation

VEHICLE CODE

34501.6 School buses; reduced visibility

***DEL MAR UNION SCHOOL DISTRICT
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***ADMINISTRATIVE REGULATION TO BOARD POLICY 3516.5:
EMERGENCY SCHEDULES***

In the event of school closure or schedule change, the district will use all means available to inform parents and employees of these changes. Strategies to be implemented may include the use of electronic communication via the district website, telephone communication via the district telephone communication system, press releases faxed to TV stations, radio stations, and newspapers, and any other strategies that would communicate changes in the regular school schedule to parents and employees. Every effort will be made to communicate emergency changes in a timely manner.

***DEL MAR UNION SCHOOL DISTRICT
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BOARD POLICY 3517: FACILITIES INSPECTION

The Governing Board recognizes that the condition of school facilities has an impact on student achievement and employee morale and desires to provide school facilities that are safe, clean and functional, as defined in Education Code 17002.

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 determine conditions specified on the state's interim evaluation instrument, including any evidence of:

1. Gas leaks
2. Problems with heating, ventilation, or air conditioning systems, as applicable
3. Broken windows, doors, gates and fences that pose a security risk
4. Unsafe and unclean interior surfaces, such as walls, floors and ceilings
5. Hazardous materials that may pose an immediate threat to students or staff
6. Structural damage that has the potential to create hazardous or uninhabitable conditions
7. Nonfunctioning fire sprinklers and emergency equipment, such as alarms and fire extinguishers
8. Power failure, electrical hazards and inadequate lighting
9. Major pest or vermin infestation
10. Inaccessible and nonfunctioning drinking fountains
11. Inaccessible, unclean and nonfunctioning restrooms during school hours
12. Major sewer line stoppage
13. Check for earthquake hazards

The Superintendent or designee shall provide the Board with regular reports regarding the status of district facilities as evidenced by the district's facility inspection program as well as updates as to the status of any visits by the County Superintendent of Schools to district schools.

Legal Reference:

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 procedure

Management Resources:

WEB SITES

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

California Department of Education, Williams case: <http://www.cde.ca.gov/eo/ce/wc/index.asp>

State Allocation Board, Office of Public School Construction, Williams settlement:

http://www.opsc.dgs.ca.gov/Programs/Williams_Legislation_Default.htm

***DEL MAR UNION SCHOOL DISTRICT
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BOARD POLICY 3530: RISK MANAGEMENT/INSURANCE

The Governing Board 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.

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

**DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

**ADMINISTRATIVE REGULATION TO BOARD POLICY 3530:
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.

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)

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)

***DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS***

**ADMINISTRATIVE REGULATION 3541.1:
TRANSPORTATION FOR SCHOOL-RELATED TRIPS**

The district may provide transportation for students, employees, and other individuals for field trips and excursions approved according to Board policy and administrative regulations.

The Superintendent or designee shall determine the most appropriate and cost-effective mode of transportation for each approved trip.

School-related organizations requesting transportation shall be fully responsible for the costs of their trips unless funding has been approved by the Governing Board.

The Superintendent or designee shall ensure that the district has sufficient liability insurance when field trips or excursions involve ~~either~~ transportation by district vehicles. When a trip to a foreign country is authorized, liability insurance shall be secured from a carrier licensed to transact insurance business in that country. (Education Code 35330)

Transportation by Contracted Vendors

Prior to departure of a district-sponsored field trip, the teacher in charge (or designee) shall inform the bus driver of this policy, which requires the bus driver to conduct a bus evacuation safety drill.

Transportation by Private Vehicle

Private vehicles shall not be used to provide transportation for school-related trips.

Passenger Restraint Systems

All drivers shall wear safety belts in accordance with law. In addition, drivers shall ensure that: (Vehicle Code 27315, 27360, 27360.5, 27363)

1. A child who is under age 6 or under 60 pounds, unless exempted in accordance with Vehicle Code 27360 or 27363, is properly secured in a rear seat in an appropriate child passenger restraint system meeting federal safety standards
2. All other children are properly secured in either a child passenger restraint system or safety belt
3. All other passengers shall wear seat belts, where available.

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

VEHICLE CODE

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>

National Transportation Safety Board: <http://www.nts.gov>

***DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS***

BOARD POLICY 3541.2:

TRANSPORTATION FOR STUDENTS WITH DISABILITIES

The Governing Board shall ensure that appropriate transportation services are provided for students with disabilities as specified in their individualized education program (IEP) or accommodation plan. The district shall make home-to-school transportation available for students at no cost to parents/guardians as specified in the student's IEP.

The Superintendent or designee shall establish criteria and procedures for determining the most appropriate mode of transportation for an individual student based on identified needs as determined in the IEP or accommodation plan.

The Superintendent or designee shall arrange transportation schedules that shall not reduce the length of the school day for these students except as may be prescribed on an individual basis.

The Superintendent or designee shall establish procedures to ensure compatibility between mobile seating devices and bus securement systems.

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
56195.8 Adoption of policies
56327 Assessment for special education and related services
56345 Individualized education program
56366 Nonpublic nonsectarian schools or agencies
56366.1 Waiver of requirements under section 56365 and 56366

CODE OF REGULATIONS, TITLE 5

15050 Transfer of funds to child development fund and development center for handicapped pupils fund
15243 Physically handicapped minors
15271 Exclusion from report

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 34

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

CODE OF FEDERAL REGULATIONS, TITLE 49

571.222 Federal requirements for bus securement systems

Management Resources:

CDE MANAGEMENT ADVISORIES

0500.92 Implementation of Special Education Transportation Apportionment (#92-02)

CDE PROGRAM ADVISORIES

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

***DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS***

***ADMINISTRATIVE REGULATION TO BOARD POLICY 3541.2:
TRANSPORTATION FOR STUDENTS WITH DISABILITIES***

Transportation for students with disabilities shall be provided in accordance with a student's Individualized Education Program (IEP) or Section 504 accommodation plan.

If a disabled student is excluded from school bus transportation, the district shall provide alternative transportation at no cost to the student or parent/guardian provided that transportation is specified in the student's IEP. (Education Code 48915.5)

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)

Guide dogs, signal dogs and service dogs trained to provide assistance to disabled persons may be transported in a school bus when accompanied by disabled students, disabled teachers or persons training the dogs. (Education Code 39839)

***DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NONINSTRUCTIONAL OPERATIONS***

BOARD POLICY 3550: FOOD SERVICE/CHILD NUTRITION PROGRAM

The Governing Board recognizes the important connection between a healthy diet and student's ability to learn effectively and achieve high standards in school. The board also acknowledges that schools play a vital role in childhood nutrition and fitness, and as part of the larger community, schools have a responsibility to promote family health and provide a strong foundation for children's future health and well being. To reinforce the district's nutrition education program, foods and beverages available through any district's food service program shall:

- Be carefully selected as to contribute to students' nutritional well being.
 - Meet or exceed nutritional standards specified in law and administrative regulations.
 - Be prepared in ways that will appeal to students, retain nutritive quality, and foster lifelong healthful eating habits.
 - Be served in age-appropriate portions.
 - Be sold at reasonable prices and make no impact on the general fund.
1. The Superintendent or designee shall develop strategies designed to encourage the participation of students and parents/guardians in the selection of foods of good nutritional quality for school menus.
 2. The Board desires to provide students with adequate time and space to eat meals.
 3. The Superintendent or designee shall periodically review the adequacy of school facilities for eating and serving food. School cafeterias shall comply with the sanitation and safety requirement of the California Uniform Retail Food Facilities Law as set forth in Health and Safety Code 113700-114455.
 4. The Superintendent or designee will ensure that food service personnel receive nutrition education and utilize safe food handling techniques.
 5. The Superintendent or designee shall develop strategies designed to encourage the participation of students and parents/guardians in the selection of foods of good nutritional quality for school snacks, lunches, celebrations, and curriculum activities involving food.

6. The Superintendent or designee shall annually report to the Board regarding the district's compliance with state and federal nutrition standards for foods and beverages.

Legal Reference:

EDUCATION CODE

38080-38103 Cafeteria, establishment and use
45103.5 Contracts for management consulting services; restrictions
49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001
49490-49493 School breakfast and lunch programs
49500-49505 School meals
49510-49520 Nutrition
49530-49536 Child Nutrition Act
49540-49546 Child care food program
49547-49548.3 Comprehensive nutrition services
49550-49560 Meals for needy students
49565-49565.8 California Fresh Start pilot program
49570 National School Lunch Act

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

UNITED STATES CODE, TITLE 42

1751-1769h School lunch programs, including:
1751 Note Local wellness policy
1771-1791 Child nutrition, especially:
1773 School breakfast program

U.S. CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program
220.1-220.21 National School Breakfast Program

**DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

BOARD POLICY 3553: FREE AND REDUCED PRICE MEALS

The Governing Board recognizes that adequate nutrition is essential to child development and learning and that some families may be unable to provide breakfast and lunch for their children. In accordance with law, the district shall provide nutritionally adequate free and reduced price meals for students whose families meet federal eligibility criteria.

The Superintendent or designee shall recommend for Board approval a plan that ensures that students eligible to receive free or reduced price meals and milk are not treated differently from other students or easily identified by their peers.

Upon approval of the Board, this plan shall be submitted to the California Department of Education for approval. (Education Code 49557)

All applications and records related to eligibility for the free or reduced price meal program shall be confidential except as provided by law. (Education Code 49558)

In accordance with law, the Board authorizes designated employees to use individual records pertaining to student eligibility for any free and reduced price meal program for the purpose of: (Education Code 49558)

1. Disaggregation of academic achievement data
2. Identification of students eligible for school choice and supplemental educational services in any school identified for program improvement

The Board further authorizes the release of information on the school lunch program application to the local agency that determines Medi-Cal program eligibility, provided that the student is approved for free meals and the parent/guardian consents to the sharing of information as provided by Education Code 49557.2.

Legal Reference:

EDUCATION CODE

48980 Notice at beginning of term

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

49550-49560 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

1751-1769 National lunch programs

1771-1791 Child nutrition

CODE OF FEDERAL REGULATIONS, TITLE 7

245.1-245.13 Determination of eligibility for free and reduced price meals

Management Resources:

CDE LEGAL ADVISORIES

0325.98 Education Code Section 49558 LO: 1-98

CSBA PUBLICATIONS

Healthy Food Policy Resource Guide, 2003

USDA PUBLICATIONS

Team Nutrition, Food and Nutrition Services, Changing the Scene, Improving the School Nutrition

Environment: A Guide to Local Action, 2000

WEB SITES

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

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

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

California Project LEAN: <http://www.californiaprojectlean.org>

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

***DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS***

**ADMINISTRATIVE REGULATION TO BOARD POLICY 3553:
FREE AND REDUCED PRICE MEALS**

The district's plan for students receiving free or reduced price meals shall ensure the following: (Education Code 49557)

1. The names of 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.
4. The students shall not be required to use a separate dining area, go through a separate entrance, or consume their meals or milk at a different time.

When more than one lunch, breakfast, or type of milk is offered, the students shall have the same choice of meals or milk as is available to those students who pay the full price. (Education Code 49557; 7 CFR 245.8)

Applications

An application form for free or reduced price meals shall be distributed to all parents/guardians at the beginning of each school year, together with information about eligibility standards, application procedures, and appeal procedures. This form and information shall also be provided whenever a new student is enrolled. (Education Code 49520, 48980; 7 CFR 245.5)

Applications for free or reduced price meal programs shall be available to students at all times during the regular school day and shall contain the following statements: (Education Code 49557; 7 CFR 245.5)

1. Applications for free or reduced price meals may be submitted at any time during a school day.
2. Students participating in the National School Lunch and School Breakfast Programs will not be overtly identified by the use of special tokens, special tickets, special serving lines, separate entrances, separate dining areas, or by any other means.

The application packet also shall contain:

1. A notification that the district will not forward the application to the agency that determines Medi-Cal eligibility without the parent/guardian's consent
2. A notification that the application is confidential and, with the exception of forwarding the information for use in health program enrollment, will not be shared with any other governmental agency for any purpose other than the administration of the Medi-Cal program
3. A notification that the application information will be used only by the state and local agencies that administer the Medi-Cal program and will not be shared with other government agencies, including the federal Department of Homeland Security and the Social Security Administration, except as necessary to verify information provided by the applicant
4. Information regarding the Medi-Cal program, including available services, program requirements, rights and responsibilities, and privacy and confidentiality requirements

Confidentiality/Release of Records

The Governing Board designates the following district employee to use individual records pertaining to student participation in the free or reduced price meal program for the purpose of disaggregation of academic achievement data or for the identification of students in any program improvement school eligible for school choice and supplemental educational services pursuant to 20 USC 6316:

Assistant Superintendent of Curriculum

In using the records for such purposes, the following conditions shall be satisfied: (Education Code 49558)

1. No individual indicators of participation in the free or reduced price meal program shall be maintained in the permanent records of any student if not otherwise allowed by law.
2. Information regarding individual student participation in the free or reduced price meal program shall not be publicly released.
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.

**DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

BOARD POLICY 3580: DISTRICT RECORDS

District records shall be developed, maintained and disposed of in accordance with law and California Department of Education regulations.

The Superintendent or designee shall establish regulations that define records which are permanent, optional and disposable and specify how each type of record is to be maintained or destroyed. Any microfilm or electronic copies of original records shall be permanently retained.

The Superintendent or designee shall ensure the confidentiality of records as required by law and shall establish regulations to safeguard data against damage or loss.

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 for victims of domestic violence or stalking. (Government Code 6207)

Legal Reference:

EDUCATION CODE

35145 Public meetings

35163 Official actions, minutes and journal

35250-35255 Records and reports

44031 Personnel file contents and inspection

49065 Reasonable charge for transcripts

GOVERNMENT CODE

6205-6211 Confidentiality of addresses for victims of domestic violence

6252-6265 Inspection of public records

12946 Retention of employment applications and records for two years

CODE OF REGULATIONS, TITLE 5

432 Varieties of pupil records

16020-16022 Records-general provisions

16023-16027 Retention of records

Management Resources:

SECRETARY OF STATE

Letter re: California Confidential Address Program Implementation (SB 489), August 27, 1999

WEB SITES

California Secretary of State: <http://www.ss.ca.gov>

**DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

**ADMINISTRATIVE REGULATION TO BOARD POLICY 3580:
DISTRICT RECORDS**

The Superintendent or designee shall ensure that appropriate computer software is used to safeguard any data stored on computers, including computers connected to networks. To further prevent the damage or theft of data, computers and related equipment, he/she shall maintain complete and accurate inventories, specify user responsibilities for damages, and provide appropriate supervision in areas where computers are used.

Classification of Records

Before January 1, the Superintendent or designee shall review documents and papers originating during the prior school year and classify them as Class 1 (Permanent), Class 2 (Optional), or Class 3 (Disposable). Records of continuing nature (active and useful for administrative, legal, fiscal or other purposes over a period of years) shall not be classified until such usefulness has ceased. A student's cumulative record is a continuing record until the student ceases to be enrolled in the district. (5 CCR 16022)

Class 1 - Permanent Record (5 CCR 16023)

The original of each of the following records, or one exact copy of it when the original is required by law to be filed with another agency, is a Class 1 (Permanent) Record and shall be retained indefinitely unless microfilmed in accordance with 5 CCR 16022:

1. Annual Reports
 - a. Official budget
 - b. Financial reports of all funds, including cafeteria and student body funds
 - c. Audit of all funds
 - d. Average daily attendance, including Period 1 and Period 2 reports
 - e. Other major annual reports, including:
 - (1) Those containing information relating to property, activities, financial condition or transactions
 - (2) Those declared by Governing Board minutes to be permanent

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

3. Personnel Records

a. Employees

All detailed records relating to employment, assignment, amounts and dates of service rendered, termination or dismissal of an employee in any position, sick leave record, rate of compensation, salaries or wages paid, deductions or withholdings made and the person or agency to whom such amounts were paid. In lieu of the detailed records, a complete proven summary payroll record for each employee containing the same data may be classified as Class 1 (Permanent), and the detailed records may then be classified as Class 3 (Disposable).

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

b. Students

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

4. Property Records

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

Class 2 - Optional Records (5 CCR 16024)

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

Class 3 - Disposable Records (5 CCR 16025, 16026, 16027)

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

Class 3 (Disposable) records shall be destroyed during the third school year after the later of the following:

1. The completion of any legally required audit
2. The retention period required by any agency other than the State of California
3. The school year in which the records originated

***DEL MAR UNION SCHOOL DISTRICT
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS***

BOARD POLICY 3600: CONSULTANTS

The Governing Board 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.

All consultant contracts shall be brought to the Board for approval.

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.

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.

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