NEVADA JOINT UNION HIGH SCHOOL DISTRICT

RESOLUTION #08-13/14

AUTHORIZATION & SIGNATURE AUTHORITY ON DISTRICT BANK ACCOUNTS

BE IT RESOLVED that the Governing Board of the Nevada Joint Union High School District authorizes the following revision of signature authority, effective immediately for the district's checking and savings accounts as follows:

Tri Counties Bank (District Clearing Account, Cafeteria Account, Revolving Fund, and Tax Sheltered Annuity Account)

Current Signers:  Changes:
Karen Suenram  Add – Louise Bennicoff Johnson
Trisha Dellis
Paige Moore

PASSED AND ADOPTED THIS 11th day of December, 2013 by the Governing Board of the Nevada Joint Union High School District.

I, WAYNE KLAUER, Clerk of the Governing Board of the Nevada Joint Union High School District, of Nevada County, California, certify that the foregoing is a full, true and correct copy of a resolution adopted by the said Board at a regular meeting thereof held at a regular public place of meeting and the resolution is on file in the office of said Board.

Clerk, Governing Board  Date
NEVADA JOINT UNION HIGH SCHOOL DISTRICT

RESOLUTION #09-13/14

AUTHORIZATION & SIGNATURE AUTHORITY
ON ASSOCIATED STUDENT BODY BANK ACCOUNTS

BE IT RESOLVED that the Governing Board of the Nevada Joint Union High School District authorizes the following signature authority, effective immediately, for the Associated Study Body (ASB) checking, savings, and certificate of deposit accounts with Tri Counties Bank as follows:

Current Signers:

Nevada Union High School: Michael Blake
(Account and CD) Paul Lundberg
Peter Tootoonchie Alicia Bertoli

Bear River High School: James Nieto
Cindy (Gordon) Harrison Chris Bean
Adina Herrlin

Silver Springs High School: Marty Mathiesen
Lesa St. Germain Bethany Williams

Ghidotti High School: Melissa Madigan
Noah Levinson Kathy Stephensen

PASSED AND ADOPTED THIS 11th day of December, 2013 by the Governing Board of the Nevada Joint Union High School District.

I, WAYNE KLAUER, Clerk of the Governing Board of the Nevada Joint Union High School District, of Nevada County, California, certify that the foregoing is a full, true and correct copy of a resolution adopted by the said Board at a regular meeting thereof held at a regular public place of meeting and the resolution is on file in the office of said Board.

Clerk, Governing Board

Date
ITEM “K”

DISCUSSION/ACTION ITEMS
### CSBA MANUAL MAINTENANCE SERVICE CHECKLIST – April 2013

**District Name:** Nevada Joint Union High School District

<table>
<thead>
<tr>
<th>POLICY</th>
<th>TITLE</th>
<th>OPTIONS/BLANKS</th>
<th>ADOPT DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>BP 1325</td>
<td>Advertising and Promotion</td>
<td>OPTION 1: ☐  OPTION 2: X</td>
<td></td>
</tr>
<tr>
<td>BP 1330</td>
<td>Use of School Facilities</td>
<td>OPTION 1: ☐  OPTION 2: ☐  OPTION 3: X</td>
<td></td>
</tr>
<tr>
<td>AR 1330</td>
<td>Use of School Facilities</td>
<td>Adopt as presented</td>
<td></td>
</tr>
<tr>
<td>E 1330</td>
<td>Use of School Facilities</td>
<td>Adopt as presented</td>
<td></td>
</tr>
<tr>
<td>BP 3460</td>
<td>Financial Reports and Accountability</td>
<td>Adopt as presented</td>
<td></td>
</tr>
<tr>
<td>AR 3460</td>
<td>Financial Reports and Accountability</td>
<td>Adopt as presented</td>
<td></td>
</tr>
<tr>
<td>BP 3514.1</td>
<td>Hazardous Substances</td>
<td>Adopt as presented</td>
<td></td>
</tr>
<tr>
<td>AR 3514.1</td>
<td>Hazardous Substances</td>
<td>Adopt as presented</td>
<td></td>
</tr>
<tr>
<td>BP 3580</td>
<td>District Records</td>
<td>Adopt as presented</td>
<td></td>
</tr>
<tr>
<td>AR 3580</td>
<td>District Records</td>
<td>Adopt as presented</td>
<td></td>
</tr>
<tr>
<td>E 4112.9/4212.9/4312.9</td>
<td>Employee Notifications</td>
<td>Adopt as presented</td>
<td></td>
</tr>
<tr>
<td>AR 4117.14/4317.14</td>
<td>Postretirement Employment</td>
<td>Adopt as presented</td>
<td></td>
</tr>
<tr>
<td>BP 5030</td>
<td>Student Wellness</td>
<td>Adopt as presented</td>
<td></td>
</tr>
<tr>
<td>BP 5131.2</td>
<td>Bullying</td>
<td>Adopt as presented</td>
<td></td>
</tr>
<tr>
<td>BP 5145.3</td>
<td>Nondiscrimination/Harassment</td>
<td>Assistant Superintendent of Personnel &amp; Pupil Services, 11645 Ridge Road, Grass Valley, CA 530-273-3351</td>
<td></td>
</tr>
<tr>
<td>Code</td>
<td>Title</td>
<td>Decision</td>
<td></td>
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<td>-----------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>E 5145.6</td>
<td>Parental Notifications</td>
<td>Adopt as presented</td>
<td></td>
</tr>
<tr>
<td>AR 5148</td>
<td>Child Care and Development</td>
<td>Omit AR, not applicable (we do not operate)</td>
<td></td>
</tr>
<tr>
<td>BP 6112</td>
<td>School Day</td>
<td>Adopt as presented</td>
<td></td>
</tr>
<tr>
<td>AR 6112</td>
<td>School Day</td>
<td>Adopt as presented, deleting sections on kindergarten and grades 1-8</td>
<td></td>
</tr>
<tr>
<td>BP 6159.2</td>
<td>Nonpublic, Nonsectarian School and Agency Services for Special Education</td>
<td>Adopt as presented</td>
<td></td>
</tr>
<tr>
<td>AR 6159.2</td>
<td>Nonpublic, Nonsectarian School and Agency Services for Special Education</td>
<td>Adopt as presented</td>
<td></td>
</tr>
</tbody>
</table>
| BP 6163.1 | Library Media Centers                                      | OPTION 1: □  
            |                  | OPTION 2: X  
            |                  | Deleting sections on District Plan and Grades K-4 |
| BP 6164.6 | Identification and Education Under Section 504              | Adopt as presented                           |
| AR 6164.6 | Identification and Education Under Section 504              | Director of Special Ed (fill in)  
            |                  | Adopt as presented                           |
| BP 6177 | Summer Learning Programs (new title)                        | OPTION 1: X  
            |                  | OPTION 2: □    |
| BB 9130 | Board Committees                                            | Adopt as presented                           |
| BB 9220 | Governing Board Elections                                   | 1<sup>st</sup> choice: OPTION 1: X  
            |                  | OPTION 2: □    
            |                  | OPTION 3: □    
            |                  | 2<sup>nd</sup> choice: OPTION 1: □  
            |                  | OPTION 2: X     
            |                  | OPTION 3: □    
            |                  | 3<sup>rd</sup> choice: OPTION 1: X  
            |                  | OPTION 2: □    
            |                  | OPTION 3: □    
            |                  | 4<sup>th</sup> choice: OPTION 1: □  
            |                  | OPTION 2: X     
            |                  | OPTION 3: □    |
BP 1325 - Advertising and Promotion
(BP revised)
Policy updated to clarify its applicability only to advertisements and promotions by nonschool groups, not to student speech. Policy also clarifies the distinction between a nonpublic forum and limited public forum, addresses advertisements on district-sponsored web sites and social media, and prohibits distribution of materials or advertisements that are lewd or proselytize or position the district on any side of a controversial issue.

BP/AR/E 1330 - Use of School Facilities
(BP/AR/E revised)
MANDATED policy reflects NEW LAW (SB 1404, 2012) which (1) modifies the definition of "direct costs" that may be charged for community use of school facilities or grounds and (2) includes the YMCA and religious organizations/churches that arrange for and supervise youth sports league activities among the nonprofit organizations, clubs, and associations that may be allowed the use of school facilities or grounds without charge. Policy also adds statements on joint use of school facilities and references BP 1325 - Advertising and Promotion for guidance on advertisements on school facilities. MANDATED regulation clarifies responsibilities of groups or organizations using school facilities, including a requirement to provide evidence of insurance against claims arising out the group's own negligence. Material moved from AR to BP re: authority to grant the use of school facilities on those days on which the school is closed. Updated Exhibit provides a sample form for requiring a group or organization to (1) indicate its agreement to expressly undertake to comply with district restrictions on the use of facilities and (2) indicate its recognition of its liability for any damage or injury caused by its negligence.

BP/AR 3460 - Financial Reports and Accountability
(BP/AR revised)
Policy updated to reflect NEW LAW (AB 2662, 2012) which gives the County Superintendent of Schools the authority, upon receipt of a district's interim fiscal report, to change the district's qualified certification to a negative certification. Policy also contains material formerly in AR which refers to Board actions regarding the statement of unaudited actual receipts and expenditures, Gann appropriations limit resolution, interim reports, and audit report. Regulation updated to reflect current law regarding restoration of the reserve threshold and to add material regarding submission of audit report pertaining to federal funds to the federal Office of Management and Budget.

BP/AR 3514.1 - Hazardous Substances
(BP/AR revised)
Policy and regulation updated to reflect requirements for a chemical hygiene plan, as required by state regulations for any employer that maintains a workplace where there is laboratory use of hazardous chemicals, such as a district that offers science laboratory classes. Policy also adds Board philosophy statement and reflects the California Department of Education (CDE) Science Safety Handbook for California Public Schools. Regulation also adds definition of "hazardous substance," adds material related to the storage and disposal of chemicals, updates material related to the hazard communications program to more directly reflect law and new terminology, and adds information about CSBA's HazMat Communications service.
BP/AR 3580 - District Records
(BP/AR revised)
Policy updated to include actions to be taken in the event of any known or suspected breach of the security of district records containing confidential personal information. Regulation updated to add new section on "Electronically Stored Information" which addresses the classification, retention, and/or purging of district-related and personal electronically stored information.

E 4112.9/4212.9/4312.9 - Employee Notifications
(E revised)
Exhibit updated to (1) reflect NEW LAW (AB 1575, 2012) requiring the uniform complaint procedure notice to include information about complaints regarding student fees; (2) add notice regarding automated external defibrillators; (3) reflect NEW LAW (AB 1908, 2012) revising the timing of notice of layoff and reemployment rights of classified personnel; (4) add notice of bus drivers regarding vehicle idling limitations; and (5) add notices related to the chemical hygiene plan and hazard communications program.

AR 4117.14/4317.14 - Postretirement Employment
(AR revised)
Regulation revised to reflect NEW LAW (AB 340, 2012) which exempts a retired individual who has attained the normal retirement age from the prohibition against returning to postretirement employment for at least six months after retirement, provided that certain conditions are met. Regulation deletes postretirement earning limitation exceptions based on expired law, including those for retirees employed to provide specified instructional services or employed in an emergency situation to fill a vacant administrative position requiring highly specialized skills. Regulation also deletes material describing exemptions for certain state-appointed trustees/administrators and County Superintendent of Schools appointments, since those assignments are not the responsibility of the district.

BP 5030 - Student Wellness
(BP revised)
MANDATED policy updated for consistency with CSBA's publications Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies and Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide (both updated in fall 2012). Policy revises section on "Goals for Nutrition, Physical Activity, and Other Wellness Activities" to add language related to school gardens, summer programs as opportunities for nutrition education and physical activity, professional development, school health services, and bullying prevention. Section on "Nutritional Guidelines for Foods Available at School" adds notes on new nutrition standards for the National School Lunch and Breakfast Programs and the proposed federal rule regarding outside food sales, and includes new language on access to drinking water during mealtimes. Policy also revises suggested indicators for program evaluation and adds optional language establishing the frequency of program evaluation.

BP 5131.2 - Bullying
(BP revised)
Policy updated to ensure compliance with CDE decision that uniform complaint procedures must be used to receive and investigate student complaints involving discrimination, harassment, intimidation, and bullying based on the characteristics covered within Education Code 234.1.

BP 5145.3 - Nondiscrimination/Harassment
(BP revised)
MANDATED policy updated to ensure compliance with CDE decision that uniform complaint procedures must be used to receive and investigate student complaints involving discrimination, harassment, intimidation, and bullying based on the characteristics covered within Education Code 234.1.
E 5145.6 - Parental Notifications

(ER revised)

Exhibit updated to (1) reflect NEW LAW (AB 1575, 2012) which requires the uniform complaint procedure notice to include information about complaints regarding student fees; (2) add notice regarding process for reclassifying English learners as fluent English proficient and the opportunity for parents/guardians to participate in that process; (3) consolidate and clarify notifications related to education of English learners; (4) add notice of failure to achieve annual measurable achievement objectives for English learners; and (5) add notice regarding student’s assignment to a supervised suspension classroom.

AR 5148 - Child Care and Development

(AR revised)

MANDATED regulation updated to add new section on “Disenrollment” reflecting NEW LAW (SB 1016, 2012) and NEW CDE MANAGEMENT BULLETIN which address the order of disenrolling families from subsidized child care and development programs when funding levels are reduced. Regulation also reflects a provision of SB 1016 which encourages “wraparound child care services” in conjunction with part-day preschool programs and specifies that the fees for these services are subject to the same fee schedule adopted by the Superintendent of Public Instruction for general child care services. Section on “Program Components” includes requirement to provide access to drinking water throughout the day and adds optional component promoting physical activity opportunities. Regulation also reflects NEW LAW (AB 1991, 2012) which revises the criteria for “public recreation programs” to be exempted from licensure.

BP/AR 6112 - School Day

(BP/AR revised)

Policy updated to reflect option for districts receiving incentive funding to reduce instructional minutes, through the 2014-15 school year, without incurring financial penalties. Policy also adds material regarding the length of the school day for students with disabilities and the minimum amount of recess time in elementary schools, and moves material from AR to BP regarding requirements for board consultations and public hearings prior to establishing a block schedule. Regulation updated to clarify legal requirements pertaining to the minimum and maximum school day at various grade levels and to reflect the minimum number of courses in which high school seniors must be enrolled. Regulation also expands material on exceptions to the 240-minute minimum school day for grades 9-12 to include regional occupational centers, concurrent enrollment in colleges classes, evening high schools, and, as added by NEW LAW (SB 1316, 2012), early and middle college high schools.

BP/AR 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education

(BP/AR revised)

MANDATED policy and regulation updated to reflect NEW LAW (SB 121, 2012) which prohibits the referral of a student with a disability to, or placement in, a nonpublic, nonsectarian school without the student’s individualized education program team’s agreement. Policy also adds material on out-of-state placements, applications for state waivers of legal requirements, and district verification of the school/agency’s certification to provide special education and related services. Regulation also reorganized and updated to clarify requirements for the master contract with a nonpublic, nonsectarian school or agency, including the process of making changes to the master contract.

BP 6163.1 - Library Media Centers

(BP revised)

Policy updated to reflect NEW TITLE 5 REGULATIONS (Register 2013, No. 3) which revise the authorized duties of credentialed teacher librarians and add a new special class authorization for departmentalized instruction in information literacy, digital literacy, and digital citizenship. Policy also
BP 6163.1 - Library Media Centers (continued)

deletes references to the use of Instructional Materials Funding Realignment Program funds for the purchase of classroom library materials, as that program was repealed by NEW LAW (AB 1246, 2012). Policy references a State Board of Education document identifying alignment of library instruction standards with Common Core State Standards and expands material on program evaluation.

BP/AR 6164.6 - Identification and Education Under Section 504
(BP/AR revised)

Policy updated to reflect NEW GUIDANCE (January 2013) from the U.S. Department of Education’s Office for Civil Rights (OCR) clarifying districts’ responsibility to provide opportunities for students with disabilities to participate in extracurricular athletic and other nonacademic programs or activities that constitute the overall educational program. Policy also adds new material re: compliance with procedural safeguards and required notifications and contains paragraph formerly in AR re: maintenance of a list of impartial hearing officers qualified to conduct Section 504 hearings. Regulation updated to reflect OCR guidance (January 2012) which clarifies the extent to which the Americans with Disabilities Act (ADA) affects the definitions of "disability" and "substantially limits" for Section 504 purposes. Regulation also adds the designation of a district employee to serve as the district’s Section 504 Coordinator, updates definitions of key terms to ensure consistency with federal law (ADA Amendment Act of 2008), and streamlines the section on "Procedural Safeguards.”

BP 6177 - Summer Learning Programs
(BP revised)

Revised policy updated to include components of effective summer programs, add material on evaluation of summer school programs, and describe summer learning opportunities in addition to summer school. For further information, see CSBA's Summer Learning Series and its new policy brief "School's Out, Now What? How Summer Programs Are Improving Student Learning and Wellness.”

BB 9130 - Board Committees
(BB revised)

Bylaw updated to clarify applicability of the Brown Act to Board-created committees, describe the circumstances under which committees may meet in closed session, and reflect an Attorney General opinion that a committee created through a collective bargaining agreement is not a committee created by the board and thus is not necessarily subject to open meeting requirements. Bylaw also revised to specify decisions that will be made at the time a committee is established, address who is responsible for appointing committee members, and delete material re: board not obligated to provide for public comment at board meeting on matters that were open to public comment during meeting of board subcommittees (now addressed in BB 9322 - Agenda/Meeting Materials).

BB 9220 - Governing Board Elections
(BB revised)

Bylaw updated to reflect NEW LAW (AB 2410, 2012) which provides that a person is ineligible to hold public office if he/she has been convicted of a felony involving bribery, offering of a bribe, embezzlement or theft of public funds, extortion, perjury, or conspiracy to commit any of these crimes. Bylaw also adds section which addresses the methods of electing board members (i.e., by trustee area, at-large election, or at-large election but candidate resides in trustee area) and reflects the California Voting Rights Act which prohibits the use of the at-large voting method when its use prevents members of a protected class (voters of a minority race, color, or language group) from being elected to the board.
District Name: Nevada Joint Union High School District

<table>
<thead>
<tr>
<th>POLICY</th>
<th>TITLE</th>
<th>OPTIONS/BLANKS</th>
<th>ADOPT DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>BP 0420</td>
<td>School Plans/Site Councils</td>
<td>Adopt as presented</td>
<td></td>
</tr>
<tr>
<td>AR 0420</td>
<td>School Plans/Site Councils</td>
<td>Adopt as presented</td>
<td></td>
</tr>
<tr>
<td>AR 0520.2</td>
<td>Title I Program Improvement Schools</td>
<td>Adopt as presented</td>
<td></td>
</tr>
<tr>
<td>BP 1431</td>
<td>Waivers</td>
<td>Adopt as presented</td>
<td></td>
</tr>
<tr>
<td>BP 3311</td>
<td>Bids</td>
<td>Adopt as presented</td>
<td></td>
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<tr>
<td>AR 3311</td>
<td>Bids</td>
<td>Adopt as presented with addition of Alternative Bid Procedures to AR</td>
<td></td>
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<tr>
<td>BP 3350</td>
<td>Travel Expenses</td>
<td><strong>OPTION 1:</strong> ☐</td>
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<tr>
<td></td>
<td></td>
<td><strong>OPTION 2:</strong> X</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>Delete section on credit cards and cash advances</td>
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<tr>
<td>AR 3514</td>
<td>Environmental Safety</td>
<td>Adopt as presented</td>
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<tr>
<td>AR 3542</td>
<td>School Bus Drivers</td>
<td>Adopt as presented</td>
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<tr>
<td>BP 4112.42/4212.42/4312.42</td>
<td>Drug and Alcohol Testing of Bus Drivers</td>
<td>Omit policy, not applicable</td>
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<tr>
<td>AR 4112.42/4212.42/4312.42</td>
<td>Drug and Alcohol Testing of Bus Drivers</td>
<td>Omit policy, not applicable</td>
<td></td>
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</tbody>
</table>
| AR 4161.11/4261.11/4361.11 | Industrial Accident/Illness Leave | - Employees granted 60 work days in F/Y for industrial accident/injury. 
                               | - Delete optional sentence regarding an employee being required to serve for three years to be eligible. 
                               |     **and choose**                                     |            |
|          |                                  | **OPTION 1:** ☐                                           |            |
|          |                                  | **OPTION 2:** X                                           |            |
District Name: Nevada Joint Union High School District

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<tr>
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<th>2nd choice</th>
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<tbody>
<tr>
<td>AR 4161.8/4261.8/4361.8</td>
<td>Family Care and Medical Leave</td>
<td>OPTION 1: □</td>
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<td></td>
<td></td>
<td>OPTION 3: □</td>
<td>OPTION 4: □</td>
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<tr>
<td>AR 5111.2</td>
<td>Nonresident Foreign Students</td>
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<td>Omit AR, not applicable</td>
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<tr>
<td>BP 5131.61</td>
<td>Drug Testing</td>
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<td>Omit this revision. We have our own policy written by our attorneys.</td>
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<tr>
<td>BP 5141.27</td>
<td>Food Allergies/Special Dietary Needs</td>
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<td>Adopt as presented</td>
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<td>AR 5141.27</td>
<td>Food Allergies/Special Dietary Needs</td>
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<tr>
<td>BP 6117</td>
<td>Year-Round Schedules</td>
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<td>Year-Round Schedules</td>
<td>Delete AR X Yes □No</td>
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<tr>
<td>BP 6144</td>
<td>Controversial Issues</td>
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<tr>
<td>AR 6144</td>
<td>Controversial Issues</td>
<td>Delete AR X Yes □No</td>
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</tr>
<tr>
<td>BP 6162.6</td>
<td>Use of Copyrighted Materials</td>
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<td>Adopt as presented</td>
</tr>
<tr>
<td>AR 6162.6</td>
<td>Use of Copyrighted Materials</td>
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<td>Adopt as presented</td>
</tr>
<tr>
<td>BB 9010</td>
<td>Public Statements</td>
<td></td>
<td>Adopt as presented</td>
</tr>
</tbody>
</table>
BP/AR 0420 - School Plans/Site Councils

Policy revised to delete material on school site block grants, which are no longer operational. Policy also adds language, reflecting California Department of Education guide, requiring the Board to communicate specific reasons to the school site council when it disapproves the Single Plan for Student Achievement.

Regulation revised to delete section on "School Site Block Grants" since these grants are no longer operational and to delete section on "School Plans for Categorical Block Grants" since requirements for the Pupil Retention Block Grant and School and Library Improvement Block Grant are now flexible under the Local Control Funding Formula pursuant to NEW LAW (AB 97, 2013). Regulation also updated to reflect California Department of Education guide re: (1) selection of school site council members, including clarification of membership requirements in middle schools, and (2) the process of developing the Single Plan for Student Achievement, including data sources, consultation with advisory groups, and new budget planning and evaluation tools.

AR 0520.2 - Title I Program Improvement Schools

Regulation updated to reflect the Parent Empowerment Act, which authorizes parents/guardians in certain Year 3 Program Improvement schools to petition the Board to implement one of four specified intervention models or an alternative governance arrangement. Updated regulation also clarifies the timeline and content of the required notice to parents/guardians regarding the opportunity to transfer their child to another school and reflects additional requirements pertaining to supplemental educational services, including development of a student learning plan and safeguards against conflict of interest.

BP 1431 - Waivers

Policy updated to add steps for consideration of district waiver request prior to its submission to the State Board of Education (SBE), including public hearing and notice requirements and Board approval. Policy also reflects requirements for renewal of a general waiver and adds information on the California Department of Education's online waiver request system and its guidance to expedite waiver requests.

BP/AR 3311 - Bids

Policy updated to reflect NEW LAW (AB 1565, 2012) which requires (1) prequalification of all general contractors and electrical, mechanical, and plumbing subcontractors for public projects of $1 million or more awarded on or after January 1, 2014, if School Facilities Program funds or other future state school bonds are used, and (2) a uniform system of rating bidders based on completed questionnaires and model guidelines developed by the Department of Industrial Relations. Policy also reflects court decision highlighting the importance of disclosing all material information in bid specifications.

MANDATED regulation reorganized and updated to reflect NEW LAW (AB 1565, 2012) requiring prequalification of specified contractors, as noted above. Regulation also (1) adds step for notifying the bidder when a bid is disqualified as nonresponsive (i.e., does not conform to specifications) in order to give the bidder an opportunity to respond to the information; (2) reflects law allowing districts to facilitate the participation of women, minorities, disabled veterans and small businesses in contracts; and (3) reflects law allowing purchase of surplus property from the federal government without taking estimates or advertising for bids.
BP 3350 - Travel Expenses

Policy revised to prohibit use of a district credit card for personal expenses, even if the employee intends to reimburse the district. Policy also adds language on types of reimbursable travel expenses and nonreimbursable personal expenses, alignment of district mileage reimbursement rate with the Internal Revenue Service rate, options for reimbursement of meal costs, submission and approval of expense claim, employee's responsibility for costs incurred on improper claim, and repayment to district if actual costs are less than the cash advance received by the employee.

AR 3514 - Environmental Safety

Regulation revised to add new sections on "Drinking Water" and "Mercury Exposure," add optional language re: installation of carbon monoxide detectors, expand item requesting staff and students to refrain from bringing or using fragrances and other common irritants, and reflect requirement to install filter in diesel buses to reduce emissions. Material on vehicle idling shortened since the detailed requirements are now addressed in AR 3542 - School Bus Drivers.

AR 3542 - School Bus Drivers

MANDATED regulation expands "Qualifications" section to include requirement for bus driver initially applying for or renewing a commercial driver's license or school bus certificate to present evidence of having obtained a medical examination, and requirement for district to notify driver when his/her license, certificate, or medical certification is expiring. Regulation also adds identification of staff development needs, prohibitions against cell phone use and texting except under specified conditions, duty of driver to report on the condition of the bus and on his/her duty status (e.g., hours on duty), section on "Vehicle Idling" formerly in AR 3514 - Environmental Safety, and reports that must be maintained by the district pertaining to each driver.

BP/AR 4112.42/4212.42/4312.42 - Drug and Alcohol Testing of Bus Drivers

MANDATED policy revised to more directly reflect prohibitions against drug and alcohol use and clarify that alcohol testing conducted under the federal testing program should follow federal law re: the blood alcohol concentration level that triggers specified consequences. Policy also adds language on confidentiality of test results, reports to the Department of Motor Vehicles, option to impose rehabilitation or return-to-duty program, and option to establish a voluntary self-identification program.

New MANDATED regulation reflects requirements pertaining to pre-employment, post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing. Regulation also adds definitions of key terms and designation of "designated employer representative," and expands material on driver notifications formerly in BP.

AR 4161.11/4261.11/4361.11 - Industrial Accident/Illness Leave

MANDATED regulation recoded to merge former AR 4161.11/4361.11 - Industrial Accident/Illness Leave for certificated and administrative/supervisory employees and AR 4261.11 - Industrial Accident/Illness Leave for classified employees. Revised regulation clarifies that the district must set the maximum number of days allowed for such leave, which must be at least 60 working days in one fiscal year for the same industrial accident or illness, and provides options for the district re: the process of issuing salary payments that take into account the amount of the employee's workers' compensation check. Regulation also clarifies retention of status and benefits, notification when leave is exhausted, and placement on a reemployment list when the employee is not medically able to resume his/her duties after all available leave is exhausted.
AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave

Regulation updated to reflect provisions related to pregnancy disability leave under state law and regulations, as amended by NEW STATE REGULATIONS (Register 2012, No. 48), including clarification of the calculation of the four months to which employees are entitled. Regulation also reflects NEW COURT DECISION finding unconstitutional the definition of marriage, for purposes of benefits under federal law, as a "union between a man and a woman." Section on "Military Family Leave Resulting from Qualifying Exigencies" updated to reflect NEW FEDERAL REGULATIONS (78 Fed. Reg. 25) which revise the definitions of "military member" and "covered active duty," increase allowable exigency leave for rest and recuperation from five to 15 days, allow use of such leave to care for a military member's parent under specified conditions, and expand the list of information which a district may require an employee to provide. Section on "Military Caregiver Leave" updated to reflect NEW FEDERAL REGULATIONS (78 Fed. Reg. 25) amending the conditions that must be present for a veteran's injury or illness to qualify as a "serious injury of illness" for purpose of this leave and expanding the definition of "authorized health care provider" qualified to certify the need for the leave.

AR 5111.2 - Nonresident Foreign Students

Regulation updated to add requirements related to obtaining certification and recertification of district eligibility to enroll nonimmigrant foreign students, conditions under which nonresident foreign students may be admitted, and recordkeeping requirements.

BP 5131.61 - Drug Testing

Policy updated to delete material related to random, suspicionless drug testing of students participating in nonathletic extracurricular activities, in accordance with the greater privacy protections provided under the California Constitution which require a compelling reason (i.e., evidence of drug use or other justification) for testing students in contexts other than athletics.

BP/AR 5141.27 - Food Allergies/Special Dietary Needs

Policy revised to reflect federal law which requires that a determination of disability, for purposes of Section 504 of the federal Rehabilitation Act, be made without regard to the ameliorative effects of mitigating measures, which may result in more students with severe food allergies needing to be evaluated under Section 504 to determine if they need accommodations or services. Policy also prohibits discrimination and bullying based on a food allergy and adds referral to appropriate complaint procedures.

Regulation revised to add material on the development of a health plan to manage the needs of a student with a food allergy, which may be a Section 504 accommodation plan if his/her allergy meets the definition of a "disability" without regard to the effects of mitigating measures. Regulation also adds measures to be taken when a student with a known food allergy will be off school grounds, such as on a field trip.

BP/AR 6117 - Year-Round Schedules

Policy updated to delete material re: Concept 6 year-round programs since related law has sunsettled. Policy also incorporates material formerly in AR, expands issues that the Board may consider when establishing a year-round program, and adds language on program evaluation, parent/guardian appeals of their child's assignment to a track, and the public's right to request that a year-round schedule not be established by submitting a petition to the County Superintendent of Schools.

Regulation deleted and incorporated into BP.
BP/AR 6144 - Controversial Issues

Policy updated to incorporate material formerly in AR, reference policy that addresses appropriateness of supplementary instructional materials, add consultation with Superintendent or designee as needed to determine appropriateness of the subject matter or resource, add prior parental notification when required or deemed advisable, and add reference to appropriate complaint procedures.

Regulation deleted and incorporated into BP.

BP/AR 6162.6 - Use of Copyrighted Materials

Policy updated to reflect NEW COURT DECISION (Cambridge University Press v. Becker) reaffirming that the need to get permission to use a copyrighted work unless the criteria for fair use or another exception are met, and prohibiting students from copying and distributing copyrighted works. Material re: observing license agreements for software moved to AR.

Regulation reorganized and expanded to reflect (1) the need to seek permission of copyright holder before widely distributing a copyrighted work through a web site or other method of communications accessible to the public; (2) the four factors specified in law that must be considered when determining whether an intended use of a copyrighted work is for "fair use," as clarified by NEW COURT DECISION (Cambridge University Press v. Becker); and (3) an exception in federal law pertaining to performance or display of copyrighted works (e.g., motion picture or other audiovisual work) in the course of face-to-face instruction. Regulation also revised to include information about identifying the holder of a copyright and to more directly reflect nonbinding guidelines for copying text, sheet or recorded music, and television programming as stated in U.S. Copyright Office guidance.

BB 9010 - Public Statements

Bylaw updated to add concepts related to communicating the district's message in a manner that promotes public confidence in the Board's leadership, refraining from disclosing confidential information, and adhering to the same standards and protocols established for other Board communications when participating on social networking sites, blogs, or other electronic media.

BB/E 9250 - Remuneration, Reimbursement and Other Benefits

Bylaw updated to delete material requiring the district to establish a minimum percentage of the Board meeting that must be attended in order for a Board member to receive compensation, add statement clarifying that student Board members do not receive compensation, and reflect legal requirement to announce any additional compensation received whenever a quorum of Board members serves as another legislative body which will meet simultaneously or in serial order to a Board meeting. Section on "Reimbursement of Expenses" revised to give examples of authorized travel and to prohibit use of district credit card for personal expenses even if the Board member intends to reimburse the district. Material on health and welfare benefits updated to (1) reflect current law which provides that the age at which a person ceases to be a dependent child is age 26 years or higher as specified in the health plan and (2) clarify the circumstances under which the district may offer health and welfare benefits to former Board members.

New exhibit added to provide a sample Board resolution, as required by law in order to authorize compensation for a Board member who missed meeting(s) because he/she was performing other designated duties on behalf of the district at the time of the meeting, was ill or on jury duty, or had another hardship deemed acceptable by the Board.
NOTICE OF CRITERIA AND STANDARDS REVIEW. This interim report was based upon and reviewed using the state-adopted Criteria and Standards. (Pursuant to Education Code (EC) sections 33129 and 42130)

Signed: ____________________________ Date: ____________________________
District Superintendent or Designee

NOTICE OF INTERIM REVIEW. All action shall be taken on this report during a regular or authorized special meeting of the governing board.

To the County Superintendent of Schools:
This interim report and certification of financial condition are hereby filed by the governing board of the school district. (Pursuant to EC Section 42131)

Meeting Date: ____________________________ Signed: ____________________________
President of the Governing Board

CERTIFICATION OF FINANCIAL CONDITION

X POSITIVE CERTIFICATION
As President of the Governing Board of this school district, I certify that based upon current projections this district will meet its financial obligations for the current fiscal year and subsequent two fiscal years.

QUALIFIED CERTIFICATION
As President of the Governing Board of this school district, I certify that based upon current projections this district may not meet its financial obligations for the current fiscal year or two subsequent fiscal years.

NEGATIVE CERTIFICATION
As President of the Governing Board of this school district, I certify that based upon current projections this district will be unable to meet its financial obligations for the remainder of the current fiscal year or for the subsequent fiscal year.

Contact person for additional information on the interim report:

Name: Karen Suenram Telephone: (530) 273-3351 ext 210
Title: Assistant Superintendent of Business E-mail: ksuenram@njuhsd.com

Criteria and Standards Review Summary

The following summary is automatically completed based on data provided in the Criteria and Standards Review form (Form 01CSI). Criteria and standards that are "Not Met," and supplemental information and additional fiscal indicators that are "Yes," may indicate areas of potential concern, which could affect the interim report certification, and should be carefully reviewed.

<table>
<thead>
<tr>
<th>CRITERIA AND STANDARDS</th>
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<th>Not Met</th>
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<tbody>
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<td>1 Average Daily Attendance</td>
<td>Funded ADA for any of the current or two subsequent fiscal years has not changed by more than two percent since budget adoption.</td>
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NEVADA JOINT UNION HIGH SCHOOL DISTRICT

RESOLUTION #07-13/14

TO AMEND THE ADOPTED BUDGET IN ACCORDANCE WITH THE FIRST INTERIM FINANCIAL STATEMENT FOR THE 2013-2014 FISCAL YEAR

BE IT RESOLVED that the Governing Board of the Nevada Joint Union High School District authorizes the Nevada Joint Union High School District to amend the Adopted Budget in accordance with the First Interim Financial Statement for the 2013-2014 Fiscal Year.

Secretary, Board of Trustees                          President, Board of Trustees

The foregoing Resolution was passed and adopted at a regular meeting of the Board of Trustees of the Nevada Joint Union High School District on the 11th day of December 2013 by the following vote:

AYES:

NOES:

ABSENT:

Clerk, Board of Trustees
To: Board of Trustees

From: Karen Suenram, Assistant Superintendent-Business Services

Date: December 11, 2013

Subject: Copier Procurement Process

Background
The Nevada Joint Union High School District leases copy machines for the use of teachers, instructional aides, clerical staff, and administrators. Depending on need, there are copiers located at all district sites and within various departments. Each copier has a unique lease obligation. Many years ago, the practice was established to enter into leases as the need occurred within a specific department/school site. The current practice is that the school site principal will contact the Assistant Superintendent – Business Services to define the need and to verify that funds are available within the school site budget. Two quotes are then received and after verification of funding a lease is entered with the vendor with the lowest quoted price.

The future recommended practice is to obtain three informal written bids before entering into a lease obligation. The Board will be presented with the lease document for ratification shortly after the bids have been received. At the time of contract ratification, the Board will also be presented with copies of the written bids, the funding source and justification of need.

If the estimated lease obligation exceeds the California Government bid limit (currently $83,400), formal bid procedures as defined by Board Policy No. 3311 will be implemented. The formal bid procedures require that staff receive authorization from the Board prior to requesting bids.

Since the budget crisis started in 2008-2009, District-wide copier costs have been reduced by over $50,000. For many years, Bear River has accommodated the majority of their copy needs with a centralized copy shop. Nevada Union is in the process of converting to a similar model. The difference with the Nevada Union model is that students in the Workability Program will actually be working the copy center with the oversight of a teacher and instructional aides. Copier costs are expected to decline further under this model as staff members become comfortable with the process and the need for external copiers will decrease.

Estimated Costs and Funding Sources
N/A

Recommendation
Staff recommends that the Board discuss the proposed copier procurement process and provide feedback. Further, staff recommends that the item be presented to the Board for action in January, 2014.
ITEM “L”

POLICY MANUAL REVIEW
<table>
<thead>
<tr>
<th>POLICY</th>
<th>TITLE</th>
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<td>AR 0420.4</td>
<td>Charter School Authorization</td>
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<td>BP 0420.41</td>
<td>Charter School Oversight</td>
<td>Adopt as presented</td>
<td></td>
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<td>E 0420.41</td>
<td>Charter School Oversight</td>
<td>Replace Exhibit  X Yes  □ No</td>
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<tr>
<td>BP 0460</td>
<td>Local Control and Accountability Plan</td>
<td>Adopt as presented</td>
<td></td>
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<td>AR 0460</td>
<td>Local Control and Accountability Plan</td>
<td>Adopt as presented</td>
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<tr>
<td>BP 0500</td>
<td>Accountability</td>
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| BP 3100  | Budget                          | 1<sup>st</sup> choice: OPTION 1:  X  
                      OPTION 2:  □  
                      OPTION 3:  □  
                      2<sup>nd</sup> choice: OPTION 1:  X  
                      OPTION 2:  □  |            |
| AR 3100  | Budget                          | 1<sup>st</sup> choice: OPTION 1:  X  
                      OPTION 2:  □  
                      Replace second to last paragraph under Fund Balance to: To protect the district against unforeseen circumstances such as revenue shortfalls and unanticipated expenditures the Board intends to maintain a minimum unrestricted fund balance of 8% of the district's general fund annual operating expenditures, if the unrestricted fund balance drops below 8% it shall be recovered at a rate of 1% minimally, each year.  
                      Delete the last paragraph under LT Financial Obligations. |            |
District Name: Nevada Joint Union High School District

<table>
<thead>
<tr>
<th>BP 3110</th>
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Note: Descriptions below identify major revisions made in CSBA's sample board policies, administrative regulations, board bylaws, and/or exhibits. Editorial changes have also been made. Districts should review the sample materials and modify their own policies accordingly.

AR 0420.4 - Charter School Authorization

Regulation updated to reflect NEW LAW (AB 97, 2013) which requires charter petitions to include annual goals aligned with specified state priorities and any additional priorities established by the charter school and to identify specific annual actions to achieve the goals. Regulation also reflects provisions of AB 97 which (1) add foster youth to the definition of "numerically significant student subgroups" and change the number of students constituting a numerically significant subgroup and (2) require measures of student outcomes for state priorities to be consistent with the way information is reported in a school accountability report card to the extent practicable.

BP/E 0420.41 - Charter School Oversight

Policy updated to reflect NEW LAW (AB 97, 2013) which (1) adds foster youth to the definition of "numerically significant student subgroups" and changes the number of students constituting a numerically significant subgroup, (2) requires the district to ensure that the charter school submits an annual update of goals and actions aligned with state priorities, (3) requires the provision of technical assistance to a charter school that meets specified criteria, (4) requires the district's board to consider revocation of a charter whenever it finds that the charter school failed to implement the recommendations of the California Collaborative for Educational Excellence or continues to demonstrate persistent or acute inadequate performance, and (5) requires the use of uniform complaint procedures for complaints of noncompliance with the annual update of goals and actions or with technical assistance or intervention. Policy also adds board approval of a general waiver request before it is submitted to the State Board of Education (SBE) on behalf of the charter school, and includes optional language on the development of a memorandum of understanding which clarifies any financial and operational agreements between the district and charter school.

Exhibit updated to reflect NEW LAW (AB 97, 2013) which (1) allows charter schools to reduce the number of instructional days and minutes through the 2014-15 school year and (2) requires charter schools to submit an annual update of school goals that address specified state priorities, actions for achieving those goals, and related expenditures. Exhibit also reflects NEW LAW (AB 588, 2013) which requires charter schools that offer athletic programs to annually provide information about concussions and head injuries to student athletes and their parents/guardians and to immediately remove from an athletic activity any student who is suspected of sustaining a concussion or head injury.

BP/AR 0460 - Local Control and Accountability Plan

New policy reflects the requirements of NEW LAW (AB 97 and SB 97, 2013) related to the development of a three-year local control and accountability plan (LCAP) by July 1, 2014, and an update of the LCAP on or before July 1 of each subsequent year. Policy addresses the importance of comprehensive planning, optional local priorities to add to the state priorities specified in law, requirements for consultation with specified groups on plan development, board adoption of the LCAP, submission of the approved LCAP to the county superintendent, the board's role in monitoring district progress, and circumstances under which the district may receive technical assistance or intervention to improve student outcomes.

New administrative regulation reflects the requirements of NEW LAW (AB 97 and SB 97, 2013) regarding the contents of the LCAP and the annual update to the LCAP, consistency with existing collective bargaining agreements, and posting of the LCAP on the district's web site.
POLICY GUIDESHEET
October 2013
Page 2 of 2

BP 0500 - Accountability

Policy updated to reflect NEW LAW (AB 97, 2013) which changes the definition of "numerically significant student subgroups" for purposes of the state accountability system, establishes a new system of technical assistance and intervention for districts that meet certain criteria, and repeals law that required an annual discussion of each school's Academic Performance Index (API) at a board meeting. Policy also reflects NEW LAW (AB 484, 2013) which authorizes the SBE to suspend the API in the 2013-14 and 2014-15 school years while the state assessment system is transitioning from the Standardized Testing and Reporting program to the Measurement of Academic Performance and Progress. New optional language addresses the use of program evaluation results as a basis for revising district or school goals and comprehensive plans.

BP/AR 3100 - Budget

Policy updated to reflect NEW LAW (AB 97, 2013) which requires that (1) the board must adopt the LCAP prior to adopting the district budget; (2) the budget must include the expenditures necessary to implement the LCAP or the annual update to the LCAP; (3) supplemental and concentration grant funds under the local control funding formula must be used to increase or improve services for students who are eligible for free or reduced-price meals, English learners, and/or foster youth; and (3) state standards and criteria for district budgets must be adopted by the SBE by January 1, 2014, to reflect the requirements of the LCAP.

Regulation updated to reflect NEW LAW (AB 97, 2013) which requires the public hearing on the budget to be held at the same meeting as the public hearing on the LCAP. Regulation also reflects NEW LAW (SB 97, 2013) which provides that, beginning in the 2014-15 fiscal year, the county superintendent of schools cannot call for the formation of a budget review committee for disapproved budgets if his/her sole reason for disapproving the budget is that he/she has not approved the district's LCAP or the annual update to the LCAP.

BP 3110 - Transfer of Funds

Policy updated to delete section on "Tier 3 Categorical Flexibility" since NEW LAW (AB 97, 2013) repeals the law providing this flexibility and redirects the funding into the local control funding formula. Policy also reflects the repeal, pursuant to AB 97, of the law providing a process for the transfer of excess local funds in the deferred maintenance fund to any other expenditure classifications whenever state funds for deferred maintenance are insufficient to fully match local funds. Revised policy adds items reflecting circumstances under which the board may transfer monies between funds or accounts.
CHARTER SCHOOL AUTHORIZATION

Note: The following administrative regulation is optional.

Petition Signatures

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

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

2. A number of teachers equivalent to at least one-half of the total number of teachers that the charter school estimates will be employed at the school during its first year of operation

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

(cf. 4116 - Permanent/Probationary Status)

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

Advisory Committee

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

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

(cf. 2230 - Representative and Deliberative Groups)
CHARTER SCHOOL AUTHORIZATION (continued)

Components of Charter Petition

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

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

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

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

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

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

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

The petition shall include a description of annual goals for all students and for each numerically significant subgroup of students identified pursuant to Education Code 52052, including ethnic subgroups, socioeconomically disadvantaged students,
CHARTER SCHOOL AUTHORIZATION (continued)

English learners, students with disabilities, and foster youth. These goals shall be
aligned with the state priorities listed in Education Code 52060 that apply to the grade
levels served or the nature of the program operated by the charter school. The
petition also shall describe specific annual actions to achieve those goals. The
petition may identify additional priorities established by the charter school, goals
aligned with those priorities, and specific annual actions to achieve those goals.

(cf. 0420.41 - Charter School Oversight)
(cf. 0460 - Local Control and Accountability Plan)

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

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

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

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

3. The method by which student progress in meeting the identified student outcomes is
to be measured. To the extent practicable, the method for measuring student outcomes
for state priorities shall be consistent with the way information is reported on a school
accountability report card.

(cf. 0510 - School Accountability Report Card)
CHARTER SCHOOL AUTHORIZATION  (continued)

4. The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parent/guardian involvement.

5. The qualifications to be met by individuals to be employed by the school.

6. The procedures that the school will follow to ensure the health and safety of students and staff, including the requirement that each school employee furnish the school with a criminal record summary as described in Education Code 44237.

7. The means by which the school will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the district's territorial jurisdiction.

8. Admission requirements, if applicable.

9. The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the Governing Board's satisfaction.

10. The procedures by which students can be suspended or expelled.

11. The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

12. The public school attendance alternatives for students residing within the district who choose to not attend the charter school.

13. A description of the rights of any district employee upon leaving district employment to work in the charter school and of any rights of return to the district after employment at the charter school.

14. The procedures to be followed by the charter school and the Board to resolve disputes relating to charter provisions.

Note: Education Code 47605 requires charter petitions to contain the declaration specified in item #15 below regarding responsibilities for collective bargaining. If the charter school is not deemed the public school employer for purposes of collective bargaining under Government Code 3540-3549.3, the district where the charter school is located shall be deemed the public school employer for these purposes, pursuant to Education Code 47611.5. Education Code 47611.5 further provides that, if the charter does not specify that the charter school shall comply with laws and regulations governing tenure or a merit or civil service system, the scope of representation for that charter school shall also include discipline and dismissal of charter school employees.
CHARTER SCHOOL AUTHORIZATION (continued)

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

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

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

a. Designation of a responsible entity to conduct closure-related activities

b. Notification to parents/guardians, the Board, the county office of education, the special education local plan area in which the school participates, the retirement systems in which the school's employees participate, and the California Department of Education, providing at least the following information:

   (1) The effective date of the closure

   (2) The name(s) and contact information of the person(s) to whom reasonable inquiries may be made regarding the closure

   (3) The students' districts of residence

   (4) The manner in which parents/guardians may obtain copies of student records, including specific information on completed courses and credits that meet graduation requirements

c. Provision of a list of students at each grade level, the classes they have completed, and their districts of residence to the responsible entity designated in accordance with item #16a above

d. Transfer and maintenance of all student records, all state assessment results, and any special education records to the custody of the responsible entity designated in accordance with item #16a above, except for records and/or assessment results that the charter may require to be transferred to a different entity

e. Transfer and maintenance of personnel records in accordance with applicable law
CHARTER SCHOOL AUTHORIZATION (continued)

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

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

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

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

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

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

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

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

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

( cf. 7160 - Charter School Facilities)

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

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

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

Location of Charter School

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

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

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

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

1. The district is notified prior to approval of the petition.

2. The County Superintendent of Schools and Superintendent of Public Instruction are notified before the charter school begins operations.

3. The charter school has attempted to locate a single site or facility to house the entire program but such a facility or site is unavailable in the area in which the school chooses to locate, or the site is needed for temporary use during a construction or expansion project.

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

1. The facility is used exclusively for the educational support of students who are enrolled in nonclassroom-based independent study of the charter school.

2. The charter school provides its primary educational services in, and a majority of the students it serves are residents of, the county in which the school is authorized.
CHARTER SCHOOL OVERSIGHT

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

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

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

(cf. 0420.4 - Charter School Authorization)
(cf. 0500 - Accountability)

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

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

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

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

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

Waivers

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

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

(cf. 1431 - Waivers)

Provision of District Services

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

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

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

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

Material Revisions to Charter

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

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

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

Monitoring Charter School Performance

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

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

Note: Education Code 47605 requires that measurable student outcomes for "all groups of students served by the charter school" be included in the school's charter petition; see AR 0420.4 - Charter School Authorization. Pursuant to Education Code 47607, "all groups of students served by the charter school" means all numerically significant subgroups of students served by the charter school, as defined in Education Code 52052. Education Code 52052, as amended by AB 97 (Ch. 47, Statutes of 2013), provides that a numerically significant subgroup includes ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, and foster youth, when there are at least 30 students in the subgroup (or at least 15 foster youth) in the school. For schools with 11-99 students, numerically significant student subgroups are defined by the Superintendent of Public Instruction (SPI) with approval by the SBE.

In addition, Education Code 47605 requires that the charter petition include methods for measuring the charter school's progress toward achieving student outcomes. Although these methods may vary, Education Code 47605 requires that charter schools conduct any statewide assessments applicable to other public schools. At a minimum, the charter school must demonstrate that it is meeting its Academic Performance Index growth targets pursuant to Education Code 52051.5-52052 and, if the school receives federal Title I funding, that it is making "adequate yearly progress" (AYP) as defined by the SBE in accordance with 20 USC 6311.
CHARTER SCHOOL OVERSIGHT  (continued)

The Board shall monitor each charter school to determine whether it is achieving, both schoolwide and for all groups of students served by the school, the measurable student outcomes set forth in the charter. This determination shall be based on the measures specified in the approved charter and shall include, at a minimum, a consideration of whether the school is meeting its Academic Performance Index growth targets established pursuant to Education Code 52052 and is making "adequate yearly progress" (AYP) pursuant to 20 USC 6311, as applicable.

Note: As amended by AB 97 (Ch. 47, Statutes of 2013), Education Code 47604.32 requires the district to ensure that the charter school submits an annual update of school goals and actions to achieve those goals as required by Education Code 47606.5. Pursuant to Education Code 47606.5, as added by AB 97, this annual update must be developed using the template adopted by the SBE pursuant to Education Code 52064.

The Board shall monitor the fiscal condition of the charter school based on any financial information obtained from the charter school, including, but not limited to, the charter school's preliminary budget; an annual update, aligned to the template adopted by the SBE, of school goals, actions, and related expenditures; first and second interim financial reports; and final unaudited report for the full prior year.  (Education Code 47604.32, 47604.33, 47606.5)

Note: Education Code 47613 authorizes the district to charge the charter school, within specified limits, for the costs of supervisory oversight of the school. As amended by AB 97 (Ch. 47, Statutes of 2013), Education Code 47613 provides that the costs of supervisory oversight include, but are not limited to, costs incurred for technical assistance or intervention pursuant to Education Code 47607.3; see the section "Technical Assistance/Intervention" below. Although no other examples are provided in law, CSBA's publication Charter Schools: A Manual for Governance Teams suggests that supervisory oversight activities also might include site visits, reviews of performance data and financial reports, and legal auditing. The actual provision of administrative or support services would not likely be considered supervisory oversight for purposes of charging supervisory oversight costs to the charter school.

The district may charge up to one percent of a charter school's revenue for the actual costs of supervisory oversight of the school. However, if the district is able to provide substantially rent-free facilities to the charter school, the district may charge actual costs of supervisory oversight up to three percent of the charter school's revenue.  (Education Code 47613)

(cf. 7160 - Charter School Facilities)

Technical Assistance/Intervention

Note: Pursuant to 20 USC 6311, if a charter school receiving Title I funds fails to make AYP for two or more consecutive years, the school will be identified for program improvement pursuant to 20 USC 6316; see BP/AR 0520.2 - Title I Program Improvement Schools. U.S. Department of Education nonregulatory guidance, The Impact of the New Title I Requirements on Charter Schools, clarifies that the entity which authorizes the charter is responsible for ensuring that the school complies with accountability provisions.
CHARTER SCHOOL OVERSIGHT (continued)

If a charter school receiving federal Title I funding fails to make AYP, as defined pursuant to 20 USC 6311, for two or more consecutive years, the school shall be identified for program improvement and shall implement improvement strategies in accordance with 20 USC 6316.

(cf. 0520.2 - Title I Program Improvement Schools)

Note: Education Code 47607.3, as added by AB 97 (Ch. 47, Statutes of 2013), requires the provision of technical assistance to a charter school under the circumstances described below.

If, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more student subgroups identified in Education Code 52052, or for all of the student subgroups if the school has fewer than three, in regard to one or more state or school priorities identified in the charter, the district: (Education Code 47607.3)

1. Shall provide technical assistance to the charter school using an evaluation rubric adopted by the SBE pursuant to Education Code 52064.5

2. May request that the Superintendent of Public Instruction (SPI), with SBE approval, assign the California Collaborative for Educational Excellence to provide advice and assistance to the charter school pursuant to Education Code 52074

Note: Education Code 47607 requires the Board to consider specified criteria of academic performance when determining whether to deny a petition for charter renewal or to revoke a charter, with achievement of all student subgroups served by the charter school being the most important factor; see BP 0420.42 - Charter School Renewal and BP 0420.43 - Charter School Revocation. In addition, Education Code 47607.3, as added by AB 97 (Ch. 47, Statutes of 2013), requires the Board to consider revocation of a charter whenever it finds that the charter school failed to implement the recommendations of the California Collaborative for Educational Excellence or continues to demonstrate persistent or acute inadequate performance.

In accordance with law, the Board may deny a charter’s renewal petition or may revoke a charter based on the charter school’s poor performance, especially with regards to the academic achievement of all numerically significant subgroups of students served by the charter school.

(cf. 0420.42 - Charter School Renewal)
(cf. 0420.43 - Charter School Revocation)

Complaints

Note: Pursuant to Education Code 52075, as added by AB 97 (Ch. 47, Statutes of 2013), charter schools are required to establish policies and procedures, on or before June 30, 2014, addressing complaints of noncompliance with Education Code 47606.5 (annual update of school goals, actions, and related expenditures) or 47607.3 (technical assistance or intervention based on the school’s failure to improve student outcomes). See AR 1312.3 - Uniform Complaint Procedures for applicable procedures.
CHARTER SCHOOL OVERSIGHT (continued)

Each charter school shall maintain processes to enable any person to file a complaint, in accordance with the uniform complaint procedures as specified in 5 CCR 4600-4687, alleging the school’s noncompliance with Education Code 47606.5 or 47607.3. (Education Code 52075)

(cf. 1312.3 - Uniform Complaint Procedures)

Note: Pursuant to Education Code 52075, as added by AB 97 (Ch. 47, Statutes of 2013), a complainant may appeal the charter school’s decision to the SPI and will receive a written appeal decision within 60 days of the SPI’s receipt of the appeal.

A complainant who is not satisfied with the decision may appeal the decision to the SPI. (Education Code 52075)

If the charter school finds merit in the complaint or the SPI finds merit in an appeal, a remedy shall be provided to all affected students and parents/guardians. (Education Code 52075)

School Closure

Note: The following optional section may be revised to reflect district practice. Pursuant to Education Code 47605, procedures to be followed in the event a charter school ceases operation for any reason must be specified in the charter; see AR 0420.4 - Charter School Authorization. 5 CCR 11962 lists components that must be included in these procedures, including (1) designation of a responsible entity to conduct closure-related activities; (2) notifications to specified persons and entities; (3) provision of information about students’ grade level, course completion, and district of residence; (4) transfer and maintenance of student and personnel records; (5) completion of an independent final audit; and (6) disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed.

Depending on the terms of the charter, these duties may be performed by the charter school, the district, or another specified entity. However, Education Code 47604.32 specifies that it is the responsibility of the district to notify the CDE when a charter school ceases operation for any reason. The CDE’s web site also recommends that, in addition to the notifications required by 5 CCR 11962, either the district or the charter school should announce the closure to any school districts that may be responsible for providing education services to the former students of the charter school.

The CDE’s web site recommends that charter school closures occur at the end of a school year if it is feasible to maintain a legally compliant program until then.

In the event that the Board revokes or denies renewal of a charter or the school closes for any other reason, the Superintendent or designee shall, when applicable in accordance with the charter and/or a memorandum of understanding, provide assistance to facilitate the transfer of the charter school’s former students and to finalize financial reporting and close-out.

The Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days, if the charter school will cease operation for any reason.
CHARTER SCHOOL OVERSIGHT (continued)

Such notification shall include, but not be limited to, a description of the circumstances of the closure, the effective date of the closure, and the location of student and personnel records. (Education Code 47604.32; 5 CCR 11962.1)

Legal Reference:

EDUCATION CODE
220 Nondiscrimination
17280-17317 Field Act
17365-17374 Field Act, fitness for occupancy
35330 Field trips and excursions; student fees
38080-38086 School meals
42100 Annual statement of receipts and expenditures
44237 Criminal record summary
44830.1 Certificated employees, conviction of a violent or serious felony
45122.1 Classified employees, conviction of a violent or serious felony
46201 Instructional minutes
47600-47616.7 Charter Schools Act of 1992
47634.2 Nonclassroom-based instruction
47640-47647 Special education funding for charter schools
48000 Minimum age of admission for kindergarten; transitional kindergarten
48010-48011 Minimum age of admission (first grade)
48907 Students' exercise of free expression; rules and regulations
48950 Student speech and other communication
49061 Student records
49110 Authority of issue work permits
49475 Health and safety, concussions and head injuries
51745-51749.3 Independent study
52051.5-52052 Academic performance index. applicability to charter schools
52060-52077 Local control and accountability plans
52075 Uniform complaint procedures
56026 Special education
56145-56146 Special education services in charter schools
60600-60649 Assessment of academic achievement
60850-60859 High school exit examination

CORPORATIONS CODE
5110-6910 Nonprofit public benefit corporations

GOVERNMENT CODE
3540-3549.3 Educational Employment Relations Act
54950-54963 The Ralph M. Brown Act

LABOR CODE
1198.5 Personnel records related to performance and grievance

PENAL CODE
667.5 Definition of violent felony
1192.7 Definition of serious felony

CALIFORNIA CONSTITUTION
Article 9, Section 5 Common school system

Legal Reference continued: (see next page)
CHARTER SCHOOL OVERSIGHT (continued)

Legal Reference: (continued)
CODE OF REGULATIONS, TITLE 5
4600-4687 Uniform complaint procedures
11700.1-11705 Independent study
11960-11969 Charter schools
CODE OF REGULATIONS, TITLE 24
101 et seq. California Building Standards Code
UNITED STATES CODE, TITLE 20
6311 Adequate yearly progress
6319 Qualifications of teachers and paraprofessionals
7223-7225 Charter schools
CODE OF FEDERAL REGULATIONS, TITLE 34
200.1-200.78 Accountability
300.18 Highly qualified special education teachers
COURT DECISIONS
ATTORNEY GENERAL OPINIONS
CALIFORNIA OFFICE OF ADMINISTRATIVE HEARINGS DECISIONS

Management Resources:
CSBA PUBLICATIONS
The Role of the Charter School Authorizer, Online Course
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
California School Accounting Manual
Sample Copy of a Memorandum of Understanding
Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 11-01, November 9, 2011
Special Education and Charter Schools: Questions and Answers, September 10, 2002
U.S. DEPARTMENT OF EDUCATION GUIDANCE
Charter Schools Program: Title V, Part B of the ESEA, April 2011
The Impact of the New Title I Requirements on Charter Schools, July 2004
WEB SITES
CSBA: http://www.csba.org
California Charter Schools Association: http://www.calcharters.org
California Department of Education, Charter Schools: http://www.cde.ca.gov/sp/cs

Policy adopted: CSBA MANUAL MAINTENANCE SERVICE
October 2013
CHARTER SCHOOL OVERSIGHT

REQUIREMENTS FOR CHARTER SCHOOLS

Note: The following Exhibit lists some, but not necessarily all, legal requirements that apply to charter schools. Pursuant to Education Code 47610, charter schools are generally exempt from Education Code provisions governing school districts unless otherwise specified in law. Districts should consult with legal counsel regarding the applicability of state law other than the Education Code to charter schools.

Charter schools are generally exempt from provisions of the Education Code unless they are expressly included in the law. However, charter schools are subject to the terms of their charters, any memorandum of understanding with their chartering authority, and other legal requirements including, but not limited to, requirements that each charter school:

1. Comply with the state and federal constitution and applicable federal laws

2. Comply with state laws that apply to governmental agencies in general, such as the Brown Act requirements in Government Code 54950-54963

3. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)

4. Not discriminate against any student on the basis of the characteristics listed in Education Code 220 (Education Code 47605)

5. Not charge tuition (Education Code 47605)

Note: Education Code 47605 specifically prohibits a charter school from charging tuition, but does not mention fees or other charges. As clarified in the California Department of Education's (CDE) advisory Pupil Fees, Deposits, and Other Charges, charter schools are subject to the California Constitution, and therefore the free school guarantee of the California Constitution, Article IX, Section 5, applies to charter schools. Charter schools may only charge fees authorized by those Education Code sections that have been made explicitly applicable to charter schools. For example, charter schools may charge fees for meals and field trips pursuant to Education Code 35330, 38082, and 38084 because those provisions apply to charter schools. However, charter schools may not charge other fees authorized by law for school districts, except to the extent that any such fees do not relate to an activity that is an integral component of public education.

6. Not charge student fees for any activity that is an integral component of the educational program, except as authorized by those Education Code provisions that explicitly apply to charter schools

7. Adhere to all laws establishing the minimum age for public school attendance (Education Code 47610)

8. Serve students who are California residents and who, if over 19 years of age, are continuously enrolled in a public school and making "satisfactory progress" toward a high school diploma as defined in 5 CCR 11965 (Education Code 47612)
CHARTER SCHOOL OVERSIGHT (continued)

Note: Education Code 56145 requires charter schools to serve students with disabilities in the same manner as other public schools. Pursuant to Education Code 47646, districts must ensure that each charter school receives an equitable share of state and federal special education funding and/or any necessary special education services provided by the district on behalf of disabled students in the charter school.

If a charter school is operating as a public school of the district for purposes of providing special education, the district retains responsibility and must determine how best to ensure that all special education students receive a free appropriate public education (FAPE). However, the California Office of Administrative Hearings has ruled (Student v. Horizon Instructional Systems Charter School) that a charter school operating as its own local educational agency for purposes of special education, including a charter school offering an independent study program, is solely responsible for providing special education students with FAPE.

9. Serve students with disabilities in the same manner as such students are served in other public schools (Education Code 47646, 56145)

10. Admit all students who wish to attend the school, according to the following criteria and procedures:

   a. Admission to the charter school shall not be determined according to the student's place of residence, or that of his/her parents/guardians, within the state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within the school's former attendance area. (Education Code 47605)

   However, if a charter school will be physically located in a public elementary school attendance area in which 50 percent or more of the student enrollment is eligible for free or reduced-price meals, it may also establish an admissions preference for students who are currently enrolled in the public elementary school and for students who reside in the public school attendance area. (Education Code 47605.3)

   b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance shall be determined by a public random drawing. However, preference shall be extended to students currently attending the charter school and students who reside in the district, except as provided for in Education Code 47614.5. (Education Code 47605)

   c. Other admissions preferences may be established on an individual school basis as consistent with law.

11. If the school offers a kindergarten program, offer a transitional kindergarten program to eligible students who do not yet meet the age criterion for entry into kindergarten (Education Code 48000)
CHARTER SCHOOL OVERSIGHT (continued)

12. Require its teachers to hold a certificate, permit, or other document issued by the Commission on Teacher Credentialing equivalent to that which a teacher in other public schools would be required to hold (Education Code 47605)

Note: According to U.S. Department of Education (USDOE) nonregulatory guidance, The Impact of the New Title I Requirements on Charter Schools, teachers who teach core academic subjects in charter schools, in addition to meeting state charter school laws regarding teacher qualifications, must meet the requirements for "highly qualified" teachers pursuant to 20 USC 6319; see BP/AR/E 4112.24 - Teacher Qualifications Under the No Child Left Behind Act. 34 CFR 300.18 clarifies that, with regard to special education teachers in a charter school, "highly qualified" means that the teacher meets the certification requirements set forth in the state's charter school law.

13. Require its teachers of core academic subjects to satisfy requirements for "highly qualified teachers" as defined by the State Board of Education (SBE) (20 USC 6319; 34 CFR 300.18)

Note: Education Code 44830.1 and 45122.1 prohibit charter schools from hiring any person who has been convicted of a violent or serious felony as defined in Penal Code 667.5 and 1192.7, unless that person has received a certificate of rehabilitation and a pardon. Schools also may not retain in employment any temporary, substitute, or probationary employee who has been convicted of a violent or serious felony. See AR 4112.5/4312.5 - Criminal Record Check and AR 4212.5 - Criminal Record Check.

14. Not hire any person, in either a certificated or classified position, who has been convicted of a violent or serious felony except as otherwise provided by law (Education Code 44830.1, 45122.1)

15. Meet the requirements of Education Code 47611 regarding the State Teachers' Retirement System (Education Code 47610)

16. Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)

Note: According to USDOE nonregulatory guidance, The Impact of the New Title I Requirements on Charter Schools, charter schools that receive Title I funds and have paraprofessionals working in programs supported by Title I funds must comply with requirements of 20 USC 6319 regarding paraprofessional qualifications; see BP/AR/E 4222 - Teacher Aides/Paraprofessionals.

17. If applicable, meet federal requirements for qualifications of paraprofessionals working in programs supported by Title I funds (20 USC 6319)

18. Meet all statewide standards and conduct the student assessments required by Education Code 60605 and 60851 and any other statewide standards or assessments applicable to noncharter public schools (Education Code 47605, 47612.5)
CHARTER SCHOOL OVERSIGHT (continued)

Note: Education Code 47612.5 specifies, by grade level, the minimum number of instructional minutes that must be offered each fiscal year. Any charter school that fails to meet the requirement will have its state apportionment reduced in proportion to the percentage of instructional minutes that the school fails to offer. Education Code 47612.5 and 47612.6 provide that neither the State Board of Education (SBE) nor the Superintendent of Public Instruction (SPI) may waive the required number of instructional minutes but may waive the fiscal penalties under specified conditions.

However, Education Code 46201.2, as amended by AB 97 (Ch. 47, Statutes of 2013), provides that, for the 2013-14 and 2014-15 school years, a charter school may reduce the equivalent of up to five days of instruction or the equivalent number of instructional minutes without incurring fiscal penalties.

19. Offer at least the number of instructional minutes required by law for the grade levels provided by the charter school (Education Code 46201.2, 47612.5)

Note: Education Code 47612.5 provides that charter schools offering independent study are subject to Education Code 51745-51749.3. Education Code 51745 requires that no course included among the courses required for graduation may be offered solely through independent study. However, pursuant to 5 CCR 11705, a charter school offering grades 9-12 shall be deemed to be an "alternative school" for purposes of independent study and thus, according to the CDE, would comply with this provision because students in such alternative schools are enrolled voluntarily and, if they wished, could attend any other district high school in which the courses were offered via classroom instruction.

20. If the school provides independent study, meet the requirements of Education Code 51745-51749.3, except that the school may be allowed to offer courses required for graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR 11705)

21. Identify and report to the Superintendent of Public Instruction (SPI) any portion of its average daily attendance that is generated through nonclassroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education (Education Code 47612.5, 47634.2; 5 CCR 11963.2)

Note: AB 588 (Ch. 423, Statutes of 2013) amended Education Code 49475 to extend the following requirement to charter schools.

22. If the school offers an athletic program, annually provide an information sheet about concussion and head injury to athletes and their parents/guardians before the athlete initiates practice or competition. In the event that an athlete is suspected of sustaining a concussion or head injury in an athletic activity, he/she shall be immediately removed from the activity for the remainder of the day and shall not be permitted to return to the activity until he/she is evaluated by a licensed health care provider and receives written clearance to return to the activity. (Education Code 49475)
CHARTER SCHOOL OVERSIGHT  (continued)

23. On a regular basis, consult with parents/guardians and teachers regarding the school's educational programs (Education Code 47605)

Note: Education Code 48907 requires charter schools to establish a written "publications code" related to students' rights to freedom of speech and of the press. These written rules and regulations must include reasonable provisions for the time, place, and manner in which free expression may take place within the charter school's jurisdiction.

24. Provide students the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications (Education Code 48907, 48950)

25. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)

26. If a student subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the Superintendent of the school district of the student's last known address within 30 days and, upon request, provide that district with a copy of the student's cumulative record, including a transcript of grades or report card, and health information (Education Code 47605)

27. Comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)

a. The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374.

b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government.

28. Promptly respond to all reasonable inquiries from the district, the county office of education, or the SPI, including, but not limited to, inquiries regarding the school's financial records (Education Code 47604.3)

29. Annually prepare and submit financial reports to the Governing Board and the County Superintendent of Schools in accordance with the following reporting cycle:
CHARTER SCHOOL OVERSIGHT (continued)

a. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement. (Education Code 47604.33)

Note: AB 97 (Ch. 47, Statutes of 2013) amended Education Code 47604.33 and added Education Code 47606.5 to require charter schools to submit, on or before July 1, 2015, and each year thereafter, an update of school goals, actions for achieving those goals, and related expenditures classified using the California School Accounting Manual. Pursuant to Education Code 47605, as amended by AB 97, the school goals and actions must address specified state priorities and be included in the school's charter; see AR 0420.4 - Charter School Authorization.

When updating the goals and actions, Education Code 47606.5 authorizes the governing body of the charter school to consider qualitative information, including, but not limited to, the results of school quality reviews conducted pursuant to Education Code 52052. Education Code 52052, as amended by AB 97, authorizes the SPI, with approval of the SBE and conditional upon an appropriation in the state budget, to develop and implement a program of school quality reviews that features locally convened panels to visit schools, observe teachers, interview students, and examine student work.

b. By July 1 each year, an update of the school's goals and the actions to achieve those goals as identified in the charter, developed using the SBE template in accordance with Education Code 47606.5. This report shall include a review of the progress toward the goals, an assessment of the effectiveness of the specific actions toward achieving the goals, a description of changes the school will make to the specific actions as a result of the review and assessment, and a listing and description of expenditures for the fiscal year implementing the specific actions. (Education Code 47604.33, 47606.5)

When conducting this review, the governing body of the school may consider qualitative information including, but not limited to, findings that result from any school quality reviews conducted pursuant to Education Code 52052 or any other reviews. To the extent practicable, data shall be reported in a manner consistent with how information is reported on a school accountability report card. The update shall be developed in consultation with teachers, principals, administrators, other school personnel, parents/guardians and students. (Education Code 47606.5)

c. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. (Education Code 47604.33)

d. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31. (Education Code 47604.33)
CHARTER SCHOOL OVERSIGHT (continued)

e. By September 15, a final unaudited report for the full prior year. The report submitted to the Board shall include an annual statement of all the charter school’s receipts and expenditures for the preceding fiscal year. (Education Code 42100, 47604.33)

f. By December 15, a copy of the charter school’s annual, independent financial audit report for the preceding fiscal year, unless the charter school’s audit is encompassed in the district’s audit. The audit report shall also be submitted to the state Controller and the California Department of Education. (Education Code 47605)
Philosophy, Goals, Objectives, and Comprehensive Plans

LOCAL CONTROL AND ACCOUNTABILITY PLAN

Note: The following optional policy reflects Education Code 52060-52077, as added by AB 97 (Ch. 47, Statutes of 2013), which require the Governing Board to adopt a three-year local control and accountability plan (LCAP) by July 1, 2014, and to update the LCAP on or before July 1 of each subsequent year. SB 97 (Ch. 357, Statutes of 2013) subsequently amended some of these provisions.

The Governing Board desires to ensure the most effective use of available state funding to improve outcomes for all students. A community-based, comprehensive, data-driven planning process shall be used to identify annual goals and specific actions aligned with state and local priorities and to facilitate continuous improvement of district practices.

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)

Note: Pursuant to Education Code 52060, the LCAP must include goals and actions aligned with eight state priorities related to (1) the degree to which teachers are appropriately assigned and fully credentialed, students have sufficient access to standards-based instructional materials, and facilities are maintained in good repair; (2) implementation of and student access to state academic content and performance standards; (3) parent/guardian involvement; (4) student achievement; (5) student engagement; (6) school climate; (7) student access to and enrollment in a broad course of study, including programs and services provided to benefit low-income students, English learners, and/or foster youth (i.e., "unduplicated students" for purposes of the local control funding formula); and (8) student outcomes in the specified course of study. Education Code 52064 requires the State Board of Education (SBE) to provide a template for the LCAP on or before March 31, 2014. See the accompanying administrative regulation for further information about the required content of the LCAP.

The Board shall adopt a districtwide local control and accountability plan (LCAP), using the template provided by the State Board of Education, which addresses the state priorities specified in Education Code 52060. The LCAP shall be effective for three years and shall be updated on or before July 1 of each year. (Education Code 52060)

Note: Education Code 52060 provides that, in addition to addressing the state priorities in the LCAP, the district may establish and address local priorities. The following paragraph may be revised to reflect any local priorities. Examples include priorities for student wellness and other conditions of children, professional development, community involvement, and effective governance and leadership.

In addition, the LCAP shall address any local priorities adopted by the Board.

The LCAP shall focus on improving outcomes for all students, particularly those who are "unduplicated students" and other underperforming students.

Unduplicated students include students who are eligible for free or reduced-price meals, English learners, and foster youth and are counted only once for purposes of the local control funding formula. (Education Code 42238.02)

(cf. 3553 - Free and Reduced Price Meals)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6174 - Education for English Language Learners)
**LOCAL CONTROL AND ACCOUNTABILITY PLAN**

Note: Education Code 52062 requires the district to ensure that the specific actions included in the LCAP or the annual update are consistent with strategies in the single plan for student achievement (SPSA) submitted by each school pursuant to Education Code 64001; see BP/AR 0420 - School Plans/Site Councils for SPSA requirements. In addition, pursuant to Education Code 52064, the SBE is required to take steps to minimize duplication of effort at the local level to the extent possible. The LCAP template developed by the SBE must allow districts to complete a single plan that meets the requirements for the LCAP and the Title I local educational agency plan required by 20 USC 6312 (see BP/AR 6171 - Title I Programs).

To minimize duplication of effort and provide clear direction for program implementation, the LCAP and other district and school plans shall be aligned to the extent possible.

(cf. 0400 - Comprehensive Plans)
(cf. 0440 - District Technology Plan)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 5030 - Student Wellness)
(cf. 6171 - Title I Programs)
(cf. 7110 - Facilities Master Plan)

The Superintendent or designee shall review the single plan for student achievement (SPSA) submitted by each district school pursuant to Education Code 64001 to ensure that the specific actions included in the LCAP or the annual update are consistent with strategies included in the SPSA. (Education Code 52062)

(cf. 0420 - School Plans/Site Councils)

Note: Pursuant to Education Code 52075, the district is required to establish policies and procedures, on or before June 30, 2014, implementing uniform complaint procedures for complaints that the district has not complied with LCAP requirements; see AR 1312.3 - Uniform Complaint Procedures.

Any complaint that the district has not complied with legal requirements pertaining to the LCAP may be filed pursuant to AR 1312.3 - Uniform Complaint Procedures. (Education Code 52075)

(cf. 1312.3 - Uniform Complaint Procedures)

**Plan Development**

The Superintendent or designee shall gather data and information needed for effective and meaningful plan development and present it to the Board and community. Such data and information shall include, but not be limited to, data regarding the numbers of students in various student subgroups, disaggregated data on student achievement levels, and information about current programs and expenditures.
LOCAL CONTROL AND ACCOUNTABILITY PLAN

Note: Education Code 52060, as amended by SB 97 (Ch. 357, Statutes of 2013), requires consultation on plan development with all of the following groups. The law does not specify a timeline or method for such consultation. Examples of consultation may include the establishment of an advisory committee consisting of representatives of all the specified groups, solicitation of feedback from the groups after a draft plan is available, discussion of the LCAP at staff meetings, and communication with parent organizations, student councils, school site councils, or other established committees or organizations. The Board may delegate responsibility for arranging meetings and other input opportunities to the Superintendent or designee. The district may expand the following paragraph to reflect district practice.

The Board shall consult with teachers, principals, administrators, other school personnel, employee bargaining units, parents/guardians, and students in developing the LCAP. (Education Code 52060)

(cf. 1220 - Citizen Advisory Committees)
(cf. 4140/4240/4340 - Bargaining Units)
(cf. 4143/4243 - Negotiations/Consultation)
(cf. 6020 - Parent Involvement)

Public Review and Input

Note: Pursuant to Education Code 52063, the Board is required to establish a parent advisory committee that includes parents/guardians of unduplicated students. In addition, if district enrollment includes at least 15 percent English learners and at least 50 students who are English learners, the Board is required to establish an English learner parent advisory committee.

The district may use existing parent advisory committees for these purposes if the committee composition complies with Education Code 52063. However, the district should consider whether such opportunities need to be expanded to achieve significant levels of stakeholder involvement in the planning process as intended by the law.

The Board shall establish the following committee(s) to review and comment on the LCAP: (Education Code 52063)

1. A parent advisory committee including at least one parent/guardian of unduplicated students as defined above

Note: Item #2 may be deleted if district enrollment does not include at least 15 percent English learners and at least 50 students who are English learners.

2. An English learner parent advisory committee whenever district enrollment includes at least 15 percent English learners and at least 50 students who are English learners

The Superintendent or designee shall present the LCAP or the annual update to the committee(s) before it is submitted to the Board for adoption, and shall respond in writing to comments received from the committee(s). (Education Code 52062)
LOCAL CONTROL AND ACCOUNTABILITY PLAN

Note: Education Code 52062 requires notification to the public of the opportunity to submit written comments on the proposed LCAP, including notification in the primary language of parents/guardians when required by Education Code 48985. Pursuant to Education Code 48985, whenever 15 percent or more of the students in a school speak a single primary language other than English, notifications sent to parents/guardians of such students must be written in the primary language as well as in English; see BP 5145.6 - Parental Notifications.

The Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP or the annual update to the LCAP. The notification shall be provided using the most efficient method of notification possible, which may not necessarily include producing printed notices or sending notices by mail. All written notifications related to the LCAP or the annual update shall be provided in the primary language of parents/guardians when required by Education Code 48985. (Education Code 52062)

Note: Pursuant to Education Code 42127, as amended by AB 97 (Ch. 47, Statutes of 2013) and SB 97 (Ch. 357, Statutes of 2013), for the 2014-15 fiscal year and each fiscal year thereafter, the Board must not adopt a district budget until the LCAP or an annual update to the LCAP is in place for the budget year; see BP 3100 - Budget. The budget must include the expenditures necessary to implement the plan that is effective during the subsequent fiscal year. If it does not, the County Superintendent of Schools must disapprove the district’s budget.

The Board shall hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the LCAP or the annual update. The public hearing shall be held at the same meeting as the public hearing required prior to the adoption of the district budget in accordance with Education Code 42127 and AR 3100 - Budget. (Education Code 42127, 52062)

(cf. 3100 - Budget)
(cf. 3460 - Financial Reports and Accountability)
(cf. 9320 - Meetings and Notices)

Adoption of the Plan

Prior to adopting the district budget, but at the same public meeting, the Board shall adopt the LCAP or the annual update. This meeting shall be held after the public hearing described above, but not on the same day as the hearing. (Education Code 52062)

The Board may adopt revisions to the LCAP at any time during the period in which the plan is in effect, provided the Board follows the process to adopt the LCAP pursuant to Education Code 52062 and the revisions are adopted in a public meeting. (Education Code 52062)
LOCAL CONTROL AND ACCOUNTABILITY PLAN

Submission of Plan to County Superintendent of Schools

Note: Education Code 52070 requires the district to submit the LCAP and the annual update to the County Superintendent. The County Superintendent may seek written clarification of the contents of the plan and may submit recommendations for amendments, in accordance with the timelines specified in law as provided below. He/she is required to approve the LCAP or the annual update on or before October 8 if he/she determines that (1) the LCAP adheres to the SBE template; (2) the district budget includes expenditures sufficient to implement the specific actions and strategies in the LCAP; and (3) as amended by SB 97 (Ch. 357, Statutes of 2013), the LCAP or annual update adheres to supplemental and concentration grant expenditure requirements specified in Education Code 42238.07 for unduplicated students.

Pursuant to Education Code 52064, the district is not required to submit the LCAP or annual update to the SBE unless otherwise required by federal law.

Not later than five days after adoption of the LCAP or the annual update to the LCAP, the Board shall file the LCAP or the annual update with the County Superintendent of Schools. (Education Code 52070)

If the County Superintendent sends, by August 15, a written request for clarification of the contents of the LCAP or the annual update, the Board shall respond in writing within 15 days of the request. If the County Superintendent then submits recommendations for amendments to the LCAP within 15 days of receiving the Board's response, the Board shall consider those recommendations in a public meeting within 15 days of receiving the recommendations. (Education Code 52070)

Monitoring Progress

Note: The following optional paragraph may be revised to reflect the district's timeline for reviewing evaluations of the progress and effectiveness of strategies included in the LCAP. Such reports should be provided to the Board in sufficient time to allow for any necessary changes in the annual update to the LCAP by July 1 of each year, as required by Education Code 52060-52061.

Pursuant to Education Code 52064.5, the SBE is required to adopt evaluation rubrics by October 1, 2015, to assist districts in evaluating their strengths, weaknesses, and areas that require improvement. The rubrics will include all of the state priorities described in Education Code 52060 and the SBE standards for district and school performance and expectations for improvement in regard to those state priorities.

The Superintendent or designee shall report to the Board, at least annually in accordance with the timeline and indicators established by him/her and the Board, regarding the district's progress toward attaining each goal identified in the LCAP. Evaluation data shall be used to recommend any necessary revisions to the LCAP.

(cf. 0500 - Accountability)
LOCAL CONTROL AND ACCOUNTABILITY PLAN

Technical Assistance/Intervention

Note: Pursuant to Education Code 52071, the Board may, at its discretion and at the district’s expense, request technical assistance as described in items #1-3 below. In addition, the County Superintendent is required to provide such technical assistance whenever he/she does not approve the district’s LCAP or annual update to the LCAP and/or the district fails to improve student achievement across more than one state priority described in Education Code 52060, as determined using the SBE evaluation rubric.

When it is in the best interest of the district, the Board may submit a request to the County Superintendent for technical assistance, including, but not limited to: (Education Code 52071)

1. Assistance in the identification of district strengths and weaknesses in regard to state priorities and review of effective, evidence-based programs that apply to the district’s goals

2. Assistance from an academic expert, team of academic experts, or another district in the county in identifying and implementing effective programs to improve the outcomes for student subgroups

3. Advice and assistance from the California Collaborative for Educational Excellence established pursuant to Education Code 52074

In the event that the County Superintendent requires the district to receive technical assistance pursuant to Education Code 52071, the Board shall review all recommendations received from the County Superintendent or other advisor and shall consider revisions to the LCAP as appropriate in accordance with the process specified in Education Code 52062.

Note: Education Code 52072 provides that the Superintendent of Public Instruction (SPI), with approval of the SBE, may intervene when a district meets both of the following criteria: (1) the district did not improve the outcomes for three or more student subgroups identified pursuant to Education Code 52052, or all of the student subgroups if the district has fewer than three subgroups, in regard to more than one state or local priority in three out of four consecutive school years; and (2) the California Collaborative for Educational Excellence (CCEE) has provided advice and assistance to the district and submits a finding that the district failed or is unable to implement the CCEE’s recommendations or that the district’s inadequate performance is so persistent or acute as to require intervention. For any district identified as needing intervention, the SPI or an academic trustee appointed by the SPI may, with approval of the SBE, take one or more of the actions listed in items #1-3 below.

If the Superintendent of Public Instruction (SPI) identifies the district as needing intervention pursuant to Education Code 52072, the district shall cooperate with any action taken by the SPI or any academic advisor appointed by the SPI, which may include one or more of the following:

1. Revision of the district’s LCAP
LOCAL CONTROL AND ACCOUNTABILITY PLAN

2. Revision of the district's budget in accordance with changes in the LCAP

3. A determination to stay or rescind any district action that would prevent the district from improving outcomes for all student subgroups, provided that action is not required by a collective bargaining agreement

Legal Reference:
EDUCATION CODE
17002 State School Building Lease-Purchase Law, including definition of good repair
41020 Audits
42127 Public hearing on budget adption
42238.01-42238.07 Local control funding formula
44258.9 County superintendent review of teacher assignment
48985 Parental notices in languages other than English
51210 Course of study for grades 1-6
51220 Course of study for grades 7-12
52052 Academic Performance Index; numerically significant student subgroups
52060-52077 Local control and accountability plan
52302 Regional occupational centers and programs
52372.5 Linked learning pilot program
54692 Partnership academies
60119 Sufficiency of textbooks and instructional materials; hearing and resolution
60605.8 California Assessment of Academic Achievement; Academic Content Standards Commission
60811.3 Assessment of language development
64001 Single plan for student achievement
99300-99301 Early Assessment Program
UNITED STATES CODE, TITLE 20
6312 Local educational agency plan
6826 Title III funds, local plans

Management Resources:
CSBA PUBLICATIONS
Impact of Local Control Funding Formula on Board Policies, November 2013
Local Control Funding Formula 2013. Governance Brief, August 2013
State Priorities for Funding: The Need for Local Control and Accountability Plans. Fact Sheet, August 2013
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
California School Accounting Manual
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov

Policy adopted: October 2013
Philosophy, Goals, Objectives, and Comprehensive Plans

LOCAL CONTROL AND ACCOUNTABILITY PLAN

Note: Education Code 52060-52077, as added by AB 97 (Ch. 47, Statutes of 2013), requires the Governing Board to adopt a three-year local control and accountability plan (LCAP) by July 1, 2014, and to update the LCAP on or before July 1 of each subsequent year.

Content of the Plan

Note: Education Code 52060 requires that the LCAP include annual goals, aligned with specified state priorities, to be achieved for all students and for each numerically significant subgroup as defined in Education Code 52052. Pursuant to Education Code 52052, a numerically significant subgroup includes ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, and foster youth, when there are at least 30 students in the subgroup (or at least 15 foster youth) in the school or district. For schools or districts with 11-99 students, numerically significant student subgroups are defined by the Superintendent of Public Instruction (SPI) with approval by the State Board of Education (SBE).

In addition, several state priorities address programs and services for "unduplicated students." For purposes of supplemental and concentration grants allocated through the local control funding formula, "unduplicated students" are defined by Education Code 42238.02 as students eligible for free or reduced-price meals, English learners, and foster youth; see the accompanying Board policy.

The district's local control and accountability plan (LCAP) shall include, for the district and each district school: (Education Code 52060)

1. A description of the annual goals established for all students and for each numerically significant subgroup as defined in Education Code 52052, including ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, and foster youth. The LCAP shall identify goals for each of the following state priorities:

   a. The degree to which district teachers are appropriately assigned in accordance with Education Code 44258.9 and fully credentialed in the subject areas and for the students they are teaching; every district student has sufficient access to standards-aligned instructional materials as determined pursuant to Education Code 60119; and school facilities are maintained in good repair as specified in Education Code 17002

   (cf. 1312.4 - Williams Uniform Complaint Procedures)
   (cf. 3517 - Facilities Inspection)
   (cf. 4112.2 - Certification)
   (cf. 4113 - Assignment)
   (cf. 6161.1 - Selection and Evaluation of Instructional Materials)

   b. Implementation of the academic content and performance standards adopted by the State Board of Education (SBE), including how the programs and services will enable English learners to access the Common Core State
LOCAL CONTROL AND ACCOUNTABILITY PLAN

Standards and the English language development standards for purposes of gaining academic content knowledge and English language proficiency

(cf. 6011 - Academic Standards)
(cf. 6174 - Education for English Language Learners)

c. Parent/guardian involvement, including efforts the district makes to seek parent/guardian input in district and school site decision making and how the district will promote parent/guardian participation in programs for unduplicated students, as defined in Education Code 42238.02 and Board policy

(cf. 3553 - Free and Reduced Price Meals)
(cf. 6020 - Parent Involvement)
(cf. 6159 - Individualized Education Program)
(cf. 6173.1 - Education for Foster Youth)

d. Student achievement, as measured by all of the following as applicable:

(1) Statewide assessments of student achievement

(2) Academic Performance Index

(3) The percentage of students who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University, or career technical education sequences or programs of study that satisfy specified requirements and align with SBE-approved career technical education standards and frameworks, including, but not limited to, those described in Education Code 52302, 52372.5, or 54692

(4) The percentage of English learners who make progress toward English proficiency as measured by the SBE-certified assessment of English proficiency

(5) The English learner reclassification rate

(6) The percentage of students who have passed an advanced placement examination with a score of 3 or higher

(7) The percentage of students who participate in and demonstrate college preparedness in the Early Assessment Program pursuant to Education Code 99300-99301
LOCAL CONTROL AND ACCOUNTABILITY PLAN

(c.f. 0500 - Accountability)
(c.f. 6141.5 - Advanced Placement)
(c.f. 6162.5 - Student Assessment)
(c.f. 6162.51 - Standardized Testing and Reporting Program)
(c.f. 6178 - Career Technical Education)

e. Student engagement, as measured by school attendance rates, chronic
   absenteeism rates, middle school dropout rates, high school dropout rates, and
   high school graduation rates, as applicable

(c.f. 6146.1 - High School Graduation Requirements)
(c.f. 5113.1 - Chronic Absence and Truancy)
(c.f. 5147 - Dropout Prevention)
(c.f. 5149 - At-Risk Students)

f. School climate, as measured by student suspension and expulsion rates and
   other local measures, including surveys of students, parents/guardians, and
   teachers on the sense of safety and school connectedness, as applicable

(c.f. 5127 - Positive School Climate)
(c.f. 5144 - Discipline)
(c.f. 5144.1 - Suspension and Expulsion/Due Process)
(c.f. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

g. The extent to which students have access to and are enrolled in a broad course
   of study that includes all of the subject areas described in Education Code
   51210 and 51220, as applicable, including the programs and services
   developed and provided to unduplicated students and students with
   disabilities, and the programs and services that are provided to benefit these
   students as a result of supplemental and concentration grant funding pursuant
   to Education Code 42238.02 and 42238.03

(c.f. 6143 - Courses of Study)

h. Student outcomes, if available, in the subject areas described in Education
   Code 51210 and 51220, as applicable

Note: In addition to goals aligned with the state priorities described in item #1 above, Education Code
52060 provides that the LCAP may include goals for local priorities established by the Board; see the
accompanying Board policy. Optional item #2 below may be revised to reflect local priorities.

2. Any goals identified for any local priorities established by the Board.

(c.f. 0200 - Goals for the School District)
LOCAL CONTROL AND ACCOUNTABILITY PLAN

Note: Education Code 52060 requires that the LCAP include a description of specific actions the district will take each year to achieve the identified goals. As amended by SB 97 (Ch. 357, Statutes of 2013), Education Code 52060 provides that these actions must not supersede the provisions of existing collective bargaining agreements.

3. A description of the specific actions the district will take during each year of the LCAP to achieve the identified goals, including the enumeration of any specific actions necessary for that year to correct any deficiencies in regard to the state and local priorities specified in items #1-2 above. Such actions shall not supersede provisions of existing collective bargaining agreements within the district.

Note: Pursuant to Education Code 52060, in developing goals and actions for the LCAP, the Board may consider qualitative information, including, but not limited to, the results of school quality reviews conducted pursuant to Education Code 52052. Education Code 52052, as amended by AB 97 (Ch. 47, Statutes of 2013), authorizes the SPI, with approval of the SBE and conditional upon an appropriation in the state budget, to develop and implement a program of school quality reviews that features locally convened panels to visit schools, observe teachers, interview students, and examine student work.

For purposes of the descriptions required by items #1-3 above, the Board may consider qualitative information, including, but not limited to, findings that result from any school quality reviews conducted pursuant to Education Code 52052 or any other reviews. (Education Code 52060)

For any local priorities addressed in the LCAP, the Board and Superintendent or designee shall identify the method for measuring the district's progress toward achieving those goals. (Education Code 52060)

To the extent practicable, data reported in the LCAP shall be reported in a manner consistent with how information is reported on a school accountability report card. (Education Code 52060)

(cf. 0510 - School Accountability Report Card)

Annual Updates

Note: Pursuant to Education Code 52061, the district is required to update the LCAP on or before July 1, 2015, and each year thereafter.

On or before July 1 of each year, the LCAP shall be updated using the template developed by the SBE and shall include all of the following: (Education Code 52061)

1. A review of any changes in the applicability of the goals described in the existing LCAP pursuant to the section "Content of the Plan" above
LOCAL CONTROL AND ACCOUNTABILITY PLAN

2. A review of the progress toward the goals included in the existing LCAP, an assessment of the effectiveness of the specific actions described in the existing LCAP toward achieving the goals, and a description of changes to the specific actions the district will make as a result of the review and assessment

Note: Pursuant to Education Code 52061, as amended by SB 97 (Ch. 357, Statutes of 2013), the annual update to the LCAP must include expenditures for specific actions included in the LCAP and expenditures serving unduplicated students. The expenditures specified in items #3-4 below must be classified in accordance with the California School Accounting Manual.

3. A listing and description of the expenditures for the fiscal year implementing the specific actions included in the LCAP and the changes to the specific actions made as a result of the reviews and assessment required by items #1-2 above

4. A listing and description of expenditures for the fiscal year that will serve unduplicated students and students redesignated as fluent English proficient

Availability of the Plan

Note: Education Code 52065 requires the district to post its LCAP and annual update or revisions to the LCAP on the district web site. In addition, the County Superintendent of Schools is required to post all district LCAPs, or links to those plans, on the county office of education web site and to transmit all such plans to the SPI, who will then post links to all plans on the California Department of Education web site.

The Superintendent or designee shall post the LCAP and any updates or revisions to the LCAP on the district's web site. (Education Code 52065)

(cf. 1113 - District and School Web Sites)
ACCOUNTABILITY

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

The Governing Board recognizes its responsibility to ensure accountability to the public for the performance of district schools. The Board shall regularly review the effectiveness of the district's programs, personnel, and fiscal operations, with a focus on the district's effectiveness in improving student achievement. The Board shall establish appropriate processes and measures to monitor results and to evaluate progress toward accomplishing the district's vision and goals.

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)
(cf. 2140 - Evaluation of the Superintendent)
(cf. 3460 - Financial Accountability and Reports)
(cf. 4115 - Evaluation/Supervision)
(cf. 4215 - Evaluation/Supervision)
(cf. 4315 - Evaluation/Supervision)
(cf. 6011 - Academic Standards)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6190 - Evaluation of the Instructional Program)
(cf. 9400 - Board Self-Evaluation)

Note: California's accountability system is based on both state and federal requirements, including the calculation of an Academic Performance Index (API) pursuant to Education Code 52052-52052.1 and a determination as to whether schools and districts make "adequate yearly progress" (AYP) pursuant to 20 USC 6311. Both the API and AYP incorporate multiple measures, including, but not limited to, student performance on statewide assessments. However, as amended by AB 484 (Ch. 489, Statutes of 2013), Education Code 52052 authorizes the State Board of Education to suspend the API in the 2013-14 and 2014-15 school years while the state assessment system is transitioning from the Standardized Testing and Reporting program to the California Measurement of Academic Performance and Progress.

Indicators of district progress in improving student achievement shall include, but are not limited to, the state Academic Performance Index (API) and the measures of "adequate yearly progress" (AYP) required under the federal accountability system.

(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - Standardized Testing and Reporting Program)
(cf. 6162.52 - High School Exit Examination)

Alternative schools serving high-risk student populations, including continuation high schools, opportunity schools, and community day schools, shall be subject to an alternative accountability system established by the Superintendent of Public Instruction. (Education Code 52052)

Note: Education Code 52052 requires that schools and districts demonstrate comparable improvement in academic achievement by all numerically significant student subgroups, as defined below. AB 97 (Ch. 47, Statutes of 2013) amended Education Code 52052 to add foster youth to the list of student subgroups and to change the definition of "numerically significant."
ACCOUNTABILITY (continued)

The district and each district school shall demonstrate comparable improvement in academic achievement, as measured by the API, for all numerically significant student subgroups. Numerically significant subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, and foster youth, when the subgroup consists of at least 30 students with a valid test score or 15 foster youth. (Education Code 52052)

Note: The following optional paragraph may be revised to reflect district practice. AB 97 (Ch. 47, Statutes of 2013) repealed Education Code 52056, which had required an annual discussion of the results of each school's API ranking at a regularly scheduled Governing Board meeting. Nevertheless, reporting to the public and receiving input from the public are key components of accountability.

Education Code 52060, as added by AB 97 and amended by SB 97 (Ch. 357, Statutes of 2013), requires that the district consult with parents/guardians, students, teachers, principals, administrators, other school personnel, and employee bargaining units in the development of the district's local control and accountability plan (LCAP); see BP 0460 - Local Control and Accountability Plan.

The Superintendent shall provide regular reports to the Board and the public regarding district and school performance. Opportunities for feedback from students, parents/guardians, staff, and community members shall be made available as part of any review and evaluation of district programs and operations and as part of the development or annual update of the local control and accountability plan (LCAP).

(cf. 0460 - Local Control and Accountability Plan)
(cf. 0510 - School Accountability Report Card)
(cf. 1100 - Communication with the Public)
(cf. 1112 - Media Relations)
(cf. 1220 - Citizen Advisory Committees)
(cf. 6020 - Parent Involvement)

Note: Schools are subject to intervention and support based on their API and their ability to meet growth targets established by the State Board of Education; see BP 0520.4 - Quality Education Investment Schools. In addition, a school or district that receives federal Title I funds may be identified for program improvement if it does not meet AYP criteria for two consecutive years within specific areas; see BP/AR 0520.2 - Title I Program Improvement Schools and BP/AR 0520.3 - Title I Program Improvement Districts.

Pursuant to Education Code 52071, as added by AB 97 (Ch. 47, Statutes of 2013), a district will receive technical assistance whenever the County Superintendent of Schools does not approve the district's LCAP or annual update to the LCAP, the district fails to improve student achievement across more than one state priority identified in Education Code 52060, or the district requests technical assistance. AB 97 also added Education Code 52072 which provides that, under specified conditions, the Superintendent of Public Instruction may intervene to revise the district's LCAP or budget and/or to stay or rescind any district action that is preventing the district from improving outcomes for all student subgroups and is not required by a collective bargaining agreement. See BP/AR 0460 - Local Control and Accountability Plan.
ACCOUNTABILITY (continued)

Evaluation results may be used as a basis for revising district or school goals, updating the LCAP or other comprehensive plans, identifying and developing strategies to address disparities in achievement among student subgroups, implementing programmatic changes, determining the need for additional support and assistance, awarding incentives or rewards, and establishing other performance-based consequences.

(cf. 0400 - Comprehensive Plans)
(cf. 0420 - School Plans/Site Councils)
(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 0520.3 - Title I Program Improvement Districts)
(cf. 0520.4 - Quality Education Investment Schools)
(cf. 4141/4241 - Collective Bargaining Agreement)

Legal Reference:

EDUCATION CODE
33127-33129 Standards and criteria for fiscal accountability
33400-33407 California Department of Education evaluation of district programs
44660-44665 Evaluation of certificated employees
51041 Evaluation of the educational program
52052-52052.1 Academic Performance Index
52055,57-52055.59 Districts identified or at risk of identification for program improvement
52060-52077 Local control and accountability plan
CODE OF REGULATIONS, TITLE 5
1068-1074 Alternative schools accountability model, assessments
15440-15463 Standards and criteria for fiscal accountability
UNITED STATES CODE, TITLE 20
6311 Accountability, adequate yearly progress
6312 Local educational agency plan
6316 School and district improvement
CODE OF FEDERAL REGULATIONS, TITLE 34
200.13-200.20 Adequate yearly progress
200.30-200.53 Program improvement

Management Resources:

WEB SITES
CSBA: http://www.csba.org
California Department of Education, Accountability: http://www.cde.ca.gov/ta/ac

Policy adopted: CSBA MANUAL MAINTENANCE SERVICE
October 2013
Business and Noninstructional Operations

BUDGET

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

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)
(cf. 0400 - Comprehensive Plans)
(cf. 3000 - Concepts and Roles)
(cf. 3300 - Expenditures and Purchases)
(cf. 3460 - Financial Reports and Accountability)
(cf. 9000 - Role of the Board)

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

Note: Pursuant to Education Code 42127, as amended by AB 97 (Ch. 47, Statutes of 2013), prior to adopting the district budget for the 2014-15 fiscal year, the Governing Board must adopt a local control and accountability plan (LCAP). Each fiscal year thereafter, the Board must not adopt the district budget until it has an approved LCAP or update to the LCAP that is effective for the budget year. Education Code 52062, added by AB 97, requires that the LCAP or annual update be adopted at the same public meeting during which the Board adopts the budget. See BP/AR 0460 - Local Control and Accountability Plan.

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

(cf. 0460 - Local Control and Accountability Plan)

Budget Development and Adoption Process

Note: Education Code 42127 gives districts a choice of budget adoption methods. Under the single budget adoption process (Education Code 42127(i)), the Board must adopt and submit, by July 1, a "final" budget which subsequently may be amended within 45 days after the state budget is adopted and when necessary in response to disapproval of the budget by the County Superintendent of Schools. Under the dual budget adoption process (Education Code 42127(e) and (g)), the budget that the Board adopts by July 1 serves as a "tentative" budget. By September 8, the Board must submit a revised final budget which responds to the County Superintendent's recommendations and reflects changes in projected income or expenditures after July 1.
BUDGET (continued)

Education Code 42127 requires districts using the single budget adoption process to notify the County Superintendent of that decision by October 31 of the preceding calendar year. However, according to the California Department of Education's (CDE) budget calendar, this notification should be provided to the County Superintendent along with the unaudited actual data report (see AR 3460 - Financial Reports and Accountability) which may be required sooner than October 31.

OPTION 1: (Single Budget Adoption Process)

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

OPTION 2: (Dual Budget Adoption Process)

The Superintendent or designee shall establish an annual budget development process and calendar in accordance with the dual budget adoption process described in Education Code 42127(c) and (g).

Note: The remainder of this section applies to districts that selected either Option 1 or 2 above.

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

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

Note: Education Code 42103 and 42127 require a public hearing prior to adoption of the budget and, in the case of the dual budget adoption process, a second public hearing prior to revising the budget; see the accompanying administrative regulation.

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

(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)
(cf. 9323 - Meeting Conduct)

Note: Education Code 42126 requires the district's final budget to be submitted to the County Superintendent in a format prescribed by the Superintendent of Public Instruction. The CDE requires districts to use the Standardized Account Code Structure; see the accompanying administrative regulation.
BUDGET (continued)

At its discretion, the district may use a different format for communicating the budget to the Board, staff, and public but, according to the CDE, the budget that the Board formally adopts must be in the format that will be submitted to the County Superintendent.

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

Budget Advisory Committee

Note: The following optional section is for use by districts that choose to establish a budget advisory committee to provide input during the budget development process. The committee may be appointed by the Superintendent or designee (Option 1), by the Board (Option 2), or may be a Board subcommittee composed exclusively of Board members (Option 3). Committees established by Board action are subject to the Brown Act; see BP/AR 1220 - Citizen Advisory Committees. Districts should delete or modify the following options as appropriate. See the accompanying administrative regulation for optional language regarding the committee's composition and duties.

This committee is different from the budget review committee that is required in the event that the County Superintendent disapproves the district's budget; see the accompanying administrative regulation.

OPTION 1: The Superintendent or designee may appoint a budget advisory committee composed of staff, Board representatives, and/or members of the community.

OPTION 2: The Board may appoint a budget advisory committee composed of staff, Board representatives, and/or members of the community.

OPTION 3: The Board may establish a budget subcommittee composed exclusively of Board members.

Note: The following paragraph is for use by districts that selected either Option 1, 2, or 3 above.

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

(cf. 1220 - Citizen Advisory Committees)
(cf. 2230 - Representative and Deliberative Groups)
(cf. 3350 - Travel Expenses)
(cf. 9130 - Board Committees)
(cf. 9140 - Board Representatives)
BUDGET (continued)

Budget Criteria and Standards

Note: Education Code 33129 requires the district to develop its budget and manage its expenditures in keeping with criteria and standards adopted by the State Board of Education (SBE) pursuant to Education Code 33127. These criteria and standards are delineated in Education Code 33128 and 5 CCR 15440-15451.

Pursuant to Education Code 33128.3, by the 2013-14 fiscal year, districts are required to restore their reserve for economic uncertainty to the level specified in 5 CCR 15450. The CDE's New Requirements for Reporting Fund Balance in Governmental Funds suggests that districts may find it prudent to maintain reserves above the minimum required level; see the section "Fund Balance" below.

AB 97 (Ch. 47, Statutes of 2013) amended Education Code 33127 to require the SBE to revise the state standards and criteria, on or before January 1, 2014, to reflect the requirements of the LCAP pursuant to Education Code 52060-52077. The updated standards and criteria will be applicable to district budgets starting in the 2014-15 school year.

The Superintendent or designee shall develop a district budget in accordance with criteria and standards adopted by the State Board of Education (SBE). (Education Code 33127, 33128, 33128.3, 33129; 5 CCR 15440-15451)

Note: Education Code 42238.02 and 42238.03, as added by AB 97 (Ch. 47, Statutes of 2013), provide supplemental and concentration grants within the local control funding formula for some districts based on the number and concentration of unduplicated counts of students who are eligible for free or reduced-price meals, English learners, and foster youth. Pursuant to Education Code 42238.07, as added by AB 97, the SBE is required to adopt regulations on or before January 31, 2014, governing the expenditure of supplemental and concentration grant funds and requiring districts to increase or improve services for targeted student groups in proportion to the increase in funds through these grants.

The budget shall provide that funding received through state supplemental and concentration grants pursuant to Education Code 42238.02 and 42238.03 shall be used in accordance with regulations adopted by the SBE for schoolwide or districtwide purposes to increase or improve services for students who are English learners, eligible for free or reduced-price meals, and/or foster youth at least in proportion to the increase to the district's revenue generated from such funds. (Education Code 42238.07)

(cf. 3553 - Free and Reduced Price Meals)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6174 - Education for English Language Learners)

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

(cf. 2210 - Administrative Discretion Regarding Board Policy)
(cf. 3110 - Transfer of Funds)
BUDGET (continued)

Fund Balance

Note: The following optional section should be revised to reflect district practice. Governmental Accounting Standards Board (GASB) Statement 54 addresses the way fund balances (i.e., the gross differences between assets and liabilities reflected on the balance sheet) in governmental funds are reported in external financial reports. Fund balances must be classified as nonspendable, restricted, committed, assigned, and unassigned in accordance with GASB 54 definitions; also see AR 3460 - Financial Reports and Accountability. Pursuant to GASB 54, the Board has sole authority to specify purposes of funds classified as "committed" and also must express, or delegate the authority to express, intended purposes of resources that result in the "assigned" fund balance. The Board may modify the following section to reflect its fund balance policy or may adopt a formal resolution containing the required components.

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

1. **Nonspendable fund balance** includes amounts that are not expected to be converted to cash, such as resources that are not in a spendable form (e.g., inventories and prepaids) or that are legally or contractually required to be maintained intact.

2. **Restricted fund balance** includes amounts constrained to specific purposes by their providers or by law.

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

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

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

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

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

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

Note: The remainder of this section is optional. Although not required by GASB 54, the Government Finance Officers Association (GFOA) recommends that public agencies adopt a minimum fund balance
BUDGET (continued)

policy that establishes an appropriate level of unrestricted fund balance that will be maintained in the general fund. The GFOA’s Best Practice: Appropriate Level of Unrestricted Fund Balance in the General Fund describes a variety of factors that should be considered when developing a minimum fund balance policy, such as the predictability of its revenue and volatility of its expenditures, perceived exposure to significant one-time outlays, potential drain upon the general fund from other funds as well as the availability of resources in other funds, liquidity of resources, and portion of unrestricted fund balance already committed or assigned for a specific purpose. According to the GFOA, a public agency may deem it appropriate to exclude committed and assigned resources and focus on unassigned fund balance rather than unrestricted fund balance.

The CDE’s New Requirements for Reporting Fund Balance in Governmental Funds suggests that a district's fund balance policy should not be limited to the reserve for economic uncertainty and that many districts find it prudent to maintain reserves above the minimum level specified in 5 CCR 15450. The following optional paragraph is based on sample language for non-basic aid districts provided on the CDE's web site and should be revised to reflect district practice. Basic aid districts may choose to adopt the CDE's recommendation that basic aid districts maintain a minimum unassigned fund balance of not less than 15 percent of budgeted general fund expenditures and other financing uses as a reserve for economic uncertainties.

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

Note: The GFOA recommends that the minimum fund policy address both the circumstances under which the unrestricted fund balance can be spent down and the procedure for replenishing deficiencies. The district may revise the following optional paragraph to specify the rate at which the district will attempt to recover the fund balance (e.g., the Board shall develop a plan to recover the fund balance at a rate of at least one percent each year).

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

Long-Term Financial Obligations

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

(cf. 4141/4241 - Collective Bargaining Agreement)
(cf. 4143/4243 - Negotiations/Consultation)
BUDGET (continued)

(cf. 4154/4254/4354 - Health and Welfare Benefits)
(cf. 7210 - Facilities Financing)
(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

Note: The following two optional paragraphs are for use by districts that provide "other postemployment benefits" (OPEBs) (i.e., medical, dental, vision, hearing, life insurance, long-term care, long-term disability, and other nonpension benefits to retired employees or Board members) and should be revised to reflect district practice; see BP/AR 4154/4254/4354 - Health and Welfare Benefits and BB 9250 - Remuneration, Reimbursement and Other Benefits. CSBA recommends that districts adopt a specific funding strategy for addressing their OPEB obligations. The district may pay the premiums as they fall due ("pay-as-you-go"), but in such a case the district would then accrue a deficit with respect to future retirees which can be expected to grow as a result of an increasing retiree population and increases in benefit costs. Therefore, it is recommended that the district prefund the debt to the extent possible using a method and level to be determined by the Board. For example, the district may contribute a set amount or percentage of the actuarially determined "annual required contributions" to an irrevocable trust or designated fund each year.

Regardless of the funding strategy used by the district, GASB Statement 45 requires the district to report the annual expense of OPEBs and, to the extent that the OPEBs are not prefunded, to report them as a liability on the district's financial statements; see AR 3460 - Financial Reports and Accountability.

CSBA's GASB 45 Solutions program provides access to qualified actuaries and consultants and a GASB 45-compliant trust to prefund future obligations. See CSBA's web site for further information.

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

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

Note: The following optional paragraph is for use by districts that are self-insured for workers' compensation claims, either individually or as part of a joint powers agency. See AR 3460 - Financial Reports and Accountability for provisions related to reporting the estimated accrued but unfunded cost of workers' compensation claims based on an actuarial report.

When the Superintendent or designee presents a report to the Board on the estimated accrued but unfunded cost of workers' compensation claims, the Board shall disclose, as a separate agenda item at the same meeting, whether or not it will reserve in the budget sufficient amounts to fund the present value of accrued but unfunded workers' compensation claims or
BUDGET (continued)

if it is otherwise decreasing the amount in its workers' compensation reserve fund. The Board shall annually certify to the County Superintendent the amount, if any, that it has decided to reserve in the budget for these costs. The Board shall submit to the County Superintendent any budget revisions that may be necessary to account for this budget reserve. (Education Code 42141)

Budget Amendments

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

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

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

Legal Reference:

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

Legal Reference continued: (see next page)
Legal Reference: (continued)

GOVERNMENT CODE
7900-7914 Appropriations limit
CODE OF REGULATIONS, TITLE 5
15060 Standardized account code structure
15440-15451 Criteria and standards for school district budgets

Management Resources:
CSBA PUBLICATIONS
Local Control Funding Formula 2013, Governance Brief, August 2013
State Priorities for Funding: The Need for Local Control and Accountability Plans, Fact Sheet, August 2013
School Finance CD-ROM, 2005
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
California School Accounting Manual
New Requirements for Reporting Fund Balance in Governmental Funds, January 7, 2011
FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS
Fiscal Oversight Guide for AB 1200, AB 2756 and Subsequent Related Legislation, September 2006
GOVERNMENT FINANCE OFFICERS ASSOCIATION
Best Practice: Appropriate Level of Unrestricted Fund Balance in the General Fund, 2009
GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENTS
Statement 54, Fund Balance Reporting and Governmental Fund Type Definitions, March 2009
Statement 45, Accounting and Financial Reporting by Employers for Post-employment Benefits Other Than Pensions, June 2004
Statement 34, Basic Financial Statements and Management's Discussion and Analysis - For State and Local Governments, June 1999
WEB SITES
CSBA: http://www.csba.org
Association of California School Administrators: http://www.acsa.org
California Department of Education, Finance and Grants: http://www.cde.ca.gov/fg
California Department of Finance: http://www.dof.ca.gov
Fiscal Crisis and Management Assistance Team: http://www.fcmat.org
Government Finance Officers Association: http://www.gfoa.org
Governmental Accounting Standards Board: http://www.gasb.org
Legislative Analyst's Office: http://www.lao.ca.gov
School Services of California, Inc.: http://www.sscal.com

Policy adopted: CSBA MANUAL MAINTENANCE SERVICE
October 2013
Business and Noninstructional Operations

BUDGET

Budget Advisory Committee

Note: The following optional section is for use by districts that have established a budget advisory committee and have selected either Option 1 or 2 in the "Budget Advisory Committee" section of the accompanying Board policy.

Membership of the district's budget advisory committee may include representatives of each of the following groups:

1. Governing Board members, provided that less than a majority of the Board serves on the committee
   
   (cf. 9140 - Board Representatives)

2. District and school site administrators

3. Representatives of bargaining units

4. Certificated and/or classified staff

5. Parents/guardians

6. Representatives of the business community and/or other community members

7. Students

   (cf. 1220 - Citizen Advisory Committees)
   (cf. 2230 - Representative and Deliberative Groups)
   (cf. 9130 - Board Committees)

Note: The remainder of this section details the duties of the budget advisory committee and is for use by districts that selected either Option 1, 2, or 3 in the "Budget Advisory Committee" section of the accompanying Board policy.

The committee's duties may include, but not necessarily be limited to:

1. Making recommendations regarding budget priorities

2. Recommending cost reduction strategies, such as identifying services that may be reduced, made more efficient, or discontinued

3. Reviewing the clarity and effectiveness of budget documents and communications
BUDGET (continued)

4. Presenting progress reports on the committee's work and a final report of recommendations to the Superintendent or designee and to the Board

The specific duties of the committee shall be clearly defined and presented to each member in writing, along with any background information necessary for the successful completion of the committee's charges, the timelines for reporting the committee's progress, and timelines for completion of each task.

(cf. 3350 - Travel Expenses)

Initial Budget Adoption

Note: Under the authority granted by Education Code 42126, the Superintendent of Public Instruction (SPI) has established a requirement that district budgets be reported using the standardized account code structure (SACS) software. SACS ensures that districts meet state and federal reporting guidelines and comply with generally accepted accounting principles prescribed by the Governmental Accounting Standards Board (GASB). The California Department of Education's (CDE) California School Accounting Manual provides guidance regarding coding of revenues and expenditures.

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

Note: Pursuant to Education Code 52062, as added by AB 97 (Ch. 47, Statutes of 2013), the public hearing on the budget described below must be at the same meeting as the public hearing on the local control and accountability plan (LCAP); see BP 0460 - Local Control and Accountability Plan.

Before adopting the district budget for the subsequent fiscal year, the Board shall hold a public hearing. The agenda for this hearing shall be posted at least 72 hours before the hearing and shall indicate the location where the budget may be inspected. The proposed budget shall be available for public inspection at least three working days before this hearing. This hearing shall be held at the same meeting as the public hearing to solicit public input on the local control and accountability plan (LCAP) or the annual update to the LCAP. (Education Code 42103, 42127, 52062)

(cf. 0460 - Local Control and Accountability Plan)
(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)

Note: Pursuant to Education Code 42103, the County Superintendent of Schools must publish the location, dates, and times at which the district's proposed budget may be inspected, as well as the location, date, and time of the public hearing described above. This notice must be published in a newspaper of general circulation 10-45 days before the hearing. The following paragraph is optional.
BUDGET (continued)

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

During the hearing, any district resident may speak to the proposed budget or to any item in the budget. The hearing may conclude when all residents who have requested to be heard have had the opportunity to speak. (Education Code 42103)

(cf. 9323 - Meeting Conduct)

Note: Pursuant to Education Code 42127, as amended by AB 97 (Ch. 47, Statutes of 2013), prior to adopting the district budget for the 2014-15 fiscal year, the Governing Board must adopt the LCAP. Each fiscal year thereafter, the Board must not adopt the district budget until it has an approved LCAP or update to the LCAP that is in effect for the budget year. Education Code 52062, added by AB 97, requires that the LCAP or annual update be adopted at the same public meeting during which the Board adopts the budget. See BP/AR 0460 - Local Control and Accountability Plan.

After the public hearing, at a public meeting held on a different date, the Board shall adopt the district budget following adoption of the LCAP at the same meeting. The budget shall not be adopted if an approved LCAP or annual update to the LCAP is not in effect for the budget year. (Education Code 52062)

Note: Education Code 42127 requires the district to file the adopted budget with the County Superintendent as described below. If the district fails to submit a budget, the County Superintendent will, at district expense, develop a budget by September 15 and transmit that budget to the Board.

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

(cf. 1340 - Access to District Records)

Revised Budget

Note: Pursuant to Education Code 42127, as amended by AB 97 (Ch. 47, Statutes of 2013), it is the County Superintendent's responsibility to determine whether the district's adopted budget complies with state standards and criteria, will allow the district to meet its current and future financial obligations, and includes the expenditures necessary to implement the LCAP or the annual update to the LCAP. Education Code 42127 also requires the County Superintendent to consider other studies, reports, evaluations, or audits that may indicate that the district is in fiscal distress; see the Fiscal Crisis and Management Assistance Team’s (FCMAT) Fiscal Oversight Guide and BP 3460 - Financial Reports and Accountability.
BUDGET (continued)

On or before August 15, the County Superintendent will approve, conditionally approve, or disapprove the district's adopted budget and report to the Board and the SPI regarding the fiscal solvency of a district with a disapproved budget, as required by Education Code 1240 and 42127. If disapproved or conditionally approved, the County Superintendent must provide the Board with recommendations regarding revision of the budget and the reasons for those recommendations. The County Superintendent also may assign a fiscal advisor or may appoint a committee to review his/her recommendations.

The district should select the appropriate option below reflecting the budget adoption process selected by the Board; see the accompanying Board policy. Districts using the single budget adoption process pursuant to Education Code 42127(i) (Option 1) must respond to a disapproved budget on or before September 8. Districts using the dual budget adoption process pursuant to Education Code 42127(c) and (g) (Option 2) must hold a second public hearing prior to adopting a revised budget on or before September 8. For districts using the dual budget adoption process, the requirement to adopt a revised budget applies regardless of whether the initial budget was approved or disapproved by the County Superintendent.

OPTION 1: (Single Budget Adoption Process)

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

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

OPTION 2: (Dual Budget Adoption Process)

On or before September 8, the Board shall adopt and file a revised budget with the County Superintendent which reflects: (Education Code 42127)

1. Changes in projected income or expenditures subsequent to July 1
2. Any response to the County Superintendent's recommendations on the initial budget

Before revising the budget, the Board shall hold a second public hearing regarding the proposed revisions in accordance with Education Code 42103. In addition, if the initial budget was disapproved by the County Superintendent, the public hearing shall include a review by the Board and the County Superintendent of the disapproval and the County Superintendent's recommendations. (Education Code 42127)

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

Budget Review Committee for Disapproved Budgets

Note: The following optional section applies to all districts. With either budget adoption process, Education Code 42127 requires the County Superintendent to approve or disapprove the district's revised budget by October 8. If the County Superintendent disapproves the revised budget, he/she is required by Education Code 42127 and 42127.1 to call for the formation of a budget review committee unless the Board and the County Superintendent agree to waive the committee requirement and the CDE agrees to the waiver. See BP 1431 - Waivers. The formation, convening procedures, and timelines of the budget review committee are set forth in Education Code 42127.1-42127.3.

As amended by SB 97 (Ch. 357, Statutes of 2013), Education Code 42127 provides that, beginning in the 2014-15 fiscal year, the County Superintendent cannot call for the formation of a budget review committee if his/her sole reason for disapproving the district's budget is that he/she has not approved the district's LCAP or the annual update to the LCAP.

If the district's revised budget is disapproved by the County Superintendent for any reason other than his/her disapproval of the district's LCAP or annual update to the LCAP, the budget shall be reviewed by a budget review committee, unless the Board and County Superintendent agree to waive the requirement and the California Department of Education accepts the waiver. (Education Code 42127)

Note: Pursuant to Education Code 42127.2, if the Board fails to select the budget review committee from a list of candidates provided by the SPI within five working days of receiving the list, as provided in item #1 below, the SPI will select and convene the committee within 10 working days from the date the Board received the candidate list.

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

1. Three persons selected by the Board from a list of candidates provided by the SPI, who shall be selected within five working days after receiving the list of candidates

2. A regional review committee convened by the County Superintendent with the approval of the Board

Note: Pursuant to Education Code 42127.2, the budget review committee is required to submit, by October 31, its recommendation as to whether the district's budget should be approved or disapproved and, if the recommendation is for disapproval, its recommended revisions to the budget.

If the budget review committee recommends disapproval of the district budget, the Board may submit a response no later than five working days after receipt of the committee's report. The response may include any revisions to the adopted final budget and any other proposed actions to be taken as a result of the committee's recommendations. (Education Code 42127.3)
BUDGET (continued)

If the SPI disapproves the district budget after reviewing the committee's report and the district's response, the Board shall consult with the County Superintendent as he/she develops and adopts, by November 30, a fiscal plan and budget that will allow the district to meet its financial obligations. For the current fiscal year, the district shall operate in accordance with the budget adopted by the County Superintendent. (Education Code 42127.3)

Until the district receives approval of its budget, it shall continue to operate either on the basis of the prior year's budget or on the basis of the current year's unapproved budget as adopted and revised by the Board, whichever budget contains a lower total spending authority. (Education Code 42127.4)
transfer of funds

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

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

(cf. 0460 - Local Control and Accountability Plan)
(cf. 3100 - Budget)
(cf. 3400 - Management of District Assets/Accounts)
(cf. 3460 - Financial Reports and Accountability)

Note: Education Code 42600 requires the district to expend funds in accordance with the classification of expenditures included in its adopted budget. However, other provisions of state law provide exceptions under which money may be transferred from one fund or account to another, as reflected in items #1-5 below.

AB 97 (Ch. 47, Statutes of 2013) repealed Education Code 17583 which provided a process for the transfer of excess local funds in the deferred maintenance fund to any other expenditure classifications whenever state funds for deferred maintenance are insufficient to fully match local funds.

AB 97 also repealed Education Code 42605, which provided temporary flexibility for specified "Tier 3" categorical programs, and redirects the funding for those categorical programs into the local control funding formula (LCFF) (Education Code 42238.01-42238.07). The supplemental and concentration grant portions of the LCFF may be used for any schoolwide or districtwide educational purpose in accordance with state regulations to be adopted by January 31, 2014, with the goal of increasing or improving services for students who are eligible for free and reduced-price meals, English learners, and foster youth; see BP/AR 0460 - Local Control and Accountability Plan and BP/AR 3100 - Budget.

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

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

1. At any time, adopt a written resolution providing for transfers from the designated fund balance or the unappropriated fund balance to any expenditure classification or between classifications. The resolution shall be filed with the County Superintendent of Schools and the county auditor. (Education Code 42600)

2. Direct the temporary transfer of monies held in any district fund or account to another fund or account as necessary for the payment of obligations. Such borrowing shall occur only when the fund or account receiving the money will earn sufficient income
TRANSFER OF FUNDS (continued)

during the current fiscal year to repay the amount transferred. No more than 75 percent of the maximum amount held in any fund or account during the current fiscal year may be transferred. Amounts transferred shall be repaid in the same fiscal year, or in the following fiscal year if the transfer takes place within the final 120 calendar days of a fiscal year. (Education Code 42603)

Note: Pursuant to Education Code 42601, the Governing Board may identify and request that the County Superintendent of Schools make transfers at the close of a school year in order to permit the payment of district obligations, as provided in item #3 below. For elementary school districts with average daily attendance (ADA) of 900 or less, high school districts with ADA of 300 or less, or unified districts with ADA of 1,500 or less, the County Superintendent may identify and make the transfers, with the consent of the Board.

3. At the close of a school year, request that the County Superintendent make transfers between the designated fund balance or the unappropriated fund balance and any expenditure classification(s), or balance any expenditure classifications of the district budget as necessary for the payment of obligations incurred during that school year. (Education Code 42601)

4. Specify amounts to be transferred by the county auditor and treasurer from the district's general fund to the special reserve fund during the fiscal year. If any special reserve funds are maintained for purposes other than capital outlay or if monies in the special reserve fund are not actually encumbered for ongoing expenses, the Board may transfer those monies into the general fund for the general operating purposes of the district. If any monies remain in the special reserve fund at the conclusion of a project, the Board may, by written request to the County Superintendent, auditor, and treasurer, transfer those monies to the district's general fund. (Education Code 42841-42843)

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

Legal Reference: (see next page)
TRANSFER OF FUNDS (continued)

Legal Reference:

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

Management Resources:

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

Policy adopted: October 2013
Classified Personnel

PERSONAL ILLNESS/INJURY LEAVE

Purposes of Leave

A classified employee may use personal illness or injury leave granted by the district for the following purposes:

1. Absences caused by accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact during the performance of the employee's duties with other persons having a contagious disease (Education Code 45199)

2. Absences due to pregnancy, childbirth, and recovery (Education Code 45193)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

3. Cases of personal necessity as specified in Education Code 45207

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

4. Cases of industrial accident or illness when leave granted specifically for that purpose has been exhausted (Education Code 45192)

(cf. 4261.11 - Industrial Accident/Illness Leave)

5. Illness of the employee's child, parent, spouse, registered domestic partner, or domestic partner's child, up to the amount of leave that would be accrued during six months for personal illness or injury (Labor Code 233)

Notification of Absence

An employee shall notify the Superintendent or the designated manager or supervisor of his/her need to be absent as soon as such need is known so that the services of a substitute may be secured as necessary. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than 3 p.m. of the day preceding the day on which he/she intends to return to work.

Verification Requirements

The Superintendent or designee may, at any time, require additional written verification by the employee's physician or medical practitioner. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever clear evidence indicates that an absence is
not related to illness or injury.

The Superintendent or designee may require an employee to visit a physician selected by the district and at district expense in order to receive a statement as to the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the statement concludes that the employee's condition does not warrant continued absence, the Superintendent or designee, after giving notice to the employee, may deny further leave.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return and stipulating any recommended restrictions or limitations.

(cf. 4032 - Reasonable Accommodation)
(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

Verification requirements shall not discriminate against any employee on the basis of his/her religious practice.

(cf. 4030 - Nondiscrimination in Employment)
(cf. 4031 - Complaints Concerning Discrimination in Employment)

**Accrual of Leave**

Classified employees are entitled to leave for personal illness or injury as outlined in the collective bargaining agreement.

(cf. 4161/4261/4361 - Leaves)
(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

An employee may take leave for personal illness or injury at any time during the year, even if credit for such leave has not yet been accrued. However, a new employee shall not be entitled to more than six days of such leave until he/she has completed six months of active service with the district. (Education Code 45191)

Unused days of personal illness or injury leave shall be accumulated from year to year without limitation. (Education Code 45191)

At the beginning of each school year, each employee shall be notified of the amount of leave which he/she has accumulated.

Upon employment with the district, a new classified employee shall receive credit for any personal illness or injury leave accumulated in a previous school district, county office of education, or community college district if he/she left employment with that district within the previous year and had been employed by the previous district for at least one year. If the employee's previous employment had been terminated for cause, the Governing Board may determine whether to accept the transfer of the accumulated leave. (Education Code 45202)

An employee who does not complete a given year of service shall be charged for any unearned
personal illness or injury leave used as of the date of termination.

**Extension of Leave**

A permanent employee who is absent because of a personal illness or injury and who has exhausted all available personal illness or injury leave, vacation, compensatory overtime, and any other paid leave shall be so notified, in writing, and offered an opportunity to request additional leave. The Board may grant the employee additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave for two additional six-month periods or for lesser periods. Total leave so granted shall not exceed 18 months. (Education Code 45195)

(cf. 4216 - Probationary/Permanent Status)

If the employee is still unable to resume his/her duties after all available paid and unpaid leaves have been exhausted, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes able to resume the duties of his/her position, he/she shall be reemployed in the first vacancy in the classification of his/her previous assignment. The employee's reemployment shall take preference over all other applicants except those laid off for lack of work or lack of funds, in which case the employee shall be ranked according to his/her seniority. (Education Code 45195)

**Compensation**

A classified employee who has exhausted all paid leave, including personal illness or injury leave shall receive his/her salary, minus the actual amount paid a substitute employed to fill the position during the employee's absence for the remaining days within a total five-month period of absence. (Education Code 45196)

The five-month period shall commence on the first day of the leave of absence and shall run concurrently with any other paid leave.

*Legal Reference:*
EDUCATION CODE
45103 Substitute employees
45190 Leaves of absence and vacations
45191 Leaves of absence for illness and injury
45193 Leave of absence for pregnancy (re use of sick leave under certain circumstances)
45195 Additional leave for nonindustrial accident or illness; reemployment preference
45196 Salary, deductions during sick leave
45202 Transfer of accumulated sick leave and other benefits
LABOR CODE
233 Illness of child, parent, spouse or domestic partner
COURT DECISIONS
ATTORNEY GENERAL OPINIONS

Regulation
Approved:
NEVADA JOINT UNION HIGH SCHOOL DISTRICT
Grass Valley, California