

# CABRILLO UNIFIED SCHOOL DISTRICT



## **Governing Board Agenda**

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**October 14, 2010**

Regular Governing Board Meeting

District Office

498 Kelly Avenue

7:00 PM



## **CABRILLO UNIFIED SCHOOL DISTRICT**

498 Kelly Avenue, Half Moon Bay, CA 94019

**A G E N D A – Thursday, October 14, 2010**

### **Governing Board Meeting**

District Office Conference Room

**1. CALL TO ORDER- 7:00 P.M.**

**2. ROLL CALL/QUORUM ESTABLISHED**

- \_\_\_ Mr. Dwight Wilson, President
- \_\_\_ Dr. Jolanda Schreurs, Vice President
- \_\_\_ Mr. John Moseley, Clerk to the Board
- \_\_\_ Mr. Charles Gardner, Member
- \_\_\_ Dr. Kirk Riemer, Member

**3. RECESS TO CLOSED SESSION – 6:01 P.M.**

- a. Conference with Legal Counsel – Anticipated Litigation (Government Code 54956.9). Conference regarding anticipated litigation pursuant to Government Code, significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9. Number of potential cases: one.
- b. Pupil Personnel/Student Matters (Education Code 35146). The Board may hear expulsion cases and consider the requests from students for re-admittance following expulsion. Also, the Board may review student disciplinary reports, exemption requests, and other student related matters that are regarded to be confidential according to education code. The Education Code requires closed session in these cases to prevent disclosure of confidential student record information.
- c. Conference Regarding Labor Negotiations with District Designated Representative: Dannis, Woliver, Kelly/Robert Gaskill/John Corry (Government Code 54957.6)
  - 1. California School Employees' Association, Chapter 485
  - 2.

**4. RECONVENE OPEN SESSION – [Time] P.M.**

**5. PLEDGE OF ALLEGIANCE**

**6. ADOPTION OF AGENDA AS PRESENTED/AMENDED**

**7. STUDENT/STAFF/COMMUNITY RECOGNITION**

Recognize Student Members of the Half Moon Bay High School Chapter of Future Farmers of America Who Earned Ribbons and Recognition in This Year's San Mateo County Fair

**8. COMMENTS FROM THE PUBLIC RELATED TO ITEMS NOT ON THIS AGENDA**

**NOTICE TO THE PUBLIC ABOUT COMMENTS**

Members of the audience will be given an opportunity to address the board. The President will recognize those members of the audience who wish to speak. Each person wishing to speak will be asked to identify him or herself prior to speaking. Each individual speaker will need to fill out a request card. The card will allow the administration to respond to the person on an individual basis. The Board reserves the right to limit the time of presentations by individuals (three minutes) as well as cumulative time (twenty minutes) for any one issue. This will allow the board to complete the business at hand in a timely manner. Matters not listed on the agenda will be referred to administration for review. No action may be taken at this time on matters not listed on the agenda. Board members usually will not comment regarding matters not listed on the agenda until the information is reviewed by the administration. Matters listed on the agenda will be addressed in order unless the President determines that the order listed should be revised. As this is a public meeting of the Governing Board, the President will generally request board members to comment before recognizing requests from the audience to speak. Please remember that the board can take no action on items that are not listed on the agenda for action. A sound and/or video recording are made of all regular meetings except closed session and those designated as special and/or workshops. Thank you for your support and understanding of this procedure.

**9. REPORTS/INFORMATION**

- a. Student Representative
- b. Association Representatives
- c. Citizens' Measure E Oversight Committee Update
- d. Cunha Modernization Project Update
- e. Solar Energy Ad-Hoc Committee Update
- f. State Budget Update
- g. Annual Accountability Progress Report

**10. CONSENT ITEMS**

### **NOTICE ABOUT CONSENT ITEMS**

Consent items are routine in nature. The items are in agreement with current board policies and procedures and are presented for formal action, information, or adoption of routine resolutions. Any item in this section may be considered individually, if requested by a board member or the Superintendent. Consent items will be approved by a roll call vote of the Governing Board

- a. Approve Certificated Personnel Report
- b. Approve Classified Personnel Report
- c. Approve Minutes of the September 9, 2010, Regular Governing Board Meeting
- d. Approve Gifts to the District
- e. Receive Quarterly Policy Manual Maintenance Report; Waive Additional Readings and Adopt the Proposed Revisions to Nine Policies as Presented:
  - 1) BP 1150 Commendations and Awards
  - 2) BP 1250 Visitors/Outsiders
  - 3) BP 3100 Budget
  - 4) BP 3314 Revolving Funds
  - 5) BP 3516 Emergency Schedules
  - 6) BP 3555 Nutrition Program Compliance (new)
  - 7) BP 4020 Drug and Alcohol-Free Workplace
  - 8) BP 4127 Temporary Athletic Team Coaches
  - 9) BB 9270 Conflict of Interest
- f. Accept Quarterly Report on Williams Uniform Complaints (Education Code 35186)
- g. Approve the Stanford Teacher Education Program Agreement for the 2010-2011 Academic Year
- h. Approve Hatch Students to Participate in an Overnight Field Trip to Sacramento, California, November 8-9, 2010
- i. Accept Enrollment Report: First Month 2010-2011 School Year

### **11. ACTION ITEMS**

- a. Hold Public Hearing and Approve Tentative Agreement for 2010-

2011 through 2012-2013 with California School Employees' Association, Chapter 485

- b. Hold Public Hearing and Approve Resolution 20-10 Regarding the Statement of Assurances for the Pupil Textbook and Instructional Incentive Program for the 2010-2011 School Year
- c. Adopt Resolution 21-10 Approving a Revision to the List of Local Education Participants in the San Mateo Special Education Plan Area (SELPA)

## **12. DISCUSSION**

- a. Discuss with Consideration of Action Revision to Facility Use Schedule 2010-2011
- b.

## **13. COMMUNICATIONS**

- a. Board Members
- b. Superintendent

## **14. FUTURE BOARD AGENDA ITEMS**

- a.
- b.

## **15. FUTURE EVENTS/DATES/REQUESTS**

- a. November 18, 2010, Cunha Ribbon Cutting Ceremony, 4:00 p.m.
- b. October 21, 2010, Great Shake Out
- c. October 22, 2010, End 1<sup>st</sup> Quarter
- d. October 29, 2010, Homecoming, Half Moon Bay High School
- e. November 3, 2010, Open House, Half Moon Bay High School
- f. November 11, 2010, Veterans Day, Holiday for CUSD

## **16. CLOSED SESSION (IF NECESSARY)**

## **17. ADJOURNMENT OF THE MEETING**

**SPECIAL FOOTNOTE**

Board Bylaw 9323, requires that the meeting of the board shall end at 10:00 p.m. The board, at its discretion, may extend the meeting for a defined time to finish the business at hand.

In compliance with the Americans with disabilities Act, should assistance be required to participate in this meeting, please contact the Superintendent's office at (650) 712-7112. Notification 48 hours prior to the Board meeting will enable the District to make reasonable arrangements to assure accessibility to this meeting.

# CABRILLO UNIFIED SCHOOL DISTRICT BOARD AGENDA ITEM

**BOARD MEETING DATE:** October 14, 2010

- ACTION**
- CONSENT**
- DISCUSSION**
- INFORMATION**

**BOARD AGENDA NUMBER:** 9.g.

**BOARD AGENDA ITEM:** Receive Annual Accountability Progress Report (APR)

**DEPARTMENT:** Curriculum & Instruction

**CONTACT PERSON:** Elizabeth Schuck, Ed.D., Assistant Superintendent

## **BACKGROUND INFORMATION:**

California's comprehensive accountability system monitors the academic achievement of all the state's public schools and districts. The accountability system is based on state requirements, established by the Public Schools Accountability Act (PSAA) of 1999, and on federal requirements established by the No Child Left Behind (NCLB) Act of 2001. State and federal accountability results are reported under the general heading of the Accountability Progress Reporting (APR) System.

The APR includes the state Academic Performance Index (API), the federal Adequately Yearly Progress (AYP) Report, and the federal Program Improvement (PI) Report.

Test results from the Standardized Testing and Reporting (STAR) and the California High School Exit Exam (CAHSEE) are used in calculating API and AYP reports.

## **REPORT/PROPOSAL:**

The 2009-2010 CUSD Accountability Progress Report (APR) will be reviewed with the Governing Board.

## **FINANCIAL IMPACT:**

No financial impact

## **RECOMMENDATION:**

Receive Annual Accountability Progress report (APR).

2009-2010  
Accountability Progress  
Report  
(APR)

Cabrillo Unified School District  
Report to the Governing Board  
October 14, 2010

# 2009-2010 APR System

| <p>State Accountability<br/>Requirements<br/>(Public Schools Accountability Act of 1999)</p>   | <p>Federal Accountability<br/>Requirements<br/>(Elementary and Secondary Education Act)</p>   |
|--|---|
| <ul style="list-style-type: none"><li>• 2009 Base Academic Performance Performance Index (API) Reports (release May 2010)</li><li>• 2010 Growth API Reports (release September 2010)</li></ul> | <ul style="list-style-type: none"><li>• 2010 Adequate Yearly (AYP) Reports (release September 2010)</li><li>• 2010-2011 Program Improvement (PI) Reports (release September 2010)</li></ul> |

# Key Changes to the 2010 AYP and 2010-11 PI Reports

- Required percentage of students proficient or above for elementary and middle schools in English Language Arts (ELA) is now **56.8**, in mathematics **58.0**.
- Required percentage of students proficient or above for high schools in ELA is now **55.6**, in mathematics **54.8**.
- Required percentage of students proficient or above for unified school districts in ELA is now **56.0**, in mathematics **56.4**.
- To meet the API requirement for AYP purposes, a district or school must demonstrate a growth of at least 1 point or a minimum API score of at least **680**.
- **The graduation rate criteria have changed.** A school or district with grade twelve students must meet one of three graduation rate targets to make AYP: (1) a 2010 graduation rate of at least 90%, (2) a 2010 fixed growth target rate, or (3) a 2010 variable growth target rate.

# Accountability Progress Report 1

## 2009 Base API Report

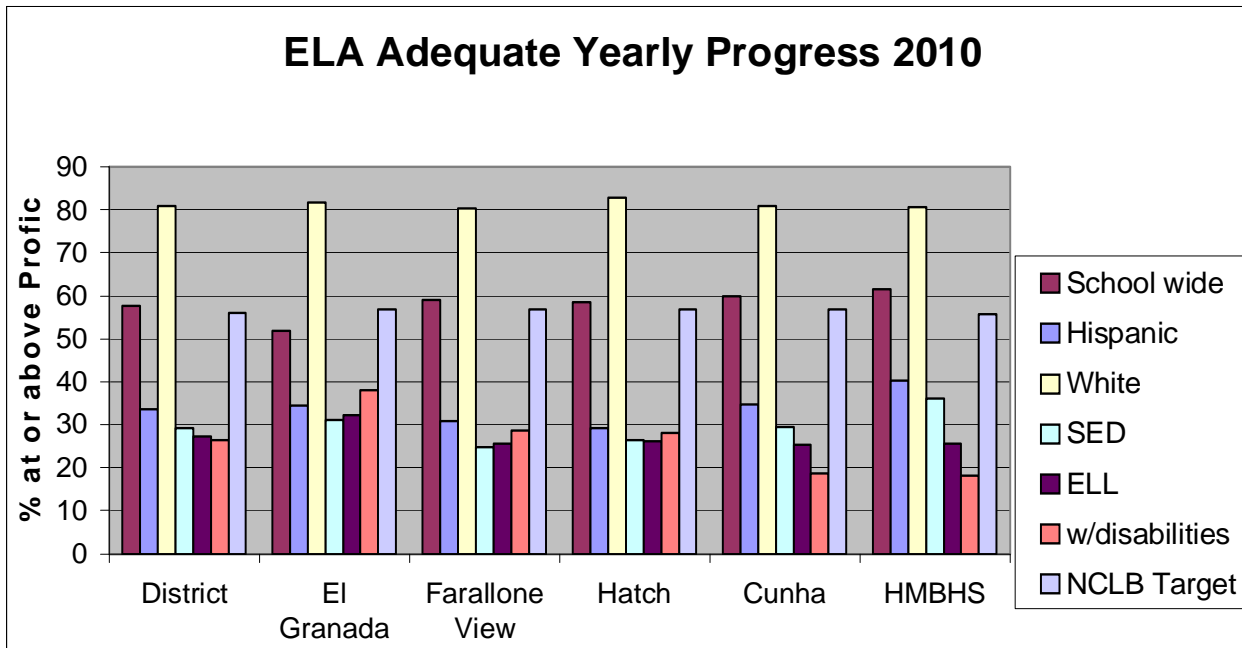
|                       | <b>Number of Students included</b> | <b>2009 Base API</b> | <b>2009 Statewide Rank</b> | <b>2009 Similar Schools Rank</b> | <b>2009-10 Growth Target</b> | <b>2010 API Target</b> |
|-----------------------|------------------------------------|----------------------|----------------------------|----------------------------------|------------------------------|------------------------|
| <b>District</b>       | 2,427                              | 781                  | N/A                        | N/A                              | N/A                          | N/A                    |
| <b>El Granada</b>     | 318                                | 811                  | 6                          | 9                                | N/A                          | N/A                    |
| <b>Farallone View</b> | 278                                | 842                  | 8                          | 9                                | N/A                          | N/A                    |
| <b>Hatch</b>          | 334                                | 777                  | 5                          | 2                                | 5                            | 782                    |
| <b>Kings Mountain</b> | 46                                 | 946                  | 10                         | N/A                              | N/A                          | N/A                    |
| <b>Cunha</b>          | 702                                | 796                  | 7                          | 4                                | 4                            | 800                    |
| <b>HMBHS</b>          | 725                                | 741                  | 6                          | 2                                | 5                            | 746                    |
| <b>Pilarcitos</b>     | N/A                                | N/A                  | N/A                        | N/A                              | N/A                          | N/A                    |



# Adequate Yearly Progress (AYP)

## English Language Arts

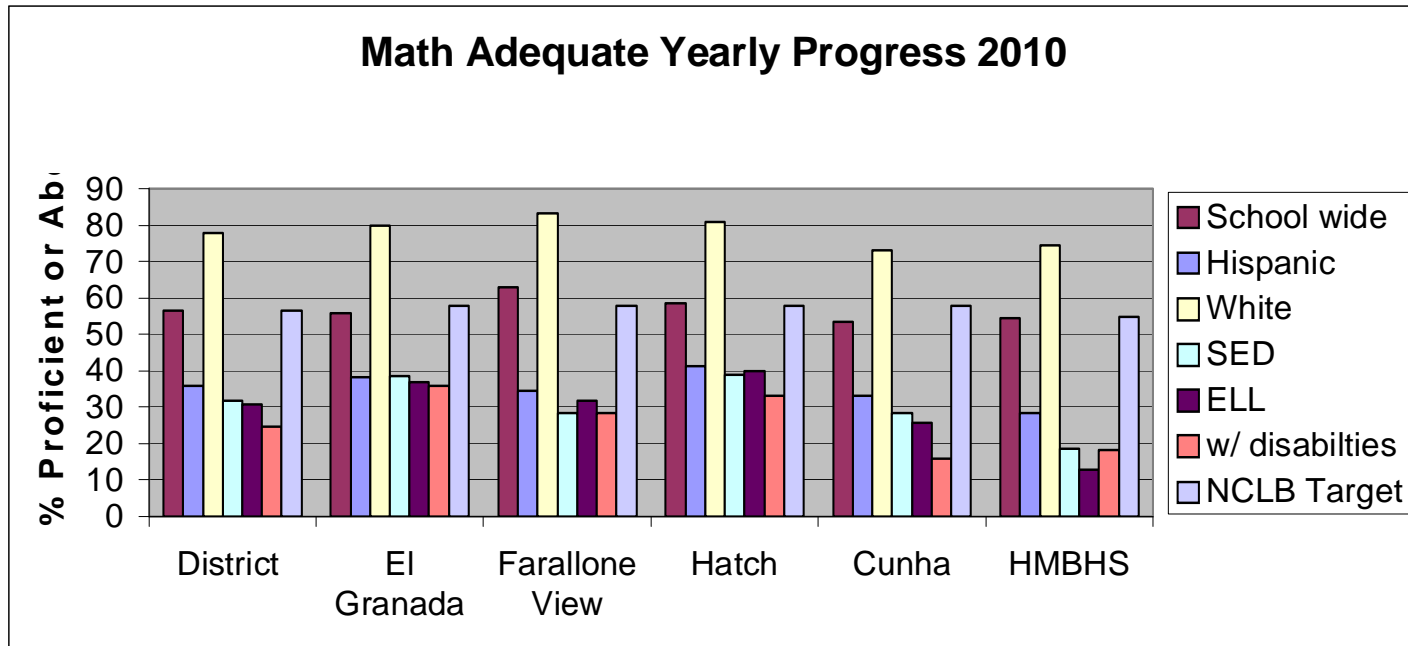
|                       | District | El Granada | Farallone View | Hatch | Cunha | HMBHS |
|-----------------------|----------|------------|----------------|-------|-------|-------|
| <b>School wide</b>    | 57.6     | 51.8       | 59.2           | 58.4  | 59.9  | 61.6  |
| <b>Hispanic</b>       | 33.5     | 34.5       | 30.9           | 29.1  | 34.8  | 40.2  |
| <b>White</b>          | 80.8     | 81.7       | 80.3           | 82.8  | 80.9  | 80.5  |
| <b>SED</b>            | 29.2     | 31.2       | 24.7           | 26.4  | 29.4  | 36.2  |
| <b>ELL</b>            | 27.3     | 32.2       | 25.7           | 26.1  | 25.3  | 25.7  |
| <b>w/disabilities</b> | 26.3     | 38.1       | 28.6           | 28.1  | 18.6  | 18.2  |
| <b>NCLB Target</b>    | 56       | 56.8       | 56.8           | 56.8  | 56.8  | 55.6  |



# Adequate Yearly Progress (AYP)

## Mathematics

|                 | District | El Granada | Farallone View | Hatch | Cunha | HMBHS |
|-----------------|----------|------------|----------------|-------|-------|-------|
| School wide     | 56.7     | 56.0       | 63.1           | 58.5  | 53.6  | 54.4  |
| Hispanic        | 35.7     | 38.1       | 34.5           | 41.3  | 33.3  | 28.6  |
| White           | 77.8     | 80.0       | 83.4           | 81.0  | 73.3  | 74.6  |
| SED             | 31.7     | 38.4       | 28.6           | 38.8  | 28.5  | 18.6  |
| ELL             | 30.9     | 36.7       | 31.7           | 39.8  | 25.6  | 12.7  |
| w/ disabilities | 24.7     | 35.7       | 28.6           | 33.3  | 15.7  | 18.2  |
| NCLB Target     | 56.4     | 58.0       | 58.0           | 58.0  | 58.0  | 54.8  |



# Accountability Progress Report 3

2010 AYP Report

| <b>Met 2007<br/>Criteria for:</b> | <b>English-<br/>Language<br/>Arts</b> | <b>Mathematics</b> | <b>API</b> | <b>Graduation<br/>Rate</b> | <b>All<br/>Components</b> |
|-----------------------------------|---------------------------------------|--------------------|------------|----------------------------|---------------------------|
| <b>District</b>                   | No                                    | No                 | Yes        | Pending                    | No                        |
| <b>El Granada</b>                 | No                                    | No                 | Yes        | N/A                        | No                        |
| <b>Farallone<br/>View</b>         | No                                    | No                 | Yes        | N/A                        | No                        |
| <b>Hatch</b>                      | No                                    | No                 | Yes        | N/A                        | No                        |
| <b>Kings<br/>Mountain</b>         | Yes                                   | Yes                | N/A        | N/A                        | Yes                       |
| <b>Cunha</b>                      | No                                    | No                 | Yes        | N/A                        | No                        |
| <b>HMBHS</b>                      | Pending                               | No                 | Yes        | Pending                    | No                        |
| <b>Pilarcitos</b>                 | Yes                                   | Yes                | N/A        | Pending                    | Pending                   |

# Accountability Progress Report 4

## 2010-2011 Program Improvement Report

|                | <b>Program Improvement Status</b> |
|----------------|-----------------------------------|
| District       | Year 3                            |
| El Granada     | Not in PI                         |
| Farallone View | Not Title I                       |
| Hatch          | Year 5                            |
| Kings Mountain | Not Title I                       |
| Cunha          | Year 5                            |
| HMBHS          | Not Title I                       |
| Pilarcitos     | Not Title I                       |

# **CABRILLO UNIFIED SCHOOL DISTRICT BOARD AGENDA ITEM**

**BOARD MEETING DATE:** October 14, 2010

- ACTION**
- CONSENT**
- DISCUSSION**
- INFORMATION**

**BOARD AGENDA NUMBER:** 10.a.

**BOARD AGENDA ITEM:** Approve Certificated Personnel Report

**DEPARTMENT:** Personnel

**CONTACT PERSON:** John Corry, Director of Personnel

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## **BACKGROUND INFORMATION:**

The following personnel items are submitted for your ratification/approval.

### **1. RESIGNATIONS**

Georgia Billingsley, Teacher, Half Moon Bay High School, effective July 9, 2010.

Jacqueline Rickman, Teacher of the Visually Impaired, effective October, 15, 2010.

## **FINANCIAL IMPACT:**

Financial impact is included in the budget.

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## **RECOMMENDATION:**

Approve the Certificated Personnel Report.

# CABRILLO UNIFIED SCHOOL DISTRICT BOARD AGENDA ITEM

**BOARD MEETING DATE:** October 14, 2010

- ACTION
- CONSENT
- DISCUSSION
- INFORMATION

**BOARD AGENDA NUMBER:** 10.b.

**BOARD AGENDA ITEM:** Approve Classified Personnel Report

**DEPARTMENT:** Personnel

**CONTACT PERSON:** John Corry, Director of Personnel

**BACKGROUND INFORMATION:**

The following personnel items are submitted for your ratification/approval.

**1. OFFERS OF EMPLOYMENT**

| <i>Employee</i>   | <i>Position</i>             | <i>Site</i> | <i>Date</i> | <i>Replace/NEW</i> |
|-------------------|-----------------------------|-------------|-------------|--------------------|
| Pinto, Robert     | PASS Teacher                | HMBHS       | 08/16/10    | New                |
| Ollerton, Patrick | Student Homework Club Tutor | Cunha       | 10/4/10     | New                |

**2. OFFERS OF SHORT TERM EMPLOYMENT 2010-11**

Marianne Benson, Intensive Intervention Teacher, Hatch Elementary beginning August 30, 2010 through May 27, 2011.

Maria Skinner, Intensive Immersion Intervention Teacher, Hatch Elementary, beginning September 17, 2010 through June 8, 2011.

Sandi Parker, P. E. Teacher K-3, Farallone View and El Granada Elementary, beginning September 29, 2010 through June 8, 2011.


John Engel, Music Teacher, Farallone View Elementary, beginning October 1, 2010, through June 8, 2011.

Chanda Jenson, Science Teacher, Hatch Elementary, beginning August 30, 2010 through November 30, 2010.

Anne Tunnell, Beginning Teacher Support Advisor, beginning September 16, 2010 through June 8, 2011.

**FINANCIAL IMPACT:**

Financial impact is included in the budget.



**RECOMMENDATION:**

Approve the Classified Personnel Report.

# **CABRILLO UNIFIED SCHOOL DISTRICT BOARD AGENDA ITEM**

**BOARD MEETING DATE:** October 14, 2010

- ACTION**
- CONSENT**
- DISCUSSION**
- INFORMATION**

**BOARD AGENDA NUMBER:** 10.c.

**BOARD AGENDA ITEM:** Approve Minutes of the September 9, 2010 Regular Governing Board Meeting

**DEPARTMENT:** Superintendent/Governing Board

**CONTACT PERSON:** Rob Gaskill, Superintendent

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## **BACKGROUND INFORMATION:**

The following Minutes are submitted for Board approval.

## **REPORT/PROPOSAL:**

The Unadopted Minutes are included for Board review.

## **FINANCIAL IMPACT:**

No financial impact to the district.

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## **RECOMMENDATION:**

Approve Minutes of the September 9, 2010 regular Governing Board meeting.



## **CABRILLO UNIFIED SCHOOL DISTRICT**

498 Kelly Avenue, Half Moon Bay, CA 94019

### **MINUTES (Unadopted) – September 09, 2010 Regular Governing Board Meeting**

District Office Conference Room

Board Members Present: Dwight Wilson, President  
Dr. Jolanda Schreurs, Vice President  
John Moseley, Clerk  
Charles Gardner, Member  
Dr. Kirk Riemer, Member

Administrators at the Table: Robert Gaskill, Superintendent  
Elizabeth Schuck, Assistant Superintendent  
John Corry, Director, Personnel & Pupil Services  
Diane Stupi, Director, Fiscal Services

Student Representative: Ethan Hofmayer

#### **CALL TO ORDER/QUORUM ESTABLISHED**

President Wilson called the meeting to order at 6:00 p.m.

#### **RECESS TO CLOSED SESSION**

The Governing Board recessed to closed session at 6:01 p.m.

#### **RECONVENE OPEN SESSION**

President Wilson called the open session to order at 7:01 p.m. He reported that the Board met in closed session from 6:01 until 6:40 p.m. President Wilson reported that one action was taken: The Governing Board voted 5-0 to deny an Intra-district Transfer into Half Moon Bay High School due to lack of available space.

Pledge of Allegiance was led by Ethan Hofmayer, Student Representative.

#### **ADOPTION OF AGENDA**

Dr. Riemer made the motion to approve the agenda as presented. Member Gardner made the second.

Passed: 5-0 (M-87)

#### **STUDENT/STAFF/COMMUNITY RECOGNITION**

Dr. Elizabeth Schuck invited Principal Mary Streshly to the podium. Principal Streshly honored Cameron Tatton for his California Landscape artwork that has been accepted into the San Mateo County Student Artist Hall of Fame and that graces the cover of the San Mateo County Public Schools Directory.

Dr. Schuck awarded certificates of recognition to Allison Silvestri and Cathie Treulich for their service to the District as Summer Intervention Principals.

Diane Stupi, Director of Fiscal Services was pleased to introduce her replacement, Mr. Wael Saleh who comes to us from Burlingame School District where he serves as Controller.

## **COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA**

No comments were made.

### **a. Student Representative**

Ethan Hofmayer, Student Representative for Half Moon Bay High School, gave a brief update on the first few weeks of school: Welcome Back Assembly, the first football game, and student discussions about the proposed new security cameras. He also commented on the Personal Learning Plans for students that have proved especially beneficial to members of the senior class.

### **b. Association Representatives**

CSEA Chapter President Gary Aldrich, was not present.  
CUTA Chapter President, Tom Cox was not present. Mike Putnam attended for Mr. Cox and declined to comment.

## **REPORTS/INFORMATION**

### **c. Summer Intervention Programs**

Dr. Schuck invited Rosalva Segura, District Community Relations Assistant to speak about the program she managed which identified and provided support services for migrant education at-risk students. Ms. Segura noted that the programs could not have been accomplished without the help of liaisons, Bob Pinto, Tanya Goldberg and Graciela Krabbenschmidt.

Cece Burgoon, Director of Special Services, highlighted the success of the ESY (Extended School Year) Special Education Program which provided individualized and small group instruction serving 51 students from pre-school through high school. The services offered in speech/language support, occupational therapy, behavioral intervention, mental health services, and specialized academic support. The programs were driven by student's individualized education plan.

Allison Silvestri, Assistant Principal and Amanda Robertson, Counselor at Half Moon Bay High School spoke about the positive impact the Aventa Learning System, credit recovery program had for their students. The success was measured by serving 90% of the students enrolled. Both gave "kudos" for jobs well done to their extended staff: Deanna Rocha, David Jones, Algebra Readiness, Andrew Boysen and Keith Holden, PE, Pete Macker, Special Education, Jennifer Lovette, Tatiana Smith, Trisha Perrick, administrative/office and education duties, Mary Jennings, Food Service, Jose Acosta, kept a safe and clean campus and Stigg-Lynne, always willing to help with technical support.

Dr. Schreurs asked how the Aventa program was selected... whether a fee was charged... and whether virtual classes can be offered to more students. Dr. Schuck noted part of the reason Aventa was chosen was because "we did find a program that can support us with electives as well as credit recovery". Trustee Moseley congratulated the staff for their leadership and collaboration for the successful summer programs and hoped the structure would remain in effect for the future.

#### **d. Capital Facilities Report**

Diane Stupi, Director of Fiscal Services presented the Capital Facilities Fee Report for the year ending June 30, 2010.

#### **e. Construction Update**

Superintendent Gaskill reported that the courtyard and playground resurfacing and Building D modernization projects were completed in time for the opening of school. Building A should be completed early October. The District has also received Half Moon Bay City approval for the new parking lot and electronic signage. A ribbon cutting ceremony is scheduled for November 18, 2010. Staff continues to estimate that the Cunha new construction and modernization work will be completed on time and within budget.

### **CONSENT AGENDA**

Trustee Moseley made the motion to approve the Consent Agenda and Vice President Schreurs made the second.

- a. Approve Certificated Personnel Report
- b. Approve Classified Personnel Report
- c. Approve Minutes of the August 12, 2010 Regular Governing Board Meeting
- d. Approve Technical Revisions to Board Bylaw 9270: Conflict of Interest

Passed: 5-0 (M-88)      Roll Call: Dwight Wilson – yes  
Jolanda Schreurs – yes  
John Moseley – yes  
Charles Gardner - yes  
Kirk Riemer - yes

### **ACTION ITEMS**

#### **11. a. Adopt Resolution No. 13-10 Reduction and/or Discontinuation of Classified Positions**

Trustee Moseley made the motion to adopt Resolution No. 13-10, Trustee Riemer made the second.

Passed: 5-0 (M-89)      Roll Call: Dwight Wilson – yes  
Jolanda Schreurs – yes  
John Moseley – yes  
Charles Gardner - yes  
Kirk Riemer - yes

#### **11. b. Adopt the following Resolutions Related to Staffing Assignments: Resolution No. 16-10: Ed Code 44263, Assignment to a Single Subject Class Resolution No. 17-10: Ed Code 44258.3, Teaching Departmentalized Class Resolution No. 18-10: Ed Code 44256(b), Authorization for Multiple Subject and Standard Elementary Teaching Credentials Resolution No. 19-10: Ed Code 44258.7, Teaching in an “Elective” Area**



## **COMMUNICATIONS**

Trustee Schreurs spoke about her upcoming move to New York. She also commented on a meeting she attended with Superintendent Gaskill at a local realty company. She noted that some of the agents are advertising their support of the Cabrillo Education Foundation (CEF). Trustee Schreurs specifically commended realtor Marian Bennett for working so hard to forge a positive partnership with the District.

Trustee Gardner attended the “Celebrity Bartender Night” at It’s Italia. It was a fun event that raises money for CEF (Cabrillo Education Foundation). He also participated in the Cougar Boosters Golf Tournament along with Trustee Moseley. The two placed a close second in the competition.

Trustee Moseley noted he sensed more enthusiasm and “new blood” in the school community. He commented that approving Measure E was evidence that this community values education. He noted as well that a number of local realtors are donating a percentage of their sales to the CEF. He also noted his appreciation for the direction Superintendent Gaskill provided the District over the past year.

Trustee Riemer questioned if anyone has calculated how many hours are squandered filling out forms in response to state mandates.

President Wilson noted we have come a long way in a year. The group has done very well especially in the last three months. He also wanted to honor his wife Julia, who is retiring from her position as the Public Health Nurse on the coast after serving the Coastsides so well for the past 25 years.

Superintendent Gaskill offered his thanks to the Coastsides Community for Measure E. He also commented on the artwork on the walls produced by students from Hatch Elementary School. He also noted the meeting with the realtors was very powerful. Enrollment is down a bit... currently about thirty students below projection.

## **ADJOURNMENT OF THE MEETING**

Trustee Gardner made a motion to adjourn the meeting, Member Riemer made the second.

Passed: 5-0 (M-94)

The meeting was adjourned at 8:21 p.m.

Minutes prepared by Janice Olson, Administrative Assistant to the Superintendent  
Minutes presented by Mr. Gaskill, Secretary to the Board

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Certified by the Clerk of the Board

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Date

# CABRILLO UNIFIED SCHOOL DISTRICT BOARD AGENDA ITEM

**BOARD MEETING DATE:** October 14, 2010

- ACTION**
- CONSENT**
- DISCUSSION**
- INFORMATION**

**BOARD AGENDA NUMBER:** 10.d.

**BOARD AGENDA ITEM:** Approve Gifts to the District

**DEPARTMENT:** Business Department

**CONTACT PERSON:** Diane Stupi, Director, Fiscal Services

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## **REPORT/PROPOSAL:**

Pursuant to Governing Board Policy 3290, the Governing Board is to accept gifts on behalf of the district or any school in the district.

**Half Moon Bay High School**

**\$4,030.29**

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Linette Edison  
Mr. & Mrs. Rand Ollerton  
Ms. Susan Foley  
Mr. Timothy Machold  
Ms. Diane L. Brosin

### **Student Enrichment & Recognition**

Genentech Givingstation  
Target – Take Charge of Education

### **Seth Koller Memorial Scholarship**

Ms. Diane Felice Kennedy  
Mr. Brian P. Casey  
Ms. Mary E. Sanders  
Mr. & Mrs. Dominic J. Falletti  
Ms. Cynthia Cupit Swenson, PH. D.

### **ELAC Dinner**

Rite Aid  
Tres Amigos

### **Gymnastics Club**

Half Moon Bay Lions Club

**El Granada Elementary**

**\$250.00**

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Mr. Mrs. J.M. & S. J. Sperinde

**RECOMMENDATION:** The administration recommends that the Governing board accept with appreciation the above listed donations to our district.

# CABRILLO UNIFIED SCHOOL DISTRICT BOARD AGENDA ITEM

**BOARD MEETING DATE:** October 14, 2010

- ACTION
- CONSENT
- DISCUSSION
- INFORMATION

**BOARD AGENDA NUMBER:** 10.e.

**BOARD AGENDA ITEM:** Receive Quarterly Policy Manual Maintenance Report; Waive Additional Readings and Adopt the Proposed Revisions to Nine Policies as Presented

**DEPARTMENT:** Governing Board

**CONTACT PERSON:** Robert Gaskill

## **BACKGROUND INFORMATION:**

The Cabrillo Unified School District participates in the California School Board Associations' Policy Online and Manual Maintenance Service. One important component of this service is that participating districts receive a quarterly "policy maintenance report" to help keep policies up to date and fully compliant. Most often, the proposed revisions are man date-driven. In such instances, staff will suggest that the board waive additional readings and adopt the proposed revisions en masse and via consent. In those instances, where a quarterly maintenance review results in the need for a change that provides optional courses of action, staff will suggest that the board engage in a first and second reading of the document prior to considering policy adoption.

## **REPORT/PROPOSAL:**

Staff has reviewed the quarterly policy maintenance report from CSBA for the period of October-December and has identified eight District policies that warrant revision at this time. Staff has further concluded that the proposed revisions reflect new mandates and/or additional CSBA-suggested wordsmithing that could be considered for adoption under the consent agenda. These policies are included in this Board packet for review and consideration of action. Proposed new language is underscored. Proposed deletions are indicated by ~~strikethroughs~~.

## **FINANCIAL IMPACT:**

No financial impact.

**RECOMMENDATION:**

Waive additional readings and adopt the proposed revisions to the following Board policies as presented:

Quarterly Policy Manual Maintenance

| <b>#</b> | <b>POLICY #</b> | <b>TITLE</b>                       |
|----------|-----------------|------------------------------------|
| 1        | BP 1150         | COMMENDATIONS AND AWARDS           |
| 2        | BP 1250         | Visitors/Outsiders                 |
| 3        | BP 3100         | Budget                             |
| 4        | BP 3314         | Revolving Funds                    |
| 5        | BP 3516         | Emergency Schedules                |
| 6        | BP 3555         | Nutrition Program Compliance (New) |
| 7        | BP 4020         | Drug and Alcohol-Free Workplace    |
| 8        | BP 4127         | Temporary Athletic Team Coaches    |
| 9        | BB 9270         | Conflict of Interest               |

**COMMENDATIONS AND AWARDS**

Note: The following **optional** policy addresses commendation of community members and organizations and may be revised to reflect district practice. For policy addressing recognition of employees and students, see BP 4156.2/4256.2/4356.2 - Awards and Recognition and BP/AR 5126 - Awards for Achievement.

~~The Governing Board believes that individuals and organizations deserve recognition when they provide contributions or long standing service to the district. The Board believes that commending such service promotes increased community understanding and participation.~~

~~(cf. 1700 – Relations between Private Industry and the Schools)~~

~~The Superintendent or designee shall establish procedures by which Board members, employees or members of the community may suggest persons or organizations for Board recognition. At the Board’s discretion, letters of recognition, Board resolutions, plaques or awards may be presented.~~

~~The Board encourages similar forms of recognition for achievement or services as part of school level commendation programs.~~

To encourage community involvement in district programs and activities, the Governing Board may publicly recognize and commend parents/guardians, community members, businesses, and organizations that make outstanding contributions or provide longstanding service to the district or district students.

- (cf. 1000 - Concepts and Roles)*
- (cf. 1020 - Youth Services)*
- (cf. 1240 - Volunteer Assistance)*
- (cf. 1700 - Relations Between Private Industry and the Schools)*
- (cf. 3290 - Gifts, Grants and Bequests)*

Any Board member, employee, parent/guardian, student, or community member may recommend an individual or organization for Board recognition. He/she shall submit to the Superintendent or designee the name of the individual or organization and a description of the outstanding contribution or service.

Note: The following paragraph lists the types of commendations and awards that may be presented by the Board. Gifts of money or gift certificates may be considered an unconstitutional gift of public funds absent specific legislative authority.

**COMMENDATIONS AND AWARDS (cont'd)**

At the Board's discretion, the Board may present a letter of recognition, Board resolution, plaque, or other award at a public Board meeting or may hold a reception or informal recognition activity. The Board also may designate a day, week, or month for special recognition of volunteers.

The Board encourages similar forms of recognition for achievement or services as part of school-level commendation programs.

*(cf. 4156.2/4256.2/4356.2 - Awards and Recognition)*  
*(cf. 5126 - Awards for Achievement)*

*Legal Reference:*

EDUCATION CODE

*35160 Authority of governing boards*

*35160.1 Broad authority of school districts*

*44015 Awards to employees and students*

CALIFORNIA CONSTITUTION

*Article 16, Section 6 Gifts of public funds*

OLD

Cabrillo USD | 1000 | BP 1150 Community Relations

### **Commendations And Awards**

The Governing Board believes that individuals and organizations deserve recognition when they provide contributions or long-standing service to the district. The Board believes that commending such service promotes increased community understanding and participation.

(cf. 1700 - Relations between Private Industry and the Schools)

The Superintendent or designee shall establish procedures by which Board members, employees or members of the community may suggest persons or organizations for Board recognition. At the Board's discretion, letters of recognition, Board resolutions, plaques or awards may be presented.

The Board encourages similar forms of recognition for achievement or services as part of school-level commendation programs.

(cf. 4156.2/4256.2/4356.2 - Awards and Recognition)

(cf. 5126 - Awards for Achievement)

Legal Reference:

#### EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

44015 Awards to employees and students

Policy CABRILLO UNIFIED SCHOOL DISTRICT

adopted: December 11, 2008 Half Moon Bay, California

**VISITORS/OUTSIDERS**

The Governing Board believes that it is important for parents/guardians and community members to take an active interest in the issues affecting district schools and students. Therefore, the Board encourages interested parents/guardians and community members to visit the schools and participate in the educational program.

*(cf. 1240 - Volunteer Assistance)*  
*(cf. 5020 - Parent Rights and Responsibilities)*  
*(cf. 6020 - Parent Involvement)*

Note: In Reeves v. Rocklin Unified School District, a California Court of Appeal affirmed districts' authority to establish reasonable regulations for student safety and protection against disruptions on school campuses.

To ensure the safety of students and staff and minimize interruption of the instructional program, the Superintendent or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours should be arranged with the principal or designee. When a visit involves a conference with a teacher or the principal, an appointment should be scheduled during noninstructional time whenever possible.

*(cf. 6116 - Classroom Interruptions)*

Note: Penal Code 627.2 requires "outsiders" to register upon entering school grounds during school hours, and Penal Code 627.1 lists individuals who are not "outsiders" for this purpose; see the accompanying administrative regulation. Education Code 32212 authorizes the Governing Board to adopt policy to control classroom interruptions consistent with local circumstances (see AR 6116 - Classroom Interruptions) and Education Code 35160 authorizes the Board to act in any manner not inconsistent with law. Therefore, it appears that a district has the authority to require all visitors, including parents/guardians as well as those not defined as "outsiders" in Penal Code 627.1, to register upon entering school campus and to comply with other reasonable requirements.

Pursuant to Penal Code 627.1, media representatives are not "outsiders." However, an Attorney General opinion (95 Ops.Cal.Atty.Gen. 509 (1996)) has opined that the Board may restrict media representatives' access in the same manner as access by the general public may be limited (e.g., registration or accompaniment by a staff member when on school grounds). Therefore, if a district has developed a policy requiring all members of the general public (i.e., both visitors and outsiders) to register upon entering school grounds, then media may be subject to the same requirements; see BP 1112 - Media Relations.

The following options may be revised to reflect district practice. Option 1 requires anyone who is not a student or staff member to register. Option 2 requires registration only for individuals who are not listed in Penal Code 627.1 (i.e., individuals who are "outsiders").

**OPTION 1:** Any person who is not a student or staff member shall register immediately upon entering any school building or grounds when school is in session.

~~**OPTION 2:** All outsiders, as defined in law and administrative regulation, shall register immediately upon entering any school building or grounds when school is in session. (Penal Code 627.2)~~

*(cf. 1112 - Media Relations)*

BP 1250(b)

## **VISITORS/OUTSIDERS** (continued)

Note: The remainder of this Board policy may be used by all districts.

The principal or designee may provide a visible means of identification for all individuals who are not students or staff members while on school premises.

No electronic listening or recording device may be used by any person in a classroom without the teacher and principal's permission. (Education Code 51512)

Note: Pursuant to Education Code 35160, the Board is responsible for maintaining order in schools under its jurisdiction. Therefore, in accordance with law, the district may authorize school administrators to direct disruptive individuals to leave school grounds; see AR 3515.2 - Disruptions for language regarding the removal of disruptive persons from school grounds. Penal Code 626.7 provides that a person who is directed to leave the campus and fails to leave, or later reenters without following the school's posted registration requirements, may be guilty of a misdemeanor.

The following **optional** paragraph should be modified to reflect district practice.

The Board encourages all individuals to assist in maintaining a safe and secure school environment by behaving in an orderly manner while on school grounds and by utilizing the district's complaint processes if they have concerns with any district program or employee. In accordance with Penal Code 626.7, the principal or designee may ~~request that~~ direct any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, to immediately leave school grounds.

*(cf. 1312.1 - Complaints Concerning District Employees)*  
*(cf. 1312.2 - Complaints Concerning Instructional Materials)*  
*(cf. 1312.3 - Uniform Complaint Procedures)*  
*(cf. 1312.4 - Williams Uniform Complaint Procedures)*  
*(cf. 3515.2 - Disruptions)*

*Legal Reference: (see next page)*

**VISITORS/OUTSIDERS** (continued)

*Legal Reference:*

EDUCATION CODE

32210 *Willful disturbance of public school or meeting*

32211 *Threatened disruption or interference with classes; misdemeanor*

32212 *Classroom interruptions*

35160 *Authority of governing boards*

35292 *Visits to schools (board members)*

51512 *Prohibited use of electronic listening or recording device*

EVIDENCE CODE

1070 *Refusal to disclose news source*

LABOR CODE

230.8 *Discharge or discrimination for taking time off to participate in child's educational activities*

PENAL CODE

626-626.10 *Schools*

627-627.10 *Access to school premises, especially:*

627.1 *Definitions*

627.2 *Necessity of registration by outsider*

627.7 *Misdemeanors; punishment*

COURT DECISIONS

*Reeves v. Rocklin Unified School District, (2003) 109 Cal.App.4th 652*

ATTORNEY GENERAL OPINIONS

95 *Ops. Cal. Atty. Gen. 509 (1996)*

OLD

Cabrillo USD | 1000 | BP 1250 Community Relations

**Visitors/Outsiders**

The Governing Board encourages parents/guardians and interested members of the community to visit the schools and view the educational program. The Superintendent or designee shall invite parents/guardians and the community to open house activities and other special events.

All visitors shall register in accordance with law immediately upon entering any school building or grounds when school is in session. (Penal Code 627.2)

The Superintendent or designee shall establish procedures which facilitate visits during regular school days.

The Board recognizes the staff time and commitment required by school visits and encourages the staff to accommodate as many requests for visits as possible. To ensure minimum interruption of the instructional program, visits during school hours should be first arranged with the teacher and principal or designee. If a conference is desired, an appointment should be set with the teacher during noninstructional time.

Parents/guardians who need to bring lunches, clothing or other articles to their children or who need to contact students or staff however briefly must first register at the principal's office.

For purposes of school safety and security, the principal or designee may design a visible means of identification for visitors while on school premises.

(cf. 1112 - Media Relations)

(cf. 3515.2 - Disruptions)

No electronic listening or recording device may be used in a classroom without the teacher and principal's permission.

Legal Reference:

## EDUCATION CODE

32210 Willful disturbance of public school or meeting

32211 Threatened disruption or interference with classes; misdemeanor

32212 Classroom interruptions

35160 Authority of governing boards

35292 Visits to schools (board members)

51512 Prohibited use of electronic listening or recording device

## EVIDENCE CODE

- 1070 Refusal to disclose news source

LABOR CODE

230.8 Discharge or discrimination for taking time off

PENAL CODE

626-626.10 Schools

627-627.10 Access to school premises, especially:

627.1 Definitions

627.2 Necessity of registration by outsider

627.7 Misdemeanors; punishment

ATTORNEY GENERAL OPINIONS

95 Ops.Cal.Atty.Gen. 509 (1996)

Policy CABRILLO UNIFIED SCHOOL DISTRICT

adopted: December 11, 2008 Half Moon Bay, California

**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, and priorities. The district budget shall guide administrative decisions and actions throughout the year and shall serve as a tool for monitoring the fiscal health of the district.

- (cf. 0000 - Vision)*
- (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)

**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.

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 given to the County Superintendent along with the unaudited actual data report due by September 15; see AR 3460 - Financial Reports and Accountability.

**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.

**~~OPTION 2: (Dual Budget Adoption Process)~~**

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

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

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

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

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

The Board encourages public input in the budget development process and shall hold public hearings and meetings in accordance with Education Code 42103 and 42127.

*(cf. 9320 - Meetings and Notices)*

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

*(cf. 9323 - Meeting Conduct)*

Note: Education Code 42126 requires the district's final budget to be submitted to the County Superintendent in a format prescribed by the Superintendent of Public Instruction. The CDE requires districts to use the Standardized Account Code Structure; see the accompanying administrative regulation. At its discretion, the district may use a different format for communicating the budget to the Board, staff, and public but, according to the CDE, the budget that the Board formally adopts must be in the format that will be submitted to the County Superintendent.

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

### Budget Advisory Committee

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

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.

The superintendent or designee may appoint a budget advisory committee composed of members of the community and staff. The committee shall develop recommendations during the budget development process and its duties shall be assigned based on district needs. All recommendations of the committee shall be advisory only and shall not be binding to the board, superintendent, or designee.

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

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

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

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

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

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

### Budget Criteria and Standards

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

In developing the district budget, the Superintendent or designee shall analyze criteria and standards adopted by the State Board of Education which address estimation of funded average daily attendance (ADA), projected enrollment, ratio of ADA to enrollment, projected revenue limit, salaries and benefits, other revenues and expenditures, facilities maintenance, deficit spending, fund balance, and reserves. The budget review shall also identify supplemental information regarding contingent liabilities, use of one-time revenues for ongoing expenditures, use of ongoing revenues for one-time expenditures, contingent revenues, contributions, long-term commitments, unfunded liabilities, and the status of labor agreements. (Education Code 33127, 33128, 33129; 5 CCR 15440-15451)

Note: 5 CCR 15450 establishes a minimum percentage or amount, based on the district's average daily attendance, which the district must maintain as a general fund reserve for economic uncertainty. However, ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009) amended Education Code 33128.3 to reduce the required reserve to one-third of that amount for the 2009-10 fiscal year. In fiscal year 2010-11 the district is required to make progress toward restoring the full reserve, and by fiscal year 2011-12 the district must again comply with the reserve threshold specified in 5 CCR 15450. The following paragraph may be revised to reflect the specific percentage or amount applicable to the district.

The Board shall establish and maintain a general fund reserve for economic uncertainty that meets or exceeds the requirements of law. (Education Code 33128.3; 5 CCR 15450)

Note: The following optional paragraph may be revised to reflect district practice. As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility to transfer funds received for 39 "Tier 3" categorical programs to be used for any "educational purpose" for the 2008-09 through the 2012-13 fiscal years; see BP 3110 - Transfer of Funds and BP 2210 - Administrative Discretion Regarding Board Policy.

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

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

**Fund Balance**

Note: The following section reflects the provisions of Governmental Accounting Standards Board (GASB) Statement 54, which makes changes in the way fund balances in the general fund must be reported in external financial reports, beginning in the fiscal year starting July 1, 2010. Fund balances must be classified as no spendable, restricted, committed, assigned, and unassigned in accordance with GASB 54 definitions; 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 adopt a formal resolution containing the required components, as provided below, or may modify the following section to reflect its fund balance policy.

The Board shall adopt a formal resolution that provides for classification of fund balances in the general fund and is compliant with Governmental Accounting Standards Board (GASB) Statement 54. The resolution also shall:

Policy: BP 3100  
 Adopted: 2-12-09  
 Revised: 9-20-10

Establish specific steps for committing funds that cannot be used for any other purpose unless the Board takes action to remove or change the constraint

Express the authority of the Board and/or delegate authority to other person(s) to identify intended uses of assigned funds

Establish the order in which fund balances will be spent when multiple fund balance types are available for expenditure

Note: Item #4 below is **optional**. Although not required by GASB 54, the Government Finance Officers Association (GFOA) recommends that public agencies adopt a minimum fund balance policy as described below. 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 Board may adopt a formal resolution addressing the minimum fund balance, as provided below, or may modify the following paragraph to reflect its minimum fund balance policy.

Address the minimum fund balance in the general fund by establishing an appropriate level of unrestricted fund balance that will be maintained in the general fund, the circumstances under which the unrestricted fund balance can be spent down, and the procedure for replenishing deficiencies

The Board reserves the authority to review and amend this resolution as needed to reflect changing circumstances and district needs.

### **Long-Term Financial Obligations**

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

*(cf. 4141/4241 - Collective Bargaining Agreement)*

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

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

*(cf. 7210 - Facilities Financing)*

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

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

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 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. CSBA's publication Maximizing School Board Governance: Fiscal Accountability recommends that the Board require continual review and amendment of the budget and that the Board view budget amendment as an important policy discussion that should not be considered routine or delegated to management.

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

In addition, budget amendments shall be submitted for Board approval when the state budget is adopted, collective bargaining agreements are accepted, district income declines, increased revenues or unanticipated savings are made available to the district, program proposals are significantly different from those approved during budget adoption, 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  
 42602 Use of unbudgeted funds  
 42605 Tier 3 categorical flexibility  
 42610 Appropriation of excess funds and limitation thereon  
 44518-44519.2 Chief business officer training program  
 45253 Annual budget of personnel commission  
 45254 First year budget of personnel commission*

Policy: BP 3100  
 Adopted: 2-12-09  
 Revised: 9-20-10

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*

*Management Resources:*

CSBA PUBLICATIONS

*Maximizing School Board Governance: Budget Planning and Adoption, 2006*

*Maximizing School Board Governance: Understanding District Budgets, 2006*

*School Finance CD-ROM, 2005*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*California School Accounting Manual*

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>

Cabrillo USD | 3000 | BP 3100 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, and priorities. The district budget shall guide administrative decisions and actions throughout the year and shall serve as a tool for monitoring the fiscal health of the district.

(cf. 0000 - Vision)

(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 by Government Code 7900-7914. (Education Code 42122)

## **Budget Development and Adoption Process**

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

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

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

The Superintendent or designee shall ensure that the proposed district budget is clearly presented and effectively communicated to the Board, staff, and public. He/she may adapt or supplement the format prescribed by the Superintendent of Public Instruction (SPI) as necessary for these purposes. However, the budget that is formally adopted by the Board shall be in the state-required format.

## **Budget Advisory Committee**

The Superintendent or designee may appoint a budget advisory committee composed of members of the community and staff. The committee shall develop recommendations during the budget development process and its duties shall be assigned based on district needs. All recommendations of the committee shall be advisory only and shall not be binding to the Board, Superintendent, or designee.

## Budget Criteria and Standards

In developing the district budget, the Superintendent or designee shall analyze criteria and standards adopted by the State Board of Education which address estimation of funded average daily attendance (ADA), projected enrollment, ratio of ADA to enrollment, projected revenue limit, salaries and benefits, other revenues and expenditures, facilities maintenance, deficit spending, fund balance, and reserves. The budget review shall also identify supplemental information regarding contingent liabilities, use of one-time revenues for ongoing expenditures, use of ongoing revenues for one-time expenditures, contingent revenues, contributions, long-term commitments, unfunded liabilities, and the status of labor agreements. (Education Code 33127, 33128, 33129; 5 CCR 15440-15451)

The Board shall establish and maintain a general fund reserve for economic uncertainty that meets or exceeds the requirements of 5 CCR 15450.

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.

## 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.

## Budget Amendments

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

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

(cf. 3110 - Transfer of Funds)

## Legal Reference:

### EDUCATION CODE

33127 Development of standards and criteria for local budgets and expenditures

33128 Standards and criteria

33129 Standards and criteria; use by local agencies

35035 Powers and duties of superintendent

35161 Powers and duties, generally, of governing boards

42103 Public hearing on proposed budget; requirements for content of proposed budget; publication of notice of hearing

42120-42129 Budget requirements

42132 Resolutions identifying estimated appropriations limit

42602 Use of unbudgeted funds

42610 Appropriation of excess funds and limitation thereon

44518-44519.2 Chief business officer training program

45253 Annual budget of personnel commission

45254 First year budget of personnel commission

GOVERNMENT CODE

7900-7914 Expenditure limitations

CODE OF REGULATIONS, TITLE 5

15060 Standardized account code structure

15440-15452 Criteria and standards for school district budgets

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: Budget Planning and Adoption, 2005

Maximizing School Board Governance: Understanding District Budgets, 2005

CDE PUBLICATIONS

California School Accounting Manual

GOVERNMENTAL ACCOUNTING STANDARDS BOARD

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

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

Policy CABRILLO UNIFIED SCHOOL DISTRICT

adopted: February 12, 2009 Half Moon Bay, California

REVOLVING FUNDS

Note: Education Code 42800 and 42820 authorize the Governing Board to establish a revolving cash fund to be used when there is a need to issue a payment for services or supplies that has an urgent deadline and to reduce the need for issuing numerous small warrants. In addition, the district may establish small revolving cash funds for use by school sites (i.e., petty cash funds); see AR 3451 - Petty Cash Funds. See BP/AR 3551 - Food Service Operations/Cafeteria Fund for language regarding the Cafeteria Revolving Cash Account established pursuant to Education Code 38091.

The following **optional** policy may be modified to reflect the types of funds operated by the district.

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

- (cf. 3314 - Payment for Goods and Services)*
- (cf. 3400 - Management of District Assets/Accounts)*
- (cf. 3451 - Petty Cash Funds)*
- (cf. 3530 - Risk Management/Insurance)*
- (cf. 3551 - Food Service Operations/Cafeteria Fund)*

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

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

**Standard Revolving Cash Fund**

~~Note: The following optional section is for use by districts that have adopted a resolution to establish a revolving cash fund for use by the district's chief accounting officer, pursuant to Education Code 42800-42806 and with the consent of the County Superintendent of Schools. Education Code 42800 requires the Board to adopt a resolution which specifies the necessity for the fund, the chief accounting officer designated by the Board, the purposes for which the fund shall be available, and the amount of the fund.~~

~~Pursuant to Education Code 42800, the fund limit is the lesser of (1) two percent of the district's estimated expenditures for the current fiscal year or (2) \$75,000 for an elementary or high school district or \$150,000 for a unified district. These dollar amounts may be increased annually by the percentage increase in the district's revenue limit pursuant to Education Code 42238.~~

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

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

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

**Pre Payment Revolving Cash Fund**

~~Note: Education Code 42820-42821 authorize the Board to establish a revolving fund for purchases in the amount of \$1,000 or less. The maximum amount that may be available in the fund is specified in Education Code 42821 and ranges from \$1,000 to \$10,000 depending on the district's average daily attendance. The following optional section is for use by districts that have established such a fund.~~

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

~~The fund shall be established in a bank or other institution whose deposits are federally insured and shall be within the maximum limit specified in law. (Education Code 42820)~~

~~The designated individual shall be authorized to make payments from the fund for purchases in the amount of \$1,000 or less, including freight or tax. He/she shall submit a monthly list of the payments to the Board for approval. (Education Code 42821)~~

~~Any person who issues a check drawn on the fund shall be personally liable for the amount of the check if the expenditure is in violation of the district's rules and regulations with respect to the fund. (Education Code 42821)~~

**Alternative Revolving Cash Fund**

~~Note: Education Code 42810 authorizes the Board to adopt a resolution to establish a revolving cash fund for use by school principals and other designated administrative staff for services or materials related to classroom instruction in an amount not to exceed three percent of the district's current year instructional supply budget. Education Code 42810 states that the resolution must specify the necessity for the fund, the principals and other administrative staff designated by the Board, the purposes for which the fund shall be available, and the amount of the fund. The following section is optional.~~

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

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

~~The principal or administrative staff member in whose name the revolving cash fund is created shall be responsible for all fund expenditures, subject to Board regulation. (Education Code 42810)~~

*Legal Reference:*

EDUCATION CODE

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

*Management Resources:*

WEB SITES

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

Cabrillo USD | 3000 | BP 3314.2 Business and Noninstructional Operations

## Revolving Funds

### District Revolving Fund

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

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

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

The Board shall review and revise fund usage as appropriate.

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

### Additional Revolving Funds

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

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

(cf. 3530 - Risk Management/Insurance)

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

Legal Reference:

### EDUCATION CODE

35160 Authority of governing boards

41020 Audits of all district funds

42238 Local taxation by school districts

42800-42806 Revolving cash fund

42810 Revolving cash funds; use; administrators

45167 Error in salary

Policy CABRILLO UNIFIED SCHOOL DISTRICT

adopted: December 11, 2008 Half Moon Bay, California

Cabrillo USD | 3000 | BP 3516.5 Business and Noninstructional Operations

### **Emergency Schedules**

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

(cf. 0450 - Comprehensive Safety Plan)

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

(cf. 5142 - Safety)

(cf. 6112 - School Day)

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

(cf. 3542 - School Bus Drivers)

(cf. 3543 - Transportation Safety and Emergencies)

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

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 3516.1 - Fire Drills and Fires)

(cf. 3516.2 - Bomb Threats)

(cf. 3516.3 - Earthquake Emergency Procedure System)

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

(cf. 6111 - School Calendar)

Legal Reference:

EDUCATION CODE

41422 Schools not maintained for 175 days

46010 Total days of attendance

**EMERGENCY SCHEDULES**

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

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 4157/4257/4357 - Employee Safety)*  
*(cf. 5142 - Safety)*  
*(cf. 6112 - School Day)*

Note: Education Code 41420 requires every district to have at least 175 days of instruction to receive full average daily attendance (ADA) reimbursement. However, pursuant to Education Code 41422 and 46392, a district may apply to the Superintendent of Public Instruction when one or more schools are prevented from meeting this minimum requirement because of a fire, flood, earthquake, epidemic, or other "extraordinary condition" so that it may receive full ADA reimbursement.

When an emergency condition causes a school closure, reduction in attendance, or change in schedule pursuant to Education Code 41422 or 46392, thereby preventing the district from complying with the minimum number of instructional days or minutes required by law, the Superintendent or designee shall complete and submit to the Superintendent of Public Instruction the necessary forms for obtaining approval of the days of the closure, reduction in attendance, or change in schedule. The Superintendent or designee shall submit other relevant district records as may be required.

*(cf. 3580 - District Records)*  
*(cf. 6111 - School Calendar)*

Note: Vehicle Code 34501.6 mandates the Governing Board of any district that provides student transportation to adopt procedures that limit the home-to-school operation of school buses when atmospheric conditions reduce visibility to 200 feet or less; see AR 3543 - Transportation Safety and Emergencies for language implementing this mandate. The following optional paragraph may be revised to reflect district practice.

The Superintendent or designee shall establish a system for informing students and parents/guardians when school buses are not operating as scheduled, the school day schedule is changed, or the school is closed. The district's notification system shall include, but is not limited to, notifying local television and radio stations, posting on district web site(s), sending email and text messages, and/or making telephone calls.

*(cf. 1112 - Media Relations)*  
*(cf. 1113 - District and School Web Sites)*  
*(cf. 3542 - School Bus Drivers)*  
*(cf. 3543 - Transportation Safety and Emergencies)*

## **EMERGENCY SCHEDULES (continued)**

Whenever the school day schedule changes after students have arrived at school, the Superintendent or designee shall ensure that students are supervised in accordance with the procedures specified in the district's emergency and disaster preparedness plan.

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

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

### *Legal Reference:*

#### EDUCATION CODE

*41420 Required length of school term*

*41422 Schools not maintained for 175 days*

*46010 Total days of attendance*

*46100-46192 Attendance; maximum credit; minimum day*

*46390 Calculation of ADA in emergency*

*46391 Lost or destroyed ADA records*

*46392 Decreased attendance in emergency situation*

#### VEHICLE CODE

*34501.6 School buses; reduced visibility*

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE

*90-01 Average Daily Attendance Credit During Periods of Emergency, February 10, 2005*

#### WEB SITES

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

**Business and Noninstructional Operations**

BP 3516.5

**EMERGENCY SCHEDULES**

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

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 4157/4257/4357 - Employee Safety)*  
*(cf. 5142 - Safety)*  
*(cf. 6112 - School Day)*

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

*(cf. 3542 - School Bus Drivers)*  
*(cf. 3543 - Transportation Safety and Emergencies)*

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

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*  
*(cf. 3516.1 - Fire Drills and Fires)*  
*(cf. 3516.2 - Bomb Threats)*  
*(cf. 3516.3 - Earthquake Emergency Procedure System)*

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

*(cf. 6111 - School Calendar)*

*Legal Reference:*

EDUCATION CODE

41422 Schools not maintained for 175 days  
46010 Total days of attendance  
46100-46192 Attendance; maximum credit; minimum day  
46390 Calculation of ADA in emergency  
46392 Decreased attendance in emergency situation

VEHICLE CODE

34501.6 School buses; reduced visibility

**Business and Noninstructional Operations**

BP 3555(a)

**NUTRITION PROGRAM COMPLIANCE**

Note: The following policy is **mandated** for any district that receives federal financial assistance for its participation in the National School Lunch Program, School Breakfast Program, Special Milk Program, or other child nutrition programs. Districts that do not receive any such financial assistance may delete this policy.

State and federal law prohibit discrimination in such programs. Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7) prohibits discrimination on the basis of race, color, and national origin. Title IX (20 USC 1681-1688) prohibits discrimination on the basis of sex. The Americans with Disabilities Act (ADA) (42 USC 12101-12213) and Section 504 of the Vocational Rehabilitation Act of 1973 (29 USC 794) prohibit discrimination on the basis of disability. Education Code 220 prohibits discrimination on all those bases and, in addition, on the basis of sexual orientation in all programs and activities in public schools. The U.S. Department of Agriculture, Food and Nutrition Service (FNS) has authority to enforce federal laws in all nutrition programs and activities that receive federal funds. The California Department of Education (CDE) may also investigate complaints regarding discrimination through the Uniform Complaint Procedure, see BP/AR 1312.3 - Uniform Complaint Procedures.

The Governing Board recognizes the district's responsibility to comply with state and federal nondiscrimination laws as they apply to the district's nutrition programs. The district shall not deny any individual the benefits or service of any nutrition program or discriminate against him/her because of his/her race, color, national origin, gender, sex, sexual orientation, disability, or any other basis prohibited by law, in its implementation of such a program.

- (cf. 0410 - Nondiscrimination in District Programs and Activities)*
- (cf. 3550 - Food Service/Child Nutrition Program)*
- (cf. 3552 - Summer Meal Program)*
- (cf. 3553 - Free and Reduced Price Meals)*
- (cf. 5030 - Student Wellness)*

**Coordinator**

Note: In March 2010, CDE's Nutrition Services Division published its Civil Rights and Complaint Procedures for Child Nutrition Programs to provide guidance and directions to enable districts comply with federal law. The publication was based on FNS's Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1, issued in 2005. Both documents provide for the appointment of a civil rights coordinator to be responsible for ensuring district compliance with all the requirements.

The Board designates the compliance officer specified in AR 1312.3 - Uniform Complaint Procedures as coordinator of the district's efforts to comply with the laws governing its nutrition programs and to investigate any related complaints. Any complaint concerning the district's nutrition programs shall be investigated using the process identified in the section entitled "Procedures" in the district's AR 1312.3 - Uniform Complaint Procedures.

- (cf. 1312.3 - Uniform Complaint Procedures)*

## NUTRITION PROGRAM COMPLIANCE (continued)

BP 3555

The coordinator shall provide training on the laws, regulations, procedures, and directives related to the district's nutrition programs to district employees involved in administering them. The coordinator also shall develop procedures and systems that do not restrict the participation of individuals in the district's nutrition programs, based on their race, ethnicity, or disability, and that prevent district employees from incorrectly denying the applications for participation submitted by such individuals.

The coordinator shall develop and maintain a system for collecting racial and ethnic data of participants in the district's nutrition programs and shall, at least annually, report to the Board on whether the district's nutrition programs are effectively reaching eligible individuals and whether and where additional outreach may be needed.

*(cf. 5022 - Students and Family Privacy Rights)*  
*(cf. 5125 - Student Records)*

When a significant number of participants or potential participants in the district's nutrition programs are only non-English speakers, the coordinator shall make an appropriate language translation available.

*(cf. 5020 - Parent Rights and Responsibilities)*  
*(cf. 6020 - Parent Involvement)*  
*(cf. 6174 - English Language Learners)*

The coordinator also shall ensure that the district's nutrition programs accommodate the special dietary needs of any individual with a disability who has on file a medical statement that restricts his/her diet because of his/her disability.

*(cf. 5141.27 - Food Allergies/Special Dietary Needs)*  
*(cf. 6159 - Individualized Education Program)*  
*(cf. 6164.6 - Identification and Education Under Section 504)*

### **Notifications**

The coordinator shall ensure that the U.S. Department of Agriculture's "And Justice for All" or other approved Nutrition Programs Civil Rights posters are displayed in areas visible to the district's nutrition program participants, such as food service areas and school offices.

Annually, the coordinator shall notify all students, parents/guardians, and employees of program requirements and the procedures for filing a complaint, through the district's usual means of notification.

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

*(cf. 5145.6 - Parental Notifications)*

Note: As part of its instructions to all recipients of federal funds, FNS requires that every program publication contain information about that recipient's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the recipient. FNS provides specific language for the notification and prohibits its modification in any way.

In addition, the coordinator shall ensure that every informational release, publication, or poster concerning the district's nutrition programs and/or activities includes, in a prominent location, the following statement:

"In accordance with federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, religion, political beliefs, or disability. In addition, California law prohibits discrimination on any basis identified in Government Code 12940.

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer."

However, if the document is no more than one page and there is no room to print the full nondiscrimination statement, the district may instead use the statement "This institution is an equal opportunity provider" in the same print size as the rest of the text.

When a complaint is unresolved at the district level, the coordinator shall notify the complainant of the option to contact and/or forward his/her complaint to one of the following agencies:

1. Child Nutrition Program Civil Rights and Program Complaint Coordinator, California Department of Education, Nutrition Services Division, 1430 N Street, Room 1500, Sacramento, CA 95814-2342 or call 916-445-0850 or 800-952-5609
2. Office of Civil Rights, USDA, Western Region, 90 Seventh Street, Suite 10-100, San Francisco, CA 94103 or call 415-705-1336 or fax 415-705-1364 or email [Joe.Torres@fns.usda.gov](mailto:Joe.Torres@fns.usda.gov)
3. USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call 800-795-3272 or 202-720-6382 (TTY)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

49060-49079 Student records

49490-49590 Child nutrition programs

PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 Dissemination of policy

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION, NUTRITION SERVICES DIVISION PUBLICATIONS

Civil Rights and Complaint Procedures for Child Nutrition Programs, March 2010

U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE PUBLICATIONS

Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1, November 2005

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Protecting Students from Harassment and Hate Crime, January 1999

Notice of Non-Discrimination, January 1999

WEB SITES

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

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

U.S. Department of Agriculture, Office for Civil Rights: <http://www.ascr.usda.gov>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

**DRUG AND ALCOHOL-FREE WORKPLACE**

Note: Government Code 8355 mandates state grant recipients such as a school district to certify to the state contracting agency (e.g., the California Department of Education (CDE)) that it agrees to provide a drug-free workplace by taking the actions specified below. Federal grantees are also subject to the same requirements and must provide the same certifications under the federal Drug-Free Workplace Act (41 USC 701-707).

Federal law contains independent requirements for the drug and alcohol testing of school bus drivers; see BP/AR 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers. For language regarding a drug testing program for other employees, see BP/AR 4112.41/4212.41/4312.41 - Employee Drug Testing.

The Governing Board believes that the maintenance of a drug- and alcohol-free workplace is essential to staff and student safety and to help ensure a productive and safe work and learning environment.

*(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)*

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

An employee shall not unlawfully manufacture, distribute, dispense, possess, or use any controlled substance while on duty, on district property, or at a school-related activity or event. (Government Code 8355; 41 USC 701)

In addition, an employee shall not use or be under the influence of any alcoholic beverage or controlled substance, as defined in 21 USC 812, while on duty, on district property, or at a district-related activity or event.

Note: Government Code 8355 and 41 USC 701 require the district to certify to the CDE that it has published a statement that notifies employees of the (1) prohibition against drug use, (2) actions that will be taken by the district in the event of a violation, and (3) requirement that employees, as a condition of employment, abide by the district's policy and notify the district in the event of a conviction.

The Superintendent or designee shall notify employees of the district's prohibition against drug use and the actions that will be taken for violation of such prohibition. (Government Code 8355; 41 USC 701)

An employee shall abide by the terms of this policy and shall notify the district, within five days, of his/her conviction for violation in the workplace of any criminal drug statute. (Government Code 8355; 41 USC 701)

The Superintendent or designee shall notify the appropriate federal granting or contracting agency within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace. (41 USC 701)

Note: 41 USC 703 requires the district, within 30 days of receiving notification from an employee of his/her conviction of a controlled substance offense, to either discipline the employee or require him/her to complete a drug rehabilitation program as specified below. Pursuant to Education Code 44940 and 45304, when a certificated or classified employee is charged with a controlled substance offense as defined in Education Code 44011, the district must place the employee on a mandatory leave of absence. If the employee is ultimately convicted of the offense, Education Code 44836 and 45123 require the employee to be dismissed. See AR 4118 - Suspension/Disciplinary Action, AR 4117.4 - Dismissal, and AR 4218 - Dismissal/Suspension/Disciplinary Action.

In accordance with law ~~and the district's collective bargaining agreements~~, the Superintendent or designee shall take appropriate disciplinary action, up to and including termination, against an employee for violating the terms of this policy and/or shall require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state, or local health or law enforcement agency or other appropriate agency.

*(cf. 4112 - Appointment and Conditions of Employment)*

*(cf. 4117.4 - Dismissal)*

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

*(cf. 4212 - Appointment and Conditions of Employment)*

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

The Superintendent or designee shall establish a drug-free awareness program to inform employees about: (Government Code 8355; 41 USC 701)

1. The dangers of drug abuse in the workplace
2. The district's policy of maintaining a drug-free workplace
3. Available drug counseling, rehabilitation, and employee assistance programs

*(cf. 4159/4259/4359 - Employee Assistance Programs)*

4. The penalties that may be imposed on employees for drug abuse violations occurring in the workplace

*Legal Reference: (see next page)*

*Legal Reference:*

EDUCATION CODE

44011 *Controlled substance offense*

44425 *Conviction of controlled substance offenses as grounds for revocation of credential*

44836 *Employment of certificated persons convicted of controlled substance offenses*

44940 *Compulsory leave of absence for certificated persons*

44940.5 *Procedures when employees are placed on compulsory leave of absence*

45123 *Employment after conviction of controlled substance offense*

45304 *Compulsory leave of absence for classified persons*

GOVERNMENT CODE

8350-8357 *Drug-free workplace*

UNITED STATES CODE, TITLE 20

7111-7117 *Safe and Drug Free Schools and Communities Act*

UNITED STATES CODE, TITLE 21

812 *Schedule of controlled substances*

UNITED STATES CODE, TITLE 41

701-707 *Drug-Free Workplace Act*

CODE OF FEDERAL REGULATIONS, TITLE 21

1308.01-1308.49 *Schedule of controlled substances*

COURT DECISIONS

*Cahoon v. Governing Board of Ventura USD*, (2009) 171 Cal.App.4th 381

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

*Management Resources:*

WEB SITES

California Department of Alcohol and Drug Programs: <http://www.adp.ca.gov>

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

U.S. Department of Labor: <http://www.dol.gov>

Cabrillo USD | 4000 | BP 4020 Personnel

## **Drug And Alcohol-Free Workplace**

The Governing Board believes that the maintenance of drug- and alcohol-free workplaces is essential to school and district operations.

No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in 21 USC 81 at any school district workplace. These prohibitions apply before, during and after school hours. A school district workplace is any place where school district work is performed, any school-owned or school-approved vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function where students are under district jurisdiction; or during any period of time when an employee is supervising students on behalf of the district or otherwise engaged in district business.

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

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

The Superintendent or designee shall notify employees of these prohibitions. (Government Code 8355; 41 USC 702)

An employee shall abide by the terms of this policy and notify the district, within five days, of any criminal drug or alcohol statute conviction which he/she receives for a violation occurring in the workplace. (41 USC 702)

The Superintendent or designee shall notify the appropriate federal granting or contracting agencies within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace. (41 USC 701)

The Board may not employ or retain in employment persons convicted of a controlled substance offense as defined in Education Code 44011. If any such conviction is reversed and the person acquitted in a new trial or the charges dismissed, his/her employment is no longer prohibited. A plea or verdict of guilty, a finding of guilt by a court in a trial without a jury, or a conviction following a plea of nolo contendere shall be deemed to be a conviction. (Education Code 44836, 45123)

(cf. 4112 - Appointment and Conditions of Employment)

(cf. 4212 - Appointment and Conditions of Employment)

A classified employee may be reemployed after conviction of such an offense if the Board determines, from the evidence presented, that the person has been rehabilitated for at least five years. (Education Code 45123)

The Board may take appropriate disciplinary action, up to and including termination, or require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

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

The Superintendent or designee shall establish a drug- and alcohol-free awareness program to inform employees about: (Government Code 8355)

1. The dangers of drug and alcohol abuse in the workplace
2. The district policy of maintaining drug- and alcohol-free workplaces
3. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs

(cf. 4159/4259/4359 - Employee Assistance Programs)

4. The penalties that may be imposed on employees for drug and alcohol abuse violations

Legal Reference:

#### EDUCATION CODE

44011 Controlled substance offense

44425 Conviction of controlled substance offenses as grounds for revocation of credential

44836 Employment of certificated persons convicted of controlled substance offenses

44940 Compulsory leave of absence for certificated persons

44940.5 Procedures when employees are placed on compulsory leave of absence

45123 Employment after conviction of controlled substance offense

45304 Compulsory leave of absence for classified persons

#### GOVERNMENT CODE

8350-8357 Drug-free workplace

#### UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug Free Schools and Communities Act

#### UNITED STATES CODE, TITLE 21

812 Schedule of controlled substances

#### UNITED STATES CODE, TITLE 41

701-707 Drug-Free Workplace Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1308.01-1308.49 Schedule of controlled substances

Policy CABRILLO UNIFIED SCHOOL DISTRICT

adopted: December 11, 2008 Half Moon Bay, California

**All Personnel**

BP  
4127(a),  
4227,  
4327

**TEMPORARY ATHLETIC TEAM COACHES**

The Governing Board desires to employ highly qualified coaches for the district's sports and interscholastic athletic programs in order to enhance the knowledge, skills, motivation, and safety of student athletes.

*(cf. 6142.7 - Physical Education and Activity)*  
*(cf. 6145.2 - Athletic Competition)*

The Superintendent or designee may employ a certificated or noncertificated employee, other than a substitute employee, to supervise or instruct interscholastic athletic activities as a temporary employee in a limited assignment capacity. (5 CCR 5590)

*(cf. 4121 - Temporary/Substitute Personnel)*

Note: When hiring a temporary athletic team coach, Education Code 44919 requires districts to first make the position available to a credentialed teacher presently employed by the district. In CTA v. Rialto Unified School District, the California Supreme Court held that the law is intended to grant a current certificated employee a limited advantage in the hiring process over a noncertificated employee or a nonemployee, provided that the applicant applies for the position and meets qualification criteria established by the district.

When hiring a person to fill a position as a temporary athletic team coach, the position shall first be made available to qualified certificated teachers currently employed by the district. (Education Code 44919)

Note: 5 CCR 5596 specifies a code of ethical conduct for athletic coaches; see the accompanying administrative regulation. In addition, the California Interscholastic Federation has adopted a set of principles to guide the conduct of coaches and other participants in interscholastic athletic competitions; see BP 6145.2 - Athletic Competition.

All coaches shall be subject to Board policies, administrative regulations, and California Interscholastic Federation bylaws and codes of ethical conduct.

*(cf. 4118 - Suspension/Disciplinary Action)*  
*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*  
*(cf. 5131.1 - Bus Conduct)*  
*(cf. 5131.63 - Steroids)*

Noncertificated coaches have no authority to give grades to students. (5 CCR 5591)

*(cf. 5121 - Grades/Evaluation of Student Achievement)*

**TEMPORARY ATHLETIC TEAM COACHES (continued)**

4127,(a)  
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**Qualifications**

Note: 5 CCR 5593 establishes the minimum qualifications for employees serving as temporary athletic team coaches; see the accompanying administrative regulation.

The Superintendent or designee shall establish qualification criteria for all athletic coaches in accordance with law and district standards. These criteria shall ensure that coaches possess an appropriate level of competence, knowledge, and skill.

Note: Effective July 9, 2010, AB 346 (Ch. 52, Statutes of 2010) amended Education Code 49024 to require any noncertificated employee or any volunteer who works with students in a district-sponsored student activity program such as an interscholastic athletic program to obtain an Activity Supervisor Clearance Certificate (ASCC) from the Commission on Teacher Credentialing, unless the district requires the candidate to clear a Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) criminal background check prior to beginning the paid or volunteer duties; see BP/AR 1240 - Volunteer Assistance. This legislation was introduced in response to legislation passed in 2009 (AB 1025, Ch. 379, Statutes of 2009) which had required noncertificated personnel or volunteers who "supervise, direct, or coach the activity" to obtain an ASCC.

Thus, the Governing Board may choose whether to require a temporary athletic team coach to obtain the ASCC (Option 1 below) and/or to obtain a DOJ/FBI criminal background check (Option 2 below). The Board may select either one of the options below, combine them to allow an individual to obtain either the ASCC or DOJ/FBI check at the individual's discretion, or to apply different requirements to different positions in the district (e.g., head coaches vs. assistant coaches; employees vs. volunteers).

In addition, AB 346 amended Education Code 45125.01 to allow multiple districts within a county or within contiguous counties to share criminal record information of noncertificated employees and volunteers working in a student activity program; see AR 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records.

~~**OPTION 1:** Any noncertificated employee or volunteer who works with students in a district sponsored interscholastic athletic program shall, prior to beginning his/her duties, possess an Activity Supervisor Clearance Certificate issued by the Commission on Teacher Credentialing. (Education Code 49024)~~

~~An individual who obtained both a Department of Justice and Federal Bureau of Investigation criminal background clearance through the district prior to July 9, 2010 shall have satisfied this requirement. (Education Code 49024)~~

**OPTION 2:** Any noncertificated employee or volunteer who works with students in a district-sponsored interscholastic athletic program shall, prior to beginning his/her duties, obtain a Department of Justice and Federal Bureau of Investigation criminal background check through the district. (Education Code 49024)

**TEMPORARY ATHLETIC TEAM COACHES (continued)**

4127 (b),  
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An individual who possesses a current Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing, issued prior to July 9, 2010, shall have satisfied district requirements for the criminal background check. (Education Code 49024)

(cf. 1240 - Volunteer Assistance)

(cf. 4112.5/4312.5 - Criminal Record Check)

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

(cf. 4212.5 - Criminal Record Check)

*Legal Reference:*

EDUCATION CODE

35179-35179.7 Interscholastic athletics

44010 Sex offense

44011 Controlled substance offense

44332-44332.5 Temporary certificates

44424 Conviction of a crime

44808 Liability when students are not on school property

44919 Classification of temporary employees

45125.01 Interagency agreements for criminal record information

45347 Instructional aides subject to requirements for classified staff

45349 Use of volunteers to supervise or instruct students

49024 Activity Supervisor Clearance Certificate

49030-49034 Performance-enhancing substances

49406 Examination for tuberculosis

CODE OF REGULATIONS, TITLE 5

5531 Supervision of extracurricular activities

5590-5596 Duties of temporary athletic team coaches

COURT DECISIONS

CTA v. Rialto Unified School District, (1997) 14 Cal. 4th 627

San Jose Teachers Association, CTA, NEA v. Barozzi, (1991) 230 Cal.App.3d 1376

*Management Resources:*

CSBA PUBLICATIONS

Steroids and Students: What Boards Need to Know, Policy Brief, July 2005

A School Board Member's Guide to CIF and Interscholastic Sports, 1997

CALIFORNIA INTERSCHOLASTIC FEDERATION PUBLICATIONS

Pursuing Victory with Honor, 1999

California Interscholastic Federation Constitution and Bylaws

COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE

10-11 Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), July 20, 2010

WEB SITES

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

California Athletic Trainers' Association: <http://www.ca-at.org>

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

California Interscholastic Federation: <http://www.cifstate.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

National Athletic Trainers' Association: <http://www.nata.org>

*BD*

**All Personnel**

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**TEMPORARY ATHLETIC TEAM COACHES**

The Governing Board recognizes the importance of qualified temporary athletic team coaches to the district's sports program and to the success of students in sports and interscholastic athletic activities.

The Superintendent or designee shall establish qualification criteria for all athletic coaches in accordance with law and with district standards and priorities. These criteria shall ensure that all coaches possess an appropriate level of competence, knowledge, and skill.

Any certificated teacher employed by the district who applies for a position as a temporary athletic team coach and who satisfies the qualification criteria established for the position shall first be offered the position. (Education Code 44919)

By December 31, 2008, all district coaches, including volunteer coaches, shall have completed a coaching education program that meets the standards developed by the California Interscholastic Federation (CIF). Coaches shall bear the expense of the program. (Education Code 49032)

*(cf. 5131.63 - Steroids)*

All coaches shall be subject to Board policy and administrative regulation, as well as CIF bylaws and codes of ethical conduct.

*(cf. 5131.1 - Bus Conduct)*  
*(cf. 6145.2 - Athletic Competition)*

**Volunteer Coaches**

Volunteer athletic team coaches who do not meet the district qualification criteria shall serve only under the supervision of a fully qualified coach and shall not be given charge of an athletic program.

*(cf. 1240 - Volunteer Assistance)*

*Legal Reference: (see next page)*

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## TEMPORARY ATHLETIC TEAM COACHES (continued)

### *Legal Reference:*

#### EDUCATION CODE

35179-35179.7 Interscholastic athletics

44010 Sex offense

44011 Controlled substance offense

44424 Conviction of a crime

44808 Liability when students are not on school property

44919 Classification of temporary employees

49030-39033 Performance-enhancing substances

#### CODE OF REGULATIONS, TITLE 5

5531 Supervision of extracurricular activities of pupils

5590-5596 Duties of temporary athletic team coaches

#### COURT DECISIONS

CTA v. Rialto Unified School District, (1997) 14 Cal. 4th 627

San Jose Teachers Association, CTA, NEA v. Barozzi, (1991) 230 Cal. App. 3d 1376

### *Management Resources:*

#### CSBA POLICY BRIEFS

Steroids and Students: What Boards Need to Know, July 2005

#### WEB SITES

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

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

California Interscholastic Federation: <http://www.cifstate.org>

Policy  
adopted: December 11, 2008

**CABRILLO UNIFIED SCHOOL DISTRICT**  
Half Moon Bay, California

**CONFLICT OF INTEREST**

Note: The determination as to whether a conflict of interest exists must be analyzed under two separate sets of statutes: (1) the conflict of interest provisions of the Political Reform Act (PRA) (Government Code 87100-87500.1), detailed in the section below entitled "Conflict of Interest under the Political Reform Act," and (2) Government Code 1090-1098, detailed in the section below entitled "Financial Interest in Contracts under Government Code 1090." However, even when a conflict does not exist pursuant to those statutes, the Attorney General has found that special situations may still exist under the common law doctrine against conflict of interest; see the section below entitled "Common Law Doctrine Against Conflict of Interest."

**Because the law and definitions are quite complex, it is strongly recommended that districts consult with legal counsel and staff from the Fair Political Practices Commission (FPPC) as soon as a potential conflict is presented.**

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. In accordance with law, Board members and designated employees shall disclose any conflict of interest and, as necessary, shall abstain from participating in the decision.

*(cf. 9005 - Governance Standards)*

Note: The Governing Board is required to adopt a conflict of interest code in compliance with Government Code 87300-87313. Board members and employees designated in the district's conflict of interest code are required by Government Code 87500 to annually file a Statement of Economic Interest/Form 700 to disclose any assets and income which may be materially affected by official actions. Under the PRA, there are two separate categories of Form 700 disclosure requirements. For the first category pursuant to Government Code 87302, which is applicable to most school districts, the disclosure requirements are determined by the district and set forth in the district's conflict of interest code. The second category, pursuant to Government Code 87200, is only applicable to Board members and designated employees who "manage public investments"; see section below entitled "Additional Requirements for Boards that Manage Public Investments." Those Board members and designated employees, referred to by the FPPC as Government Code 87200/Article 2 filers, must file broader disclosure statements pursuant to the disclosure requirements specified in law and FPPC regulation.

Pursuant to Government Code 87303, the district's conflict of interest code must be approved by the appropriate code reviewing body. For districts located entirely in one county, the code reviewing body is the board of supervisors of the county in which the district is located. The FPPC is the code reviewing body for those school districts located in more than one county.

Pursuant to 2 CCR 18730, the requirements of the Government Code are satisfied if a district adopts a conflict of interest code that incorporates 2 CCR 18730 by reference, along with a list of designated positions and disclosure categories. The accompanying exhibit (E 9270) contains a sample resolution which includes an appendix with designated positions and disclosure categories which, once adopted by the Board, will comprise the terms of the district's conflict of interest code that should be submitted to the code reviewing body. Districts that do not wish to adopt a resolution as their conflict of interest code should modify the following paragraph accordingly.

The Board shall adopt a resolution that specifies the terms of the district's conflict of interest code, the district's designated positions, and the disclosure categories required for each position.

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code and submit any changes to the code reviewing body.

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

When reviewing and preparing the district's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

*(cf. 9320 - Meetings and Notices)*

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last statement and the date of leaving office or district employment. (Government Code 87302, 87500)

*(cf. 4117.2/4217.2/4317.2 - Resignation)*

*(cf. 9222 - Resignation)*

### **Conflict of Interest under the Political Reform Act**

Note: The FPPC has adopted an eight-step analysis, detailed in Government Code 87100-87500, 2 CCR 18700-18755, and interpretive opinions, to determine whether a conflict of interest exists under the PRA. When such a conflict exists, the affected Board member must disclose the interest and disqualify himself/herself from participating in the decision, as specified below. Because Family Code 297.5 grants a registered domestic partner the same rights, protections, and benefits as a spouse under state law, analysis of a conflict of interest with regards to a Board member's spouse is also applicable to a registered domestic partner.

A Board member or designated employee shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect" on one or more of the Board member's or designated employee's "economic interests," unless the effect is indistinguishable from the effect on the public generally or the

Board member's or designated employee's participation is legally required. (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)

A Board member or designated employee makes a governmental decision when, acting within the authority of his/her office or position, he/she votes on a matter, appoints a person, obligates or commits the district to any course of action, or enters into any contractual agreement on behalf of the district. (2 CCR 18702.1)

A Board member who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the Board shall abstain from voting on the matter. He/she may remain on the dais, but his/her presence shall not be counted towards achieving a quorum for that matter. A Board member with a disqualifying conflict of interest shall not be present during a closed session meeting of the Board when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue. (2 CCR 18702.1)

**Additional Requirements for Boards that Manage Public Investments**

**Note: The following optional section is for use only by districts in which the Board and/or the Superintendent or designee are considered to be "officials who manage public investments" and who are required to file a full financial disclosure statement in accordance with Government Code 87200. It should be deleted by all other districts. See the accompanying exhibit for further information.**

According to the FPPC, officials who manage public investments are Boards or designated employees who manage the investment of district surplus or special reserve funds in permitted securities and investments pursuant to Education Code 41015. Those Boards that direct the investment of these funds, formulate or approve policies for the investment of these funds, or approve investment transactions involving these funds are considered officials who manage public investments. Even if the Board delegates day-to-day investment decisions to district staff, Board members are considered officials who manage public investments if they set or approve policy as to the investment of these funds.

The Board does not manage public investments when the district does not have any surplus or special reserve funds to invest and merely deposits all funds it receives (1) in the county treasury pursuant to Education Code 41001-41002.5 or (2) in a fund where a Tax and Revenue Anticipation Note (TRANs) is issued. Board members and Superintendents in these types of situations are not considered to have discretion regarding the investment of the district's money and are therefore not officials who manage public investments.

A Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18702.5)

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.

2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.

However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion of the matter with members of the public.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during consideration of the consent calendar.

4. If the Board's decision is made during closed session, disclose his/her interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government Code 87100. He/she shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision.

*(cf. 3430 - Investing)*

### **Conflict of Interest under Government Code 1090**

Note: Pursuant to Government Code 1090, if a Board member has a financial interest in a contract, it is an absolute bar for that district to enter into the contract. The Attorney General has opined in 69 Ops.Cal.Atty.Gen. 255 (1986) that, unlike the PRA, the prohibitions in Government Code 1090 cannot be resolved by having the financially interested Board member abstain from participating in the matter. However, there are two categories of exceptions. If a financial interest meets the definition of a "noninterest" as specified in Government Code 1091.5, then the restrictions in Government Code 1090 do not apply and the district can enter into the contract. Secondly, if a Board member's interest is deemed a "remote interest" pursuant Government Code 1091, then the district can enter into the contract as long as certain conditions are satisfied, as specified below.

While the prohibitions in the PRA only apply to designated employees, the prohibitions in Government Code 1090 apply to all district employees and consultants. However, the Attorney General has opined in 63 Ops.Cal.Atty.Gen. 868 (1980) that an employee's financial interest would not prohibit the district from entering into a contract as long as the employee has not participated in the making of the contract, such as in discussions and planning, as detailed below.

Government Code 1090 does not define financial interest, but courts have held that, for the purposes of this statute, the definition of "financial interest" is not the same as the definition in the PRA which requires a "material financial effect" in order for a conflict to exist. Because the determination of whether a financial interest exists involves a review of statutes, court decisions, and Attorney General opinions as they apply to the particular facts at issue, the analysis can be complex and legal counsel should be consulted as appropriate.

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest, the district is barred from entering into the contract. (Government Code 1090; Klistoff v. Superior Court, (2007) 157 Cal.App. 4th 469)

Note: Pursuant to Government Code 1091.5, certain financial interests are defined as "noninterests," meaning a conflict of interest does not exist and the district can enter into the contract. One of the noninterests listed in Government Code 1091.5 is when a Board member's spouse has been employed by the district for at least one year prior to the Board member's election or appointment. If the spouse has not been employed by the district for at least one year prior to the Board member's election or appointment, the exception does not apply and Government Code 1090 prohibits the district from entering into a new contract to hire the spouse. (80 Ops.Cal.Atty.Gen. 320 (1997))

Attorney General opinions and case law have further clarified the application of this noninterest exception when a previously employed spouse changes to a different position during the Board member's term. Generally, these opinions have held that a lateral transfer or change of classification that does not require Board approval (e.g., second year probationary teacher automatically achieving permanent status, step increase) is the same employment not requiring a new contract and thus constitutes a noninterest. (92 Ops.Cal.Atty.Gen. 26 (2009), 87 Ops.Cal.Atty.Gen. 23 (2004)) However, when a new contract is involved (e.g., promotion from classroom teacher to principal, substitute employee becoming a probationary employee), the exception in Government Code 1091.5 does not apply and the action would be prohibited under Government Code 1090 because Board approval of the contract is required. (Thorpe v. Long Beach Community College District, 69 Ops.Cal.Atty.Gen. 255 (1986))

Because this area of law is complex, it is strongly recommended that district legal counsel be consulted if a Board member's spouse is an employee of the district or when analyzing whether an interest is a noninterest or remote interest.

A Board member shall not be considered to be financially interested in a contract if his/her interest is a "noninterest" as defined in Government Code 1091.5. One such noninterest is when a Board member's spouse/registered domestic partner has been a district employee for at least one year prior to the Board member's election or appointment. (Government Code 1091.5)

Note: The district may enter into a contract when a Board member's interest is a "remote interest" as defined in Government Code 1091. Generally, this issue arises when the district wishes to enter into a contract with the Board member's employer. When the conditions specified in Government Code 1091 are satisfied (e.g., Board member is an employee of a nonprofit organization, the employer has at least 10 employees, and the Board member has been employed more than three years), then the district may enter into the contract as long as the affected Board member discloses the remote interest and abstains from the matter.

A Board member shall not be considered to be financially interested in a contract if he/she has only a "remote interest" in the contract as specified in Government Code 1091 and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract. (Government Code 1091)

Note: Board members who willfully fail to disclose a remote interest in a contract may be subject to a fine or imprisonment pursuant to Government Code 1097.

Even if there is not a prohibited conflict of interest, a Board member shall abstain from voting on personnel matters that uniquely affect his/her relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which his/her relative belongs. *Relative* means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

Note: The following paragraph reflects the common law definition of "relative within the third degree."

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

### Common Law Doctrine Against Conflict of Interest

Note: Even when there is not a conflict pursuant to the PRA (Government Code 87100-87500.1) or Government Code 1090, the Attorney General has found that special situations may still exist under the common law doctrine against conflict of interest which, unlike the statutes, extends to noneconomic interests. In 92 Ops.Cal.Atty.Gen. 19 (2009), the Attorney General opined that a redevelopment board member should abstain from voting on a loan agreement where the recipient of the loan was a corporation owned by the board member's adult son. Although the board member was not financially interested in the contract under the PRA or Government Code 1090, the Attorney General determined that abstention was necessary in order to avoid a conflict between the member's official and personal interests and to avoid the appearance of impropriety.

Districts are encouraged to consult legal counsel if situations arise that raise the question as to whether such a conflict exists.

A Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties.

### Rule of Necessity or Legally Required Participation

Note: Pursuant to Government Code 87101, when a conflict exists under the PRA, the district may still enter into a contract if the rule of necessity or legally required participation applies. In general, this rule will permit a district to acquire an essential supply or service. The rule also permits a Board member to carry out an essential duty of his/her office in accordance with 2 CCR 18708, where he/she is the only one who may legally act and there is no alternative source of decision-making authority. **It is recommended that legal counsel be consulted when situations arise involving the rule of necessity.**

On a case-by-case basis and upon advice of legal counsel, a Board member with a financial interest in a contract may participate in the making of the contract if the rule of necessity or legally required participation applies pursuant to Government Code 87101 and 2 CCR 18708.

### Incompatible Offices and Activities

Note: Government Code 1099 and 1126 prohibit Board members and employees from engaging in any employment or activity which is inconsistent, incompatible, in conflict with, or inimical to their duties with the district. Government Code 1126 **mandates** the district to adopt procedures regarding this prohibition. See BP 4136/4236/4336 - Nonschool Employment for language implementing this mandate relative to employees.

Attorney General opinions have indicated that it would be incompatible for Board members to serve on other elected or appointed boards, councils, or commissions that have interests which may conflict with the interests of the district (85 Ops.Cal.Atty.Gen. 60 (2002); 68 Ops.Cal.Atty.Gen. 171 (1985); 65 Ops.Cal.Atty.Gen. 606 (1982)). If a Board member is sworn into an incompatible office, then his/her position in the prior office is automatically terminated.

Pursuant to Education Code 35107, an employee of a school district may not be sworn into office as an elected or appointed member of that district's Board unless he/she resigns as an employee. If the employee does not resign, the employment automatically terminates when he/she is sworn into office. See BB 9220 - Governing Board Elections.

The determination as to whether an activity or office is incompatible is complex and requires a case-by-case analysis of the particular activities or duties of the office; therefore, it is recommended that district legal counsel be consulted as appropriate.

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the district. (Government Code 1099, 1126)

(cf. 4136/4236/4336 - Nonschool Employment)

### **Gifts**

Note: Pursuant to 2 CCR 18730, the gift limitation is currently \$420. This amount is adjusted in odd-numbered years by the FPPC. However, this limit may not be applicable to gifts from every source. For those Board members who file a Form 700 based on the disclosure categories specified in the district's conflict of interest code pursuant to Government Code 87302 (see the accompanying exhibit), the gift limit is only applicable to those individuals and entities that are disclosed on the Form 700.

Exceptions exist within the Government Code's definitions of gifts, income, interest in real property, and investment; see Government Code 82028, 82030, 82033, and 82034.

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

### **Honoraria**

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (Government Code 89501, 89502)

The term *honorarium* does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade, or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

*Legal Reference:*

EDUCATION CODE

1006 *Qualifications for holding office*

35107 *School district employees*

35230-35240 *Corrupt practices, especially:*

35233 *Prohibitions applicable to members of governing boards*

41000-41003 *Moneys received by school districts*

FAMILY CODE

297.5 *Rights, protections, and benefits of registered domestic partners*

GOVERNMENT CODE

1090-1099 *Prohibitions applicable to specified officers*

1125-1129 *Incompatible activities*

81000-91014 *Political Reform Act of 1974, especially:*

82011 *Code reviewing body*

87100-87103.6 *General prohibitions*

87200-87210 *Disclosure*

87300-87313 *Conflict of interest code*

87500 *Statements of economic interests*

89501-89503 *Honoraria and gifts*

91000-91014 *Enforcement*

PENAL CODE

85-88 *Bribes*

CODE OF REGULATIONS, TITLE 2

18110-18997 *Regulations of the Fair Political Practices Commission, especially:*

18702.5 *Public identification of a conflict of interest for Section 87200 filers*

COURT DECISIONS

*Klistoff v. Superior Court*, (2007) 157 Cal.App.4th 469

*Thorpe v. Long Beach Community College District*, (2000) 83 Cal.App.4th 655

*Kunec v. Brea Redevelopment Agency*, (1997) 55 Cal.App.4th 511

ATTORNEY GENERAL OPINIONS

92 *Ops. Cal. Atty. Gen.* 26 (2009)

92 *Ops. Cal. Atty. Gen.* 19 (2009)

89 *Ops. Cal. Atty. Gen.* 217 (2006)

86 *Ops. Cal. Atty. Gen.* 138 (2003)

85 *Ops. Cal. Atty. Gen.* 60 (2002)

82 *Ops. Cal. Atty. Gen.* 83 (1999)

81 *Ops. Cal. Atty. Gen.* 327 (1998)

80 *Ops. Cal. Atty. Gen.* 320 (1997)

69 *Ops. Cal. Atty. Gen.* 255 (1986)

68 *Ops. Cal. Atty. Gen.* 171 (1985)

65 *Ops. Cal. Atty. Gen.* 606 (1982)

63 *Ops. Cal. Atty. Gen.* 868 (1980)

*Management Resources:*

CSBA PUBLICATIONS

*Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010*

FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS

*Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005*

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

*Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009*

*Understanding the Basics of Public Service Ethics: Transparency Laws, 2009*

WEB SITES

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

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Institute of Local Government: <http://www.ca-ilg.org>

**RESOLUTION ADOPTING A  
CONFLICT OF INTEREST CODE**

Note: The Governing Board is required to adopt a conflict of interest code in compliance with Government Code 87300-87313 of the Political Reform Act (PRA). Pursuant to 2 CCR 18730, the requirements of the Government Code are satisfied if a district adopts a conflict of interest code that incorporates 2 CCR 18730 by reference along with a list of designated positions and disclosure categories. Board members and designated employees must annually file a Statement of Economic Interest/Form 700 pursuant to the disclosure requirements of the district's conflict of interest code.

Government Code 87303 requires a district's conflict of interest code to be approved by a "code reviewing body." For school districts located entirely in one county, the code reviewing body is the board of supervisors of the county in which the district is located. The Fair Political Practices Commission (FPPC) is the code reviewing body for school districts with jurisdiction in more than one county.

The code reviewing body needs to only review the portion of the district's conflict of interest code that specifies the district's designated positions and the disclosure categories as detailed in the following sample Resolution, including its Appendix, and not the other legal requirements related to conflict of interest reflected in the accompanying sample bylaw. The Resolution, including the Appendix, should be adopted by the Board and, as necessary, forwarded to the code reviewing body. Pursuant to Government Code 87306.5, the code reviewing body is required to notify the district in even-numbered years of the need to review the district's conflict of interest code. Upon such notification, the district should review the Appendix and make any necessary changes. In some counties, the code reviewing body requires that a resolution be adopted during each review and that the Board's resolution and amended appendix be submitted to that body. In other counties, only the appendix needs to be submitted. In both cases, districts need not submit BB 9270 - Conflict of Interest to the code reviewing body. In addition to the biannual review, districts should modify the Appendix and submit it, and the resolution if required, to the code reviewing body when any changed circumstances within the district require amendments to the Appendix, such as the creation of new designated positions or a change of duties assigned to existing positions.

The following resolution should be modified to reflect district practice as well as any specific requirements of the district's code reviewing body.

WHEREAS, the Political Reform Act, Government Code 87300-87313, requires each public agency in California to adopt a conflict of interest code; and

WHEREAS, the Governing Board of the \_\_\_\_\_ School District has previously adopted a local conflict of interest code; and

WHEREAS, past and future amendments to the Political Reform Act and implementing regulations may require conforming amendments to be made to the district's conflict of interest code; and

WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporation by reference of the terms of that regulation, along with an agency-specific appendix designating positions and disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with Government Code 87300 and 87306; and

WHEREAS, the \_\_\_\_\_ School District has recently reviewed its positions, and the duties of each position, and has determined that (changes/no changes) to the current conflict of interest code are necessary; and

WHEREAS, any earlier resolutions, bylaws, and/or appendices containing the district's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and

NOW THEREFORE BE IT RESOLVED that the \_\_\_\_\_ School District Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at a meeting, by the following vote:

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSENT: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Secretary/President

**Conflict of Interest Code of the  
\_\_\_\_\_ School District**

The provisions of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with the attached Appendix specifying designated positions and disclosure categories, are incorporated by reference and shall constitute the district's conflict of interest code.

Governing Board members and designated employees shall file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories listed in the attached Appendix. The Statement of Economic Interest shall be filed with the district's filing officer and/or, if so required, with the district's code reviewing body. The district's filing officer shall make the statements available for public review and inspection.

**APPENDIX**

**Disclosure Categories**

**Note: The following list must be modified to reflect the specific disclosure categories in the district.**

1. **Category 1:** A person designated Category 1 shall disclose:
  - a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.
  - b. Investments or business positions in or income from sources which are engaged in the acquisition or disposal of real property within the district, are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the district, or manufacture or sell supplies, books, machinery, or equipment of the type used by the district.
  
2. **Category 2:** A person designated Category 2 shall disclose:
  - a. Investments or business positions in or income from sources which are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs.
  - b. Investments or business positions in or income from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.

**Note: Item #3 below is for use only by districts in which the Board and Superintendent "manage public investments." All other districts must delete item #3.**

Government Code 87500 requires public officials and designated employees to annually file a Statement of Economic Interest/Form 700 to disclose any assets and income which may be materially affected by official actions. Under the PRA, there are two separate categories of Form 700 disclosure requirements. For the first category pursuant to Government Code 87302, which is applicable to most school districts, the disclosure requirements are determined by the district and set forth in the district's conflict of interest code. The second category, pursuant to Government Code 87200, is only applicable to Board members and Superintendents who "manage public investments." Those Board members and designated employees, referred to by the FPPC as Government Code 87200/Article 2 filers, must file broader disclosure statements pursuant to the disclosure requirements specified in law and FPPC regulation. See section in accompanying bylaw entitled "Additional Requirements for Boards that Manage Public Investments" for a further discussion of this issue.

**CONFLICT OF INTEREST (continued)**

E 9270(d)

- 3. **Full Disclosure:** Because it has been determined that the district's Board members and/or Superintendent "manage public investments," they and other persons designated for "full disclosure" shall disclose, in accordance with Government Code 87200:
  - a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.
  - b. Investments, business positions, and sources of income, including gifts, loans, and travel payments.

**Designated Positions**

Note: The following list must be modified to reflect the specific designated positions and applicable disclosure categories in the district. For districts in which the Board and Superintendent "manage public investments," the disclosure category for Board members and the Superintendent in the list below must be modified to "Full Disclosure."

| <u>Designated Position</u>          | <u>Disclosure Category</u> |
|-------------------------------------|----------------------------|
| Governing Board Members             | 1                          |
| Superintendent of Schools           | 1                          |
| Assistant/Associate Superintendent  | 1                          |
| <del>Purchasing Agent</del>         | <del>1</del>               |
| <u>Chief Business Official</u>      | <u>1</u>                   |
| <u>Program Director</u>             | 2                          |
| Principal                           | 2                          |
| Assistant Principal                 | 2                          |
| Maintenance and Operations Director | 2                          |
| Program Coordinator                 | 2                          |
| Project Specialist                  | 2                          |
| Supervisor                          | 2                          |
| <del>Dean of Students</del>         | <del>2</del>               |

**Disclosures for Consultants**

Note: The definition of designated employees in Government Code 82019 includes consultants. To preclude amending the code whenever retaining a consultant in a decision-making capacity, the following section provides that the Superintendent or designee shall make case-by-case determinations of the disclosures necessary, depending on the range of duties to be performed by the consultant.

Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the Superintendent or designee. The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of

the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR 18701)

1. Approve a rate, rule, or regulation
2. Adopt or enforce a law
3. Issue, deny, suspend, or revoke a permit, license, application, certificate, approval, order, or similar authorization or entitlement
4. Authorize the district to enter into, modify, or renew a contract that requires district approval
5. Grant district approval to a contract that requires district approval and in which the district is a party, or to the specifications for such a contract
6. Grant district approval to a plan, design, report, study, or similar item
7. Adopt or grant district approval of district policies, standards, or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18702.2 or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's conflict of interest code. (2 CCR 18701)



Cabrillo USD | 9000 | BB 9270 Board Bylaws

## Conflict Of Interest

### Incompatible Activities

Governing Board members shall not engage in any employment or activity which is inconsistent with, incompatible with, in conflict with or inimical to the Board member's duties as an officer of the district. (Government Code 1126)

### Conflict of Interest Code

The district's conflict of interest code shall be comprised of the terms of 2CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with a district attachment specifying designated positions and the specific types of disclosure statements required for each position.

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code in even-numbered years. If no change in the code is required, the district shall submit by October 1 a written statement to that effect to the code reviewing body. If a change in the code is necessitated by changed circumstances, the district shall submit an amended code to the code reviewing body. (Government Code 87306.5)

When a change in the district's conflict of interest code is necessitated by changed circumstances, such as the creation of new designated positions, amendments or revisions, the changed code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

When reviewing and preparing conflict of interest codes, the district shall provide officers, employees, consultants and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

If a Board member or designated employee determines that he/she has a financial interest in a decision, as described in Government Code 87103, this determination shall be disclosed. The member shall be disqualified from voting unless his/her participation is legally required. (2 CCR 18700)

Statements of economic interests submitted to the district by designated employees in accordance with the conflict of interest code shall be available for public inspection and reproduction. (Government Code 81008)

### Financial Interest

Board members and designated employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members or designated employees. (Government Code 1090)

A Board member shall not be considered to be financially interested in a contract if his/her interest includes, but is not limited to, any of the following: (Government Code 1091.5)

1. That of an officer who is being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty

2. That of a recipient of public services generally provided by the public body or board of which he/she is a member, on the same terms and conditions as if he or she were not a member of the board
3. That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which even his/her interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Government Code 1091
4. That of a spouse of an officer or employee of the district if his/her spouse's employment or officeholding has existed for at least one year prior to his/her election or appointment
5. That of a nonsalaried member of a nonprofit corporation, provided that such interest is disclosed to the Board at the time of the first consideration of the contract, and provided further that such interest is noted in its official records
6. That of a noncompensated officer of a nonprofit, tax-exempt corporation which, as one of its primary purposes, supports the functions of the nonprofit board or to which the school Board has a legal obligation to give particular consideration, and provided further that such interest is noted in its official records
7. That of a person receiving salary, per diem, or reimbursement for expenses from a governmental entity, unless the contract directly involves the department of the government entity that employs the officer or employee, provided that such interest is disclosed to the Board at the time of consideration of the contract, and provided further that such interest is noted in its official records
8. That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm or real estate firm

In addition, a Board member or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his/her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor. (Government Code 1091.5)

A Board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract. Remote interests are specified in Government Code 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his/her minor child. (Government Code 1091)

A Board member may enter into a contract if the rule of necessity or legally required participation applies as defined in Government Code 87101.

Even if there is no prohibited or remote interest, a Board member shall abstain from voting on personnel matters that uniquely affect a relative of the Board member. A Board member may vote, however, on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs. "Relative" means an adult who is related to the person by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes the individual's parents, grandparents and great-grandparents, children, grandchildren and great-grandchildren, brothers, sisters, aunts and uncles, nieces and nephews, and the similar family of the individual's spouse unless the individual is widowed or divorced.

#### Disqualification for Board Members Who Manage Public Investments

A Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following:

1. Publicly identify the financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required. (Government Code 87105)
2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. This Board member shall not be counted toward achieving a quorum while the item is discussed. (Government Code 87105; 2 CCR 18702.5)
3. Leave the room until after the discussion, vote and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters. (Government Code 87105)

If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during the consent calendar. (2 CCR 18702.5)

(cf. 3430 - Investing)

The Board member may speak on the issue during the time that the general public speaks on the issue. The Board member shall recuse himself/herself from voting on the matter and leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion of the matter with members of the public. (Government Code 87105; 2 CCR 18702.5)

If the Board's decision is made during closed session, the public identification may be made orally during the open session before the Board goes into closed session and shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government Code 87100. The Board member shall not be present when the decision is considered in closed session or knowingly obtain or review a recording or any other non-public information regarding the Board's decision. (2 CCR 18702.5)

#### Gifts

Board members and designated employees may accept gifts only under the conditions and limitations

specified in Government Code 89503 and 2 CCR 18730.

The limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the prevailing gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

#### Honoraria

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade or profession unless the sole or predominant activity of the business, trade or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

#### APPENDIX

##### DESIGNATED POSITIONS/DISCLOSURE CATEGORIES

1. Persons occupying the following positions are designated employees in Category 1:

Governing Board Members

Superintendent of Schools

Assistant/Associate Superintendent

Director of Fiscal Services

Designated persons in this category must report:

- a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries or of any land owned or used by the district. Such interests include any leasehold, beneficial or ownership interest or option to acquire such interest in real property.
- b. Investments or business positions in or income from sources which:

- (1) Are engaged in the acquisition or disposal of real property within the district
- (2) Are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the district or
- (3) Manufacture or sell supplies, books, machinery or equipment of the type used by the district

2. Persons occupying the following positions are designated employees in Category 2:

Director Personnel and Pupil Services

Director Categorical Program and Adult Education

Director Special Programs

Director of Maintenance, Operations, Facilities and Transportation

Principal

Assistant Principal

District Director of Technology

Coordinator Food Services

Construction Supervisor

Supervisor

Program Coordinator

Designated persons in this category must report investments or business positions in or income from sources which:

- a. Are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs, or
- b. Manufacture or sell supplies, books, machinery or equipment of the type used by the department which the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.

3. Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the Superintendent or designee. The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR 18701)

- a. Approve a rate, rule or regulation
- b. Adopt or enforce a law
- c. Issue, deny, suspend or revoke a permit, license, application, certificate, approval, order or similar authorization or entitlement
- d. Authorize the district to enter into, modify or renew a contract that requires district approval
- e. Grant district approval to a contract or contract specifications which require district approval and in which the district is a party
- f. Grant district approval to a plan, design, report, study or similar item
- g. Adopt or grant district approval of district policies, standards or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18702.2 or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's Conflict of Interest Code. (2 CCR 18701)

#### Legal Reference:

#### EDUCATION CODE

1006 Qualifications for holding office

35107 School district employees

35230-35240 Corrupt practices

35233 Prohibitions applicable to members of governing boards

35239 Compensation for board members in districts under 70 ADA

#### GOVERNMENT CODE

1090-1098 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

81000-91015 Political Reform Act of 1974, especially:

82011 Code reviewing body

82019 Definition of designated employee

82028 Definition of gifts

82030 Definition of income

87100-87103.6 General prohibitions

87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

89501-89503 Honoraria and gifts

91000-91014 Enforcement

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18110-18997 Regulations of the Fair Political Practices Commission, especially:

18702.5 Public identification of a conflict of interest for Section 87200 filers

## COURT DECISIONS

Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th. 655

Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

## ATTORNEY GENERAL OPINIONS

86 Ops.Cal.Atty.Gen. 138(2003)

85 Ops.Cal.Atty.Gen. 60 (2002)

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81 Ops.Cal.Atty.Gen. 327 (1998)

80 Ops.Cal.Atty.Gen. 320 (1997)

69 Ops.Cal.Atty.Gen. 255 (1986)

68 Ops.Cal.Atty.Gen. 171 (1985)

65 Ops.Cal.Atty.Gen. 606 (1982)

Management Resources:

## WEB SITES

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Bylaw CABRILLO UNIFIED SCHOOL DISTRICT

adopted: December 11, 2008 Half Moon Bay, California

# CABRILLO UNIFIED SCHOOL DISTRICT BOARD AGENDA ITEM

**BOARD MEETING DATE:** October 14, 2010

- ACTION**
- CONSENT**
- DISCUSSION**
- INFORMATION**

**BOARD AGENDA NUMBER:** 10.f.

**BOARD AGENDA ITEM:** Accept Quarterly Report on Williams Uniform Complaints  
(Education Code 35186)

**DEPARTMENT:** Superintendent

**CONTACT PERSON:** Robert Gaskill

## **BACKGROUND INFORMATION:**

In May 2000, the American Civil Liberties Union (ACLU) and other public interest groups filed a lawsuit against the State of California alleging the state had failed to provide poor and underprivileged students with equal educational opportunities by providing these students with inadequate facilities, insufficient educational materials, and with teachers who were not fully credentialed. This requirement only refers to the types of complaints listed above.

On August 13, 2004, Governor Schwarzenegger and the State of California settled the lawsuit. As part of the lawsuit, the State of California agreed to enact legislation and provide funding to address the issues in the lawsuit. On September 29, 2004, Governor Schwarzenegger signed five bills to implement the settlement as urgency measures. Assembly Bill 2727 and Education Code 35186 require school districts to submit quarterly reports on Williams Uniform Complaints to their Governing Boards.

## **REPORT/PROPOSAL:**

The Cabrillo Unified School District received no Williams Uniform Complaints during the quarter covering July 1, 2010 through September 30, 2010.

## **FINANCIAL IMPACT:**

There is no financial impact to the district.

## **RECOMMENDATION:**

Accept Quarterly Report on Williams Uniform Complaint as presented.

# SAN MATEO COUNTY OFFICE OF EDUCATION

## Valenzuela/CAHSEE Lawsuit Settlement

### Quarterly Report on Williams Uniform Complaints

[Education Code § 35186(d)]

District: Cabrillo Unified School District

Person completing this form: Robert Gaskill Title: Superintendent

Quarterly Report Submission Date:

(check one)

- October 2010 (Covers 7/1/10 – 9/30/10)**
- January 2011 (Covers 10/1/10 – 12/31/10)
- April 2011 (Covers 1/1/11 – 3/31/11)
- July 2011 (Covers 4/1/11 – 6/30/11)

Date for information to be reported publicly at governing board meeting: October 14, 2010

Please check the box that applies:

- No complaints were filed with any school in the district during the quarter indicated above.
- Complaints were filed with schools in the district during the quarter indicated above. The following chart summarizes the nature and resolution of these complaints.

| General Subject Area                             | Total # of Complaints | # Resolved | # Unresolved |
|--|-----------------------|------------|--------------|
| <b>Textbooks and Instructional Materials</b>     | 0                     | 0          | 0            |
| <b>Teacher Vacancy or Misassignment</b>          | 0                     | 0          | 0            |
| <b>Facilities Conditions</b>                     | 0                     | 0          | 0            |
| <b>CAHSEE Intensive Instruction and Services</b> | 0                     | 0          | 0            |
| <b>TOTALS</b>                                    | 0                     | 0          | 0            |

Robert Gaskill

Print Name of District Superintendent

\_\_\_\_\_  
Signature of District Superintendent

\_\_\_\_\_  
Date

Return via Pony, fax, or email to Mefula Fairley  
San Mateo County Office of Education  
mfairley@smcoe.k12.ca.us  
650.802.5363 (fax)

# CABRILLO UNIFIED SCHOOL DISTRICT BOARD AGENDA ITEM

**BOARD MEETING DATE:** October 14, 2010

- ACTION**
- CONSENT**
- DISCUSSION**
- INFORMATION**

**BOARD AGENDA NUMBER:** 10.g.

**BOARD AGENDA ITEM:** Approve the Stanford Teacher Education Program Agreement for the 2010-2011 Academic Year

**DEPARTMENT:** Pupil Services

**CONTACT PERSON:** John Corry, Director of Personnel and Pupil Services

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## **BACKGROUND INFORMATION:**

The district maintains a student teacher contract with the Stanford Teacher Education Program in order to participate in their student teaching program.

The student teacher practices under the supervision of a master teacher, an experienced teacher, employed by the district.

## **REPORT/PROPOSAL:**

The general guidelines for student teachers vary between credential emphasis. For the 2010-2011 school year students from the Stanford Teacher Education Program will be assigned to the Cabrillo Unified School District.

## **FINANCIAL IMPACT:**

There is no financial impact on the district for this agreement.

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## **RECOMMENDATION:**

Approve the Stanford Teacher Education Program Agreement for the 2010-2011 academic year.

# CABRILLO UNIFIED SCHOOL DISTRICT BOARD AGENDA ITEM

**BOARD MEETING DATE:** October 14, 2010

- ACTION
- CONSENT
- DISCUSSION
- INFORMATION

**BOARD AGENDA NUMBER:** 10.h.

**BOARD AGENDA ITEM:** Approve Hatch Students to Participate in an Overnight Field Trip to Sacramento, California, November 8 – 9, 2010

**DEPARTMENT:** Pupil Services

**CONTACT PERSON:** John Corry, Director of Personnel and Pupil Services

## BACKGROUND INFORMATION:

Education Code 35330 allows the Governing Board to permit students to participate in overnight field trips.

## REPORT/PROPOSAL:

Melissa Moriarty, 5<sup>th</sup> grade teacher at Hatch Elementary School, is requesting permission to take her class on an overnight field trip to Sacramento, California, November 8 – 9, 2010.

This trip is part of the social studies program, and the students will tour historical sites such as the State Capitol, Sutter Fort, Railroad Museum, Old Sacramento, the California Indian Museum and the Aerospace museum. In addition, the students will meet with State Representative Leland Yee.

There will be 32 students, one certificated staff member and eight other adults attending. The group will travel to Sacramento by private transportation, and will be lodging at the Sacramento Youth Hostel, 925 H Street, Sacramento CA 95814, 916-443-16891 and 877-464-6783.

## FINANCIAL IMPACT:

There is no financial impact to the district. The parents are paying for this trip.

## RECOMMENDATION:

Approve this field trip request from Melissa Moriarty to take her 5<sup>th</sup> grade class to Sacramento, California, November 8 – 9, 2010.

# CABRILLO UNIFIED SCHOOL DISTRICT BOARD AGENDA ITEM

**BOARD MEETING DATE:** October 14, 2010

- ACTION**
- CONSENT**
- DISCUSSION**
- INFORMATION**

**BOARD AGENDA NUMBER:** 10.i.

**BOARD AGENDA ITEM:** Accept Enrollment Report:  
First Month 2010-2011 School Year

**DEPARTMENT:** Business Department

**CONTACT PERSON:** Diane Stupi, Director, Fiscal Services

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**REPORT/PROPOSAL:** The Enrollment Report for the First Month of the 2010-2011 School Year is being presented to the Governing Board for information.

CABRILLO UNIFIED SCHOOL DISTRICT  
 2010-2011 SCHOOL YEAR  
 ENROLLMENT REPORT

School Month No.

1

Date:

9/24/2010

| Grade                           | El Granada | Farallone View | Hatch | Kings Mountain | Cunha | Half Moon Bay High | Pilarcitos | Home & Independent Study | TOTALS |
|---------------------------------|------------|----------------|-------|----------------|-------|--------------------|------------|--------------------------|--------|
| K                               | 81         | 63             | 108   | 17             |       |                    |            | 0                        | 269    |
| 1                               | 84         | 69             | 103   | 14             |       |                    |            | 0                        | 270    |
| 2                               | 81         | 63             | 103   | 21             |       |                    |            | 0                        | 268    |
| 3                               | 83         | 72             | 85    | 14             |       |                    |            | 0                        | 254    |
| 4                               | 63         | 68             | 79    | 13             |       |                    |            | 0                        | 223    |
| 5                               | 80         | 65             | 109   | 7              |       |                    |            | 0                        | 261    |
| 6                               |            |                |       |                | 248   |                    |            | 0                        | 248    |
| 7                               |            |                |       |                | 264   |                    |            | 0                        | 264    |
| 8                               |            |                |       |                | 251   |                    |            | 0                        | 251    |
| 9                               |            |                |       |                |       | 244                | 0          | 3                        | 247    |
| 10                              |            |                |       |                |       | 219                | 2          | 2                        | 223    |
| 11                              |            |                |       |                |       | 229                | 7          | 5                        | 241    |
| 12                              |            |                |       |                |       | 239                | 32         | 17                       | 288    |
| <b>Total Regular Enrollment</b> | 472        | 400            | 587   | 86             | 763   | 931                | 41         | 27                       | 3307   |
| <b>SDC Student Enrollment</b>   | 18         |                |       |                | 7     | 16                 |            |                          | 41     |
| <b>TOTAL ENROLLMENT</b>         | 490        | 400            | 587   | 86             | 770   | 947                | 41         | 27                       | 3348   |

|   |     |     |     |    |     |     |    |    |      |
|---|-----|-----|-----|----|-----|-----|----|----|------|
| <b>Total Enrollment as of 09/18/2009</b>  | 499 | 430 | 563 | 83 | 773 | 957 | 40 | 29 | 3374 |
| <b>Difference between 09/17/2010 Total Enrollment and 09/18/2009 Total Enrollment</b> | -9  | -30 | 24  | 3  | -3  | -10 | 1  | -2 | -26  |

# **CABRILLO UNIFIED SCHOOL DISTRICT BOARD AGENDA ITEM**

**BOARD MEETING DATE:** October 14, 2010

- ACTION
- CONSENT
- DISCUSSION
- INFORMATION

**BOARD AGENDA NUMBER:** 11.a.

**BOARD AGENDA ITEM:** Hold Public Hearing and Approve Tentative Agreement for 2010-2011 through 2012-2013 with California School Employees' Association, Chapter 485

**DEPARTMENT:** Personnel

**CONTACT PERSON:** John Corry, Director of Personnel

## **BACKGROUND INFORMATION:**

On August 8, 2010 the California School Employees' Association (CSEA), Chapter 485 and the district reached accord on a new three year agreement—2010-2011 through 2012-2013. The agreement included approval of a temporary reduction in work years 2010-2011 and 2011-2012; redefinition of health and welfare benefits for 2010-2011, 2011-2012 and thereafter; and new language regarding layoff effects and reemployment, grievance procedures, leaves of absence, personal necessity, duration, and reopeners.

In accordance with AB 1200, school districts are required to publicly disclose the provisions of all collective bargaining agreements before they enter into a written agreement.

## **RECOMMENDATION:**

Approval of tentative agreement for 2010-2011 through 2012-2013 with California School Employees' Association, Chapter 485, as presented.

**TENTATIVE AGREEMENT BETWEEN  
CABRILLO UNIFIED SCHOOL DISTRICT AND  
CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION CHAPTER 485  
FOR THE 2010-2011 THROUGH 2012-2013 SCHOOL YEARS  
September 8, 2010**

The provisions of the 2007-2010 negotiated Agreement between the District and CSEA shall remain in full force and effect except as necessary to accomplish the following changes:

**Furlough Days/Temporary Reduction in Work Years 2010-2011 and 2011-2012**

1. The status quo length of unit member work years shall be those in effect prior to June 24, 2010.
2. Employees working more than 181 work days shall have three (3) furlough days (unpaid non-work days) in both the 2010-2011 and 2011-2012 school years.
3. Employees working 181 or fewer work days shall have two (2) furlough days (unpaid non-work days) in both the 2010-2011 and 2011-2012 school years.
4. Unit member work years shall automatically revert to the pre-June 24, 2010 levels effective with the 2012-2013 school year unless changed through a subsequent negotiated agreement by the parties.

**Health & Welfare Benefits:** Amend Article 8 to provide:

1. For the 2010-2011 Plan Year: The District will continue to provide health and welfare benefits as set forth in Article 8 of the Agreement, provided that the direct out of pocket premium contribution through automatic payroll deduction for subscribers to Health Net family coverage shall be \$189.84/FTE per month (12 months) (the 2009-2010 contribution rate).
2. For the 2011-2012 Plan Year and Thereafter: The District will continue to provide health and welfare benefits as set forth in Article 8 of the Agreement, provided that the direct out of pocket premium contributions through automatic payroll deduction per FTE per month (12 months) shall be as follows:

Employee Only - \$0  
Employee +1 - \$75.00  
Family Kaiser - \$100.00  
Family Health Net - \$189.84

3. The contribution amounts set forth in section 2 directly above shall not increase unless agreed to by the parties in a subsequent negotiated agreement. In all other respects, the provisions of Article 8 shall continue in effect.
4. New Employees The maximum District contribution for health benefits for employees whose first date of paid service is on or after July 1, 2011 shall be equal to the annual cost of coverage for the employee only on a pro rata basis per FTE.

- a. New employees may elect to contribute out of pocket through monthly (12 months) automatic payroll deduction if they wish to purchase coverage beyond the employee only level.
- b. The definition of “new employees” as used herein excludes unit members who were employed during the 2009-2010 school year who were laid off at the end of that year, or in any subsequent year, if such employee(s) are rehired within the statutory 39 month reemployment period.

**Duration and Reopeners:** Amend Article 22 to provide:

1. Duration: This Agreement shall be effective July 1, 2010 and shall continue in full force and effect through and including June 30, 2013.
2. Reopeners:
  - a. 2010-2011: This Agreement shall be closed; there shall be no negotiations between the parties for the 2010-2011 school year.
  - b. 2011-2012: This Agreement shall be closed; there shall be no negotiations between the parties for the 2011-2012 school year except as follows:

If there is a change in federal or state law through legislative, judicial, administrative or other action during or applying to the 2011-2012 school year which has or could impact the terms and conditions set forth in this Agreement, or there is an increase or decrease in District unrestricted revenue, either party may reopen negotiations for the 2011-2012 school year on specific provisions of the Agreement which are or could be affected by such action. Negotiations will begin within ten (10) school days after a request is made by either party.

- c. 2012-2013: Each party shall have the right to reopen negotiations on Article VI – Wages, VIII – Health and Welfare Benefits, and up to one (1) additional article selected by each party.

**Layoff, Effects and Reemployment:** Amend Article 15 as follows:

15.4 Layoff Procedure:

- 15.4.1 Involuntary Reduction in Assigned Time: Layoff shall occur by laying off all employees in a job classification when a reduction in hours is the reason for the layoff due to lack of work or lack of funds. A reemployment meeting will be held when the District determines the new hours or number of positions. District use of this section shall be subject to the following:

- 15.4.1.1 The foregoing section 15.4.1 shall be suspended for the 2010-2011 and 2011-2012 school years (i.e., the District will not

initiate reductions to be effective in 2010-2011 or 2011-2012),  
except as provided in section 15.4.1.2 below.

15.4.1.2 The foregoing suspension shall not apply to unit positions (or portions of unit positions) funded by revenue that is other than the unrestricted general fund, or to Paraprofessional SpEd II and School Bus Driver positions. The foregoing suspension shall apply to unit positions (or portions of unit positions) funded by unrestricted general fund revenue as of July 1, 2010 which thereafter are funded by restricted general fund revenue.

15.4.1.3 The District shall retain its ~~non-negotiable~~ statutory right to lay off employees for lack of work or lack of funds;

15.4.1.4 The District may, through negotiated agreement with CSEA, reduce the hours of employees not covered by section 15.4.1.2 above.

15.4.1.5 The suspension set forth above (last sentence of section 15.4.1 and sections 15.4.1.1 through and including 15.4.1.4) shall expire automatically, and the language of section 15.4.1 above shall be reinstated and in effect such that reductions may be made commencing July 1, 2012.

**Grievance Procedure:** Amend Article XVII as follows

~~17.2.2~~ A "grievant" is an employee or employees covered by this Agreement of or CSEA. ~~when there is an alleged violation of CSEA rights as provided for in Article II, CSEA Rights; Article III, Check Off and Organizational Security; Article XVII, Grievance Procedure; Article XIX, Safety Conditions; and Article XXIII, Reopeners.~~

17.3 Group Grievance: If the grievance involves employees with different immediate supervisors, or CSEA, the grievance may be filed at Level II.

17.6.1 A formal grievance shall be initiated in writing and shall be ~~filled~~ filed with the immediate supervisor on forms prepared jointly by the administration and CSEA. Such forms ~~will~~ shall be made readily available at all job sites by the District. The written grievance shall contain sufficient facts and circumstances to enable the District to investigate the grievance and for the parties to fulfill the purposes set forth in section 17.1, including the particulars of the incident from which the grievance arose, disclosure of the identity of the aggrieved party, and the nature of the circumstances claimed to be in violation of the contract.

17.7 **Level II — Superintendent:** If the grievant is not satisfied with the decision rendered at Level I, he/she may appeal the decision within ten (10) working days to the Superintendent/**designee**.

**Leaves of Absence – Personal Necessity: Amend Article XI as follows:**

1. For the 2010-2011 and 2011-2012 school years, unit members may use up to five (5) unused personal illness days per year for personal necessity at his/her discretion pursuant to the conditions described in section 11.8(f) of the 2007-2010 Agreement. Unit members may not take more than two (2) personal necessity days in a consecutive manner.
2. The number of personal necessity days shall automatically revert to two (2) per year beginning with the 2012-2013 school year unless changed through a subsequent negotiated agreement by the parties.

Dated: September 8, 2010

For the District:

For CSEA:

*Robert Marshall*  
*John Comy*  
*Thomas Hupis*  
*Robert [unclear]*  
*Angus [unclear]*

*Barbara Mackay*  
*Marquitta [unclear]*  
*Jose Machado*  
*Isamy [unclear]*  
*Deanna [unclear]*

**2 or 3 Day Furlough**  
**SAN MATEO COUNTY**  
**DISCLOSURE OF COLLECTIVE BARGAINING AGREEMENT**  
 In Accordance with AB 1200 (Statutes of 1991, Chapter 1213) G.C. 3547.5

School District: Cabrillo Unified School District

Bargaining Unit: CSEA Cert \_\_\_\_\_ Clas X # of Employees 124

What are the effective dates of the proposed agreement? From 07/01/2010 To 06/30/2013

Date of Public Meeting: 10/14/2010 Date Disclosure Available: 10/08/2010

**A. Percentage of Proposed Change in Salary and Benefits**

**ATTACH A COPY OF THE CURRENT AND REVISED SALARY SCHEDULE.**

| Year of Proposed Agreement                              | Yr: 2010-2011 | Yr: 2011-2012 | Yr: 2012-2013 |
|---|---------------|---------------|---------------|
| Indicate % of Salary Change over Prior Salary Schedule  | 0.00%         | 0.00%         | 0.00%         |
| Are Salary Costs Ongoing or One-time?                   | Ongoing       | Ongoing       | Ongoing       |
| Indicate % Change in H & W Benefits over Prior Schedule | 0.00%         | 0.00%         | 0.00%         |
| Are H & W Costs Ongoing or One-time?                    | Ongoing       | Ongoing       | Ongoing       |

**B. Cost of Agreement**

| Year of Proposed Agreement                         | Yr: 2010-2011      | Yr: 2011-2012      | Yr: 2012-2013    |
|--|--------------------|--------------------|------------------|
| Salary Cost (including Mandates)                   | \$ 0.00            | \$ 0.00            | \$ 0.00          |
| Benefits Cost (H & W)                              | \$ 0.00            | \$ 0.00            | \$ 0.00          |
| Other Costs ( <i>Provide detail in Section D</i> ) | \$( 41,253)        | \$( 41,253)        | \$ 41,253        |
| <b>Total Cost</b>                                  | <b>\$( 41,253)</b> | <b>\$( 41,253)</b> | <b>\$ 41,253</b> |

**C. Source of Funding**

Cost of 1% increase in total compensation for this bargaining unit \$ 38,598

Fiscal impact on current year ending fund balance as a result of this proposed agreement None

Amount previously available in fund balance for this agreement 0

Source of Funding: General Fund

Will staff reductions be required to implement this agreement this year? No Next year? No

**D. Major Provisions**

The District & CSEA have agreed to three furlough days for employees working more than 181 days and two furlough days for employees working 181 or less days for 2010-2011 and 2011-2012 saving approximately \$41,253 each year.

*In accordance with the requirements of Government Code Section 3547.5(b), we hereby certify that the District can meet the costs incurred under this agreement for the current and subsequent fiscal years.*

|                         |      |   |
|-------------------------|------|---|
| Superintendent          | Date | <u>Robert Gaskill</u><br>Contact Person |
| Chief Business Official | Date | <u>Diane Stupi</u><br>Contact Person    |

# CABRILLO UNIFIED SCHOOL DISTRICT BOARD AGENDA ITEM

**BOARD MEETING DATE:** October 14, 2010

- ACTION**
- CONSENT**
- DISCUSSION**
- INFORMATION**

**BOARD AGENDA NUMBER:** 11.b.

**BOARD AGENDA ITEM:** Hold Public Hearing and Approve Resolution 20-10 Regarding the Statement of Assurances for the Pupil Textbook and Instructional Incentive Program for the 2010-2011 School Year

**DEPARTMENT:** Curriculum and Instruction

**CONTACT PERSON:** Elizabeth Schuck, Ed. D., Assistant Superintendent

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## **BACKGROUND INFORMATION:**

Education Code 60119 states that in order to be eligible to receive funds available for the purposes of this article, the governing board shall hold a public hearing and make a determination that each pupil, including English learners, has a standards-aligned textbook or instructional materials, or both, to use in class and to take home.

## **REPORT/PROPOSAL:**

The administration has reviewed the textbook inventory and has confirmed that all students have the sufficient materials as prescribed by Education code 60119.

## **FINANCIAL IMPACT:**

There is no financial impact to the district.

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## **RECOMMENDATION:**

The administration recommends that the Governing Board, after a Public Hearing, confirm that the district has complied with the requirements of Education Code section 60119 for the 2010-2011 school year by adoption of Resolution Number 20-10.

**CABRILLO UNIFIED SCHOOL DISTRICT  
RESOLUTION 20-10**

**Resolution Regarding Sufficiency of Instructional Materials**

**WHEREAS**, the governing board of Cabrillo Unified School District, in order to comply with the requirements of Education Code Section 60119 held a public hearing on October 14, 2010 at 7:00 pm, which did not take place during or immediately following school hours, and;

**WHEREAS**, the governing board provided at least 10 days notice of the public hearing posted in at least three public places within the district that stated the time, place, and purpose of the hearing, and;

**WHEREAS**, the governing board encouraged participation by parents, teachers, members of the community, and bargaining unit leaders in the public hearing, and;

**WHEREAS**, information provided at the public hearing and to the governing board at the public meeting detailed the extent to which textbooks and instructional materials were provided to all students, including English learners, in the district, and;

**WHEREAS**, the definition of “sufficient textbooks or instructional materials” means that each pupil has a textbook or instructional materials, or both, to use in class and to take home to complete required homework assignments, and;

**WHEREAS**, sufficient textbooks and instructional materials were provided to each student, including English learners, in mathematics, science, history-social science, and English/language arts, including the English language development component of an adopted program, consistent with the cycles and content of the curriculum frameworks, and;

**WHEREAS**, sufficient textbooks or instructional materials were provided to each pupil enrolled in foreign language or health classes, and;

**WHEREAS**, sufficient laboratory science equipment was provided for science laboratory classes offered in grades 9-12, inclusive;

**THEREFORE, BE IT RESOLVED** that for the 2010-2011 school year, the Cabrillo Unified School District has provided each pupil with sufficient textbooks and instructional materials consistent with the cycles and content of the curriculum frameworks.

**ADOPTED** by the Board of Education of the Cabrillo Unified School District on October 10, 2010 by the following votes:

AYES in Favor of Said Resolution:

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NOES Against Said Resolution:

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ABSENT:

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I hereby certify that the foregoing is a true and correct copy of a Resolution of the Governing Board of the Cabrillo Unified School District of San Mateo County adopted by said Governing Board at its meeting on October 14, 2010.

Signed: \_\_\_\_\_  
Clerk, Board of Education

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

## **NOTICE OF PUBLIC HEARING**

The Cabrillo Unified School District will hold a public hearing on the certification of compliance with Education Code section 60119, Statement of Assurance for the Pupil Textbook and Instructional Incentive Program for the 2010-2011 school year.

**Thursday, October 14, 2010 at 7:00 p.m.**  
**Cabrillo Unified School District Board Room**  
**498 Kelly Ave., Half Moon Bay, CA 94019**

This is a requirement of the California State Department of Education.

# CABRILLO UNIFIED SCHOOL DISTRICT BOARD AGENDA ITEM

**BOARD MEETING DATE:** October 14, 2010

- ACTION**
- CONSENT**
- DISCUSSION**
- INFORMATION**

**BOARD AGENDA NUMBER:** 11.c.

**BOARD AGENDA ITEM:** Adopt Resolution 21-10 Approving a Revision to the List of Local Education Participants in the San Mateo Special Education Plan Area (SELPA)

**DEPARTMENT:** Superintendent

**CONTACT PERSON:** Rob Gaskill, Superintendent

## **BACKGROUND INFORMATION:**

In the spring of 2010, the San Mateo Special Education Plan Area Governing Board admitted the Everest Charter High School as a Local Education Agency member after determining that the application met all of the requirements set forth in the SELPA Charter School Policy. Soon after that, the California Department of Education informed the SELPA that such an action requires a formal revision to the section of the Local Plan that lists LEA participants. Changes to the Local Plan must be reviewed and approved by all of the LEA-member governing boards in order to take effect.

## **REPORT/PROPOSAL:**

In order to comply with the ruling of the California Department on Education and to support the earlier decision of the SELPA Governing Board to grant Everest Charter High School status as a member-district, the Board is asked to consider adopting Resolution 21-10 at this time.

## **FINANCIAL IMPACT:**

There is no direct fiscal impact to the District as a result of this proposed action.

## **RECOMMENDATION:**

Adopt Resolution 21-10 Approving a Revision to the List of Local Education Participants in the San Mateo Special Education Plan Area (SELPA) as presented.

**CABRILLO UNIFIED SCHOOL DISTRICT  
RESOLUTION 21-10**

**Resolution Approving a Revision to the List of Local Education Participants  
in the San Mateo County Special Education Local Plan Area.**

**RESOLVED**, by the governing board of Cabrillo Unified School District, County of San Mateo, State of California that

**WHEREAS**, this District is a member of the San Mateo County Local Plan Area (SELPA),

**WHEREAS**, the Governing Board of the SELPA has recommended for approval a change to Local Education Agency Participation section of the Local Plan;

**WHEREAS**, pursuant to the Local Plan and the California Education code, changes such as the one proposed require the approval of this Board and this Board has reviewed and considered the proposed change;

**THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** that the proposed change to the SELPA Local Plan attached hereto as Exhibit A and incorporated herein by reference are approved.

**ADOPTED** by the Board of Education of the Cabrillo Unified School District on October 10, 2010 by the following votes:

AYES in Favor of Said Resolution:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOES Against Said Resolution:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSENT:

\_\_\_\_\_  
\_\_\_\_\_

I hereby certify that the foregoing is a true and correct copy of a Resolution of the Governing Board of the Cabrillo Unified School District of San Mateo County adopted by said Governing Board at its meeting on October 14, 2010.

Signed: \_\_\_\_\_  
Clerk, Board of Education

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

**EXHIBIT "A"**

**CABRILLO UNIFIED SCHOOL DISTRICT**

**RESOLUTION 21-10**

Proposed Changes

Everest Charter High School was admitted to the San Mateo County SELPSA as an LEA pursuant to SELPA Governing Board approval on June 1, 2010.

Amended list of San Mateo County SELPA Local Education Agency Participants

Local Education Agency Participants

Bayshore Elementary School District  
Belmont-Redwood Shores Elementary School District  
Brisbane Elementary School District  
Burlingame Elementary School District  
Cabrillo Unified School District  
Hillsborough City School District  
Jefferson School District  
Jefferson Union High School District  
La Honda-Pescadero Unified School District  
Las Lomas Elementary School District  
Menlo Park City Elementary School District  
Millbrae Elementary School District  
Pacifica School District  
Portola Valley Elementary School District  
Ravenswood City School District  
Redwood City Elementary School District  
San Bruno Park Elementary School District  
San Carlos School District  
San Mateo County Office of Education  
San Mateo-Foster City School District  
San Mateo Union High School District  
Sequoia Union High School District  
South San Francisco Unified School District  
Woodside Elementary School District  
Everest Charter High LEA  
Stanford New Schools Charter LEA  
Summit Preparatory Charter LEA

# CABRILLO UNIFIED SCHOOL DISTRICT BOARD AGENDA ITEM

**BOARD MEETING DATE:** October 14, 2010

- ACTION**
- CONSENT**
- DISCUSSION**
- INFORMATION**

**BOARD AGENDA NUMBER:** 12.a.

**BOARD AGENDA ITEM:** Discuss with Consideration of Action Revision to Facility Use Schedule 2010-2011

**DEPARTMENT:** Superintendent

**CONTACT PERSON:** Rob Gaskill, Superintendent

## **BACKGROUND INFORMATION:**

On June 24, 2010 the Board formally approved a significant revision to the District Facility Use Rate Schedule in support of an earlier directive to staff to increase facility use revenues by 50% during the 2010-2011 fiscal year. The new schedule increased rates for classroom, gymnasium, and multi-use room use and, for the first time, called for use fees to be assessed for a number of outdoor facilities including the Half Moon Bay High School football, baseball, and softball fields... the Cunha soccer field... and the El Granada and Hatch playground areas.

## **REPORT/PROPOSAL:**

In light of the approval of the Measure E parcel tax and in response to concerns expressed by members of the Coastside community regarding the current Rate Schedule— particularly in regard to the fees now assessed for outdoor facility use— Board President Dwight Wilson has requested that this matter be addressed by the Board as a “discussion with consideration of action” agenda item. Copies of both the 2009-2010 and 2010-2011 Facility Use Rate Schedules are attached for Board review.

## **FINANCIAL IMPACT:**

Staff estimates that a decision to revert to the 2009-2010 Rate Schedule would result in an annual loss in revenues of approximately \$35,000.

## **RECOMMENDATION:**

Discuss with consideration of action potential revisions to the Facility Use Schedule 2010-2011.

## FACILITY USE RATES EFFECTIVE JULY 1, 2009

|           | <b>*Rates<br/>For Non-Profit Groups</b> | <b>*Rates<br/>For Fair Market Groups<br/>(Two Hour Minimum)</b> | <b>Energy Surcharge<br/>for both Non-Profit<br/>&amp; Fair Market<br/>Groups</b> | <b>Park &amp;<br/>Recreation</b> |
|-----------|---|---|--|----------------------------------|
| Classroom | \$34.00/hour                            | \$85.00/hour  | \$7.00/hour  | \$18.00/hour                     |
| Gym       | \$143.00/hour                           | \$229.00/hour   | \$26.00/hour   | \$46.00/hour                     |
| Multi-Use | \$115.00/hour                           | \$172.00/hour   | \$26.00/hour   | \$46.00/hour                     |

**\*\*SAL and PAL will be charged as per Jim Tjogas on 09/18/09\*\***

All users of District/School facilities must complete a "Use of Facilities Request" form, which must be signed by the administrator responsible for that facility. The completed and signed form is then forwarded to the District Maintenance Office for final approval and coordination. Dates and times requested are final. No changes or add-ons will be allowed after the form has been posted and billed. If any organization wishes to use the facility for additional time and/or a different date, then a new Use of Facilities Request form is required.

School-sponsored organizations (Cabrillo District PTA's, Pac's, Ed Funds, and Booster organizations) using District facilities shall not pay for the use of school facilities, but are responsible for any personnel costs incurred.

Child service organizations using District facilities are responsible for the appropriate personnel costs incurred and any additional energy costs the District will incur.

Should District personnel have to report outside of their regular work hours for the facility use, user shall be charged the actual cost of the employee's time.

The Superintendent or designee will determine which rate structure applies to which group.

Board Policy No. 1330 Use of School Facilities

NOTE: Effective July 1, 2009  
Facilities Use Rates Updated 7/09

## PROPOSED FACILITY USE RATES EFFECTIVE JULY 1, 2010

|           | <b>*Rates<br/>For Non-Profit Groups</b> | <b>*Rates<br/>For Fair Market Groups<br/>(Two Hour Minimum)</b> | <b>Park &amp;<br/>Recreation<br/>SAL &amp; PAL</b> |
|-----------|---|---|--|
| Classroom | \$41.00/hour                            | \$92.00/hour  | \$20.00/hour                                       |
| Gym       | \$169.00/hour                           | \$255.00/hour   | \$50.00/hour                                       |
| Multi-Use | \$141.00/hour                           | \$198.00/hour   | \$50.00/hour                                       |

### Non-Profit Youth and Adult Groups & Park & Rec.

### For Profit Groups Plus District Employee Actual Salary for Position

|  |                       |               |
|--|-----------------------|---------------|
| H.S. Football Field - \$20.00/hour         | Adults - \$50.00/hour | \$250.00/hour |
| H.S. Baseball Field - \$20.00/hour         | Adults - \$50.00/hour | \$250.00/hour |
| H.S. Softball Field - \$20.00/hour         | Adults - \$50.00/hour | \$250.00/hour |
| Cunha FB Field \$10.00/hour                | Adults - \$20.00/hour | \$100.00/hour |
| Hatch Field - Football, Softball, Baseball |                       |               |
| \$10.00/hour                               | Adults - \$20.00/hour | \$100.00/hour |
| E.G. Field \$10.00/hour                    | Adults - \$20.00/hour | \$100.00/hour |

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School-sponsored organizations (Cabrillo District PTA's, Pac's, Ed Funds, and Booster organizations) using District facilities shall not pay for the use of school facilities, but are responsible for any personnel costs incurred providing all proceeds go to the District.

The Superintendent or designee will determine which rate structure applies to which group.

Board Policy No. 1330 Use of School Facilities

NOTE: Effective July 1, 2010  
Facilities Use Rates Updated 7/10