

# CSBA Sample Board Policy

## Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0420.42(a)

### CHARTER SCHOOL RENEWAL

Note: ~~The following policy is optional.~~ When the term of a charter granted by the Governing Board pursuant to Education Code 47605 (~~see BP/AR 0420.4 – Charter School Authorization~~) is due to expire, the charter school must submit a petition for renewal to the Board in accordance with Education Code 47607, ~~as amended by AB 1505 (Ch. 486, Statutes of 2019), and Education Code 47607.2, as added by AB 1505.~~

For a charter that was granted by the State Board of Education (SBE) on appeal after being denied by the district, the renewal petition must first be submitted to the district board that denied the charter, pursuant to Education Code 47605. A petition for the renewal of a charter that was originally granted by the County Board of Education on appeal after being denied by the district must be submitted directly to the County Board as the chartering authority pursuant to 5 CCR 11966.5.

The Governing Board believes that the ongoing operation of a charter school should be dependent on the school's effectiveness in achieving its mission and goals for student learning and other student outcomes. Whenever a charter school submits a petition for renewal of its charter, the Board shall review the petition thoroughly and in a timely manner, **consistent with the timelines set out in the Education Code.** The Board shall consider renewal petitions only of charters originally authorized by the Board itself or by the State Board of Education (**SBE**) on appeal after initial denial by the Board.

*(cf. 0420.4 - Charter School Authorization)*

*(cf. 0420.41 - Charter School Oversight)*

*(cf. 0420.43 - Charter School Revocation)*

*(cf. 0500 - Accountability)*

The Board shall deny the renewal petition of any charter school operated as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization. (Education Code 47604)

When a charter school, concurrently with its renewal petition, proposes to expand operations to one or more additional sites or grade levels, the charter school shall request a material revision to its charter. The material revision may be made only with the approval of the Board and in accordance with the standards and criteria in Education Code 47605 for material revisions. (Education Code 47607)

Note: The following **optional** paragraph may be revised to reflect district timelines for the submission of charter renewal petitions. Education Code 47605, ~~as amended by AB 1505 and AB 1595 (Ch. 543, Statutes of 2019),~~ requires that the Board grant or deny the renewal petition within 90 days of receiving the petition; see section entitled "Timelines for Board Action" below. However, it is recommended that charter schools submit their petition sufficiently early (e.g., as much as nine months before the term of the charter is due to expire) so that, in the event that the Board denies the renewal, the charter school may be able to appeal to the County Board and then to SBE and, if the school closes, to allow students of the charter school to transfer to another school.

**CHARTER SCHOOL RENEWAL** (continued)

The Board recommends that a charter school submit its petition for renewal to the Board sufficiently early before the expiration of the term of the charter to allow the Board's deliberations and decision on the renewal petition to be completed with minimal disruption to the charter school's educational program in the renewal year.

The petition for renewal shall include a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed. (Education Code 47607; 5 CCR 11966.4)

**Criteria for Granting or Denying Renewal**

Note: ~~AB 1505 amended~~ Education Code 47607 and ~~added Education Code 47607.2 to revise the criteria for granting or denying charter renewals and to~~ authorize different lengths of renewals for high-performing, middle-performing, and low-performing charter schools.

Pursuant to Education Code 47607, charter renewals are subject to the same standards and criteria as initial charter authorizations as specified in Education Code 47605, except that the Board may not deny the renewal of an existing charter school based on a finding that (1) the district has a negative or qualified interim certification and is not positioned to absorb the fiscal impact of the proposed charter school or (2) the charter school is unlikely to serve the interests of the entire community in which the school will be located (i.e., the school would substantially undermine or duplicate existing district services or programs). However, these two criteria may be used to deny a proposed expansion of an existing charter school. See **AR 0420.4 - Charter School Authorization for more information regarding the standards and criteria for initial charter authorizations and renewals.**

Renewals shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605. However, a charter renewal shall not be denied based on the fiscal impact of the charter school on the district or a finding that the charter school is unlikely to serve the interests of the entire community in which the school is located, as described in Education Code 47605. (Education Code 47607)

The signature requirement for charter authorization petitions is not applicable to petitions for renewal. (Education Code 47607)

Note: Pursuant to Education Code 47607.2, the review of the charter school's **academic** performance must be based on **"verified data" from assessments and other indicators approved by SBE.** ~~defined as data that are derived from nationally recognized, valid, peer-reviewed, and reliable sources that are externally produced and include measures of postsecondary outcomes. SBE is required to identify, by January 1, 2021, a list of valid and reliable assessments that must be used by the Board for this purpose. Until such a list is available, a charter school under consideration for renewal may present data consistent with the definition of "verified data."~~ **In November 2020, SBE approved a list of valid and reliable indicators of academic progress and postsecondary outcomes that may be used to demonstrate a charter school's academic performance. Such indicators are available on CDE's web site.**

**CHARTER SCHOOL RENEWAL** (continued)

In determining whether to grant a charter renewal, the Board shall review both schoolwide performance and the performance of numerically significant student subgroups on the state and local indicators included in the California School Dashboard, giving greater weight to performance on measurements of academic performance. If the Dashboard indicators are not yet available for the most recently completed academic year before renewal, the Board shall consider verifiable data provided by the charter school related to the Dashboard indicators, such as data from the California Assessment of Student Performance and Progress, or any successor system, for the most recent academic year. **The Board shall only consider data from sources adopted by SBE.** (Education Code 47607, 47607.2)

Following the Board's review, a renewal of the charter petition may be granted in accordance with a three-tiered system based on school performance, as follows:

**Note:** Pursuant to Education Code 47607, as amended by SB 98 (Ch. 24, Statutes of 2020), the criteria described in item #1 below may be achieved for two of the three years immediately preceding the renewal, rather than for the two consecutive years immediately preceding the renewal, if the two consecutive years immediately preceding the renewal include the 2019-20 school year.

## 1. Renewal of Five to Seven Years

- a. ~~A renewal shall be granted for a period of five to seven years to a~~ charter school that is not eligible for technical assistance pursuant to Education Code 47607.3 **shall be granted renewal for a period of five to seven years when, and that, for two consecutive years immediately preceding the renewal, or for two of the three years immediately preceding the renewal for any renewal submitted in the 2020-21 or 2021-22 school year, the charter school achieved either of the following:** (Education Code 47607)
  - (1) Received the two highest performance levels schoolwide on all the state indicators included in the Dashboard for which the charter school receives performance levels, **provided the charter school has schoolwide performance levels on at least two measurements of academic performance per year in each of the two years**
  - (2) For all measurements of academic performance, received performance levels schoolwide that are the same or higher than the state average and, for a majority of numerically significant student subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average, **provided that the charter school has performance levels on at least two measurements of academic performance for at least two subgroups**

**CHARTER SCHOOL RENEWAL** (continued)

**b. If the charter school satisfies the above criteria, it shall only be required to update the renewal petition to include a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed and, as necessary, to reflect the current program offered by the charter school. (Education Code 47607)**

2. Renewal of Five Years

- a. A renewal shall be granted for five years if clear and convincing evidence, demonstrated by verified data, shows either of the following: (Education Code 47607.2)
- (1) Measurable increases in academic achievement, as defined by at least one year's progress for each year in school
  - (2) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers
- b. For any such charter school, the Board may deny the renewal petition upon making written factual findings that the charter school failed to meet or make sufficient progress toward meeting standards that provide a benefit to students at the school, that the closure of the charter school is in the best interest of students, and that the Board's decision provided greater weight to performance on measurements of academic performance. (Education Code 47607.2)

**Note: Education Code 47607.2, as amended by SB 98, authorizes the Board to deny renewal of a charter if the criteria described in item #3 below apply in two of the three years immediately preceding the renewal, rather than for two consecutive years immediately preceding the renewal, if the two consecutive years immediately preceding the renewal include the 2019-20 school year.**

3. Denial/~~with Option for~~ Two-Year Renewal

- a. The Board shall generally not renew a charter if, for two consecutive years immediately preceding the renewal decision, **or for two of the three years immediately preceding the renewal for any renewal submitted in the 2020-21 or 2021-22 school year**, either of the following applies: (Education Code 47607.2)
- (1) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the Dashboard for which it receives performance levels, **provided the charter school has schoolwide performance levels on at least two measurements of academic performance per year in each of the two years**

**CHARTER SCHOOL RENEWAL** (continued)

- (2) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or lower than the state average and, for a majority of numerically significant student subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average, **provided that the charter school has performance levels on at least two measurements of academic performance for at least two subgroups**
- b. However, the Board may grant a two-year renewal to any such charter school if the Board makes written factual findings, setting forth specific facts to support the findings, that: **(Education Code 47607.2)**
- (1) The charter school is taking meaningful steps to address the underlying cause(s) of low performance, and those steps are reflected, or will be reflected, in a written plan adopted by the governing body of the charter school.
- (2) There is clear and convincing evidence, demonstrated by verified data, showing achievement of the criteria specified in item #2a above

In addition to all the grounds stated above for denial of a charter renewal, the Board may deny renewal of a charter upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors or a finding that the school is not serving all students who wish to attend. When denying a charter renewal for either of these reasons, the Board shall provide the charter school at least 30 days' notice of the alleged violation and a reasonable opportunity to cure the violation, including the submission of a proposed corrective action plan. **The Board may deny the renewal shall be denied if the Board finds either that for these reasons only upon a finding that either** the corrective action proposed by the charter school has been unsuccessful or that the violations are sufficiently severe and pervasive as to render a corrective action plan unviable. Any finding that a school is not serving all students who wish to attend shall specifically identify the evidence supporting the finding. (Education Code 47607)

Note: Charter schools that serve high-risk students may qualify for the state's Dashboard Alternative School Status (DASS) program, which uses modified methods of measurement for accountability indicators when appropriate. Charter schools that participate in the DASS are subject to the following criteria specified in Education Code **47607.46607**, as amended by **AB 1505**.

A charter school that **is eligible qualifies** for the state's Dashboard Alternative School Status shall not be subject to any of the above criteria. Instead, in determining whether to grant a

**CHARTER SCHOOL RENEWAL** (continued)

charter renewal for such a charter school, the Board shall consider, in addition to the charter school's performance on the state and local indicators included in the Dashboard, the charter school's performance on alternative metrics applicable to the charter school based on the student population served. The Board shall meet with the charter school during the first year of the charter school's term to mutually agree to discuss alternative metrics to be considered and shall notify the charter school of the alternative metrics to be used within 30 days of this meeting. The Board may deny a charter renewal only upon making written findings, setting forth specific facts to support the findings, that the closure of the charter school is in the best interest of students. (Education Code 47607)

**Timelines for Board Action**

Note: State law does not expressly provide a timeline for a public hearing on the renewal petition or for the Board's final decision on the renewal. However, pursuant to Education Code 47607, renewals are generally subject to the same standards and criteria applicable to initial charter authorizations, as specified in Education Code 47605. ~~As amended by AB 1505 and AB 1595, Education Code 47605 extends the timeline for the hearing for a charter petition from 30 to 60 days of the receipt of the petition. In addition, Education Code 47605 defines receipt of the petition as the date that the petitioner submits the petition to the district, and requires the Board to publish staff recommendations regarding the petition at least 15 days prior to the hearing at which the Board will grant or deny the petition.~~ The following section reflects the timelines established for initial charter authorizations.

Within 60 days of receiving the renewal petition, the Board shall hold a public hearing to review documentation submitted by the charter school, **determine the level of support for the petition**, and obtain public input. A petition is deemed received on the day the petitioner submits a petition to the district office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605)

The Board shall either grant or deny the charter renewal within 90 days of receiving the petition ~~or within 120 days with the consent of both the petitioner and the Board.~~ **The date may be extended by an additional 30 days if both the petitioner and the Board agree to the extension.** (Education Code 47605)

At least 15 days before the public hearing at which the Board will grant or deny the charter petition, the Board shall publish all staff recommendations and recommended findings regarding the petition. During the public hearing, petitioners shall have equal time and opportunity to present evidence and testimony to respond to the staff recommendations and findings. (Education Code 47605)

If the Board fails to make a written factual finding when required for denial of the petition pursuant to the section "Criteria for Granting or Denying Renewal" above within the required time period, the absence of a written factual finding shall be deemed an approval of the renewal petition. (5 CCR 11966.4)

**CHARTER SCHOOL RENEWAL** (continued)

The Superintendent or designee shall provide notification to CDE, within 10 calendar days of the Board's action, whenever a renewal of the charter is granted or denied. (Education Code 47604.32; 5 CCR 11962.1)

If the Board denies a renewal petition, the charter school may submit its application for renewal to the County Board within 30 days of the Board's written factual findings supporting the denial. (Education Code 47605, 47607.5)

**School Closure**

If a charter is not renewed and the charter school ceases operation, ~~the Board and/or the charter school shall implement~~ the school closure procedures specified in the charter in accordance with Education Code 47605 and 5 CCR 11962 **shall be implemented**. (Education Code ~~47603.32~~ **47604.32, 47605**)

*Legal Reference:*EDUCATION CODE47600-47616.7 *Charter Schools Act of 1992*52052 *Definition of numerically significant student subgroup*56145-56146 *Special education services in charter schools*60600-60649 *Assessment of academic achievement*CODE OF REGULATIONS, TITLE 5~~11960-11969~~ *Charter schools***11962-11962.1** *Definitions***11966.4** *Submission of charter renewal petition***11966.5** *Charter petitions that have not been renewed; submission to county board of education*UNITED STATES CODE, TITLE 207223-7225 *Charter schools**Management Resources:*CSBA PUBLICATIONS*The Role of the Charter School Authorizer, Online Course**Charter Schools: A Guide for Governance Teams, rev. 2016*WEB SITESCSBA: <http://www.csba.org>**California Charter Authorizing Professionals: <https://calauthorizers.org>**California Charter Schools Association: <http://www.calcharters.org> <https://www.ccsa.org>California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/esch>National Association of Charter School Authorizers: <http://www.charterauthorizers.org>**<https://www.qualitycharters.org>**U.S. Department of Education: <http://www.ed.gov>

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**Policy Reference UPDATE Service**

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# CSBA Sample Board Policy

**Business and Noninstructional Operations**

BP 3110(a)

## TRANSFER OF FUNDS

Note: Education Code 41010 and 42600 requires districts to expend funds in accordance with the classification of expenditures included in their adopted budget and in the California School Accounting Manual. However, in certain limited circumstances, the Governing Board may approve interfund borrowing or the transfer of money between funds. The following policy may be revised to reflect district practice. The following optional policy may be revised to reflect district practice.

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

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

*(cf. 3100 - Budget)*

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

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

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

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

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

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

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

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

**TRANSFER OF FUNDS (continued)***(cf. 9323.2 - Actions by the Board)*

2. Direct the temporary transfer of monies held in any district fund or account to another fund or account as necessary for the payment of obligations. Such borrowing shall occur only when the fund or account receiving the money will earn sufficient income during the current fiscal year to repay the amount transferred. No more than 75 percent of the maximum amount held in any fund or account during the current fiscal year may be transferred. Amounts transferred shall be repaid in the same fiscal year, or in the following fiscal year if the transfer takes place within the final 120 calendar days of a fiscal year. (Education Code 42603)

Note: Education Code 42603.1, as added by SB 98 (Ch. 23, Statutes of 2020), adds the following authorization for the temporary transfer of funds for the 2020-21 and 2021-22 fiscal years, if the state defers any payments owed to districts.

**For the 2020-21 and 2021-22 fiscal years only, if the state defers any payments owed to districts, the Board may direct the temporary transfer of up to 85 percent of the maximum amount held in any fund or account during the current fiscal year for the payment of obligations. Such borrowing shall occur only when the fund or account receiving the money will earn sufficient income during the current fiscal year to repay the amount transferred. Prior to exercising this authority, the Board shall hold a public hearing and adopt a resolution authorizing such transfer. (Education Code 42603.1)**

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

3. At the close of a school year, request that the County Superintendent make transfers between the designated fund balance or the unappropriated fund balance and any expenditure classification(s), or balance any expenditure classifications of the district budget as necessary for the payment of obligations incurred during that school year. (Education Code 42601)
4. ~~Specify amounts to be transferred by the county auditor and treasurer from the district's general fund to the special reserve fund during the fiscal year. If any special reserve funds that are maintained for purposes other than capital outlay or other purposes pursuant to Education Code 42842 if monies in the special reserve fund are not actually encumbered for ongoing expenses, the Board may transfer those~~

**TRANSFER OF FUNDS** (continued)

monies into the general fund for the general operating purposes of the district. If any monies remain in the special reserve fund at the conclusion of a project, the Board may **submit a, by** written request to the County Superintendent, **A** auditor, and **T**reasurer; **to discontinue the special reserve fund and** transfer those monies to the district's general fund. (Education Code 42841-42843)

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

*Legal Reference:*EDUCATION CODE

78 Definition, governing board

5200 Districts governed by boards of education

16095 Transfer of district funds to district state school building fund

**41010 California School Accounting Manual**

41301 Section A state school fund allocation schedule

42125 Designated and unappropriated fund balances

42238-42251 Apportionments to districts, especially:

42238.01-42238.07 Local control funding formula

42600 District budget limitation on expenditure

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

42603 **Temporary** Transfer of monies held in any fund or account to another fund; repayment**42603.1 Temporary transfer of monies held in any fund or account to another fund; state deferrals; fiscal years 2020-21 and 2021-22**

42840-42843 Special reserve fund

52616.4 Expenditures from adult education fund

*Management Resources:***CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS****California School Accounting Manual**WEB SITESCSBA: <http://www.csba.org>California Department of Education: <http://www.cde.ca.gov>Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>

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# CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3230(a)

## FEDERAL GRANT FUNDS

Note: All grants awarded by the federal government, including formula grants (e.g., Title I funding, Part B of the Individuals with Disabilities Education Act) and discretionary grants, are subject to the requirements contained in the Office of Management and Budget's (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (commonly called "Uniform Guidance"), as specified in 2 CFR 200.0-200.521 and Appendices I-XII. **2 CCR 200.109 requires that the Uniform Guidance be reviewed every five years. Revisions to the Uniform Guidance (85 Fed. Reg. 49506), effective November 12, 2020, address the information that grant recipients are required to report, implement relevant statutory requirements, and clarify existing requirements.**

~~The Uniform Guidance, adopted in December 2014, includes new provisions but primarily consolidates guidance from earlier OMB circulars.~~

~~Pursuant to 2 CFR 200.110, the Uniform Guidance applies to all new and continuing grant awards made on or after December 26, 2014, except that, as amended by 82 Fed. Reg. 94, districts may choose to delay implementation of the new procurement standards until July 1, 2018 or such later date as may be approved in the Uniform Guidance. See the accompanying administrative regulation for optional language accepting the delayed implementation.~~

Pursuant to 2 CFR 200.302, 200.318, and 200.319, the district is **mandated** to adopt written procedures related to procurement, conflict of interest, cash management, payments, and allowable costs. In addition to the following policy, it is recommended that districts maintain a detailed administrative regulation or procedures manual addressing the mandated components.

The Governing Board recognizes the district's responsibility to maintain fiscal integrity and transparency in the use of all funds awarded through federal grants. The district shall comply with all requirements detailed in any grant agreement with an awarding agency and with the federal Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards specified in 2 CFR 200.0-200.521 and any stricter state laws and district policy.

Any goods or services purchased with federal funds shall be reasonable in cost and necessary for the proper and efficient performance or administration of the program.

The Superintendent or designee shall ensure that the district's financial management systems and procedures provide for the following: (2 CFR 200.302)

1. Identification in district accounts of each federal award received and expended and the federal program under which it was received

*(cf. 3100 - Budget)*

**FEDERAL GRANT FUNDS** (continued)

2. Accurate, current, and complete disclosure of the financial ~~and performance~~ results of each federal award or program in accordance with the reporting requirements of 2 CFR ~~200.327 and~~ 200.328 **and 200.329**

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

3. Records and supporting documentation that adequately identify the source and application of funds for federally funded activities, including information pertaining to federal awards, authorizations, **financial** obligations, unobligated balances, assets, expenditures, income, and interest

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

*(cf. 3580 - District Records)*

4. Effective controls **over** and accountability for all funds, property, and other assets and assurance that all assets are used solely for authorized purposes
5. Comparison of actual expenditures with budgeted amounts for each federal award
6. Written procedures to implement provisions governing payments as specified in 2 CFR 200.305
7. Written procedures for determining the allowability of costs in accordance with 2 CFR 200.400-200.475 and the terms and conditions of the federal grant award

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

The Superintendent or designee shall develop and implement appropriate internal control processes to reasonably assure that transactions are properly executed, recorded, and accounted for so that the district can prepare reliable financial statements and federal reports, maintain accountability over assets, and demonstrate compliance with federal laws, regulations, and conditions of the federal award. (2 CFR 200.61, 200.62, 200.303)

Equipment purchased with federal funds shall be properly inventoried and adequately maintained to safeguard against loss, damage, or theft of the property.

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

*(cf. 3440 - Inventories)*

*(cf. 3512 - Equipment)*

All staff involved in the administration or implementation of programs and activities supported by federal funds shall receive information and training on the allowable use of federal funds, purchasing procedures, and reporting processes commensurate with their duties.

**FEDERAL GRANT FUNDS (continued)**

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

Note: Pursuant to 2 CFR 200.328 and 200.329, districts must submit **financial and** performance reports at the interval required by the awarding agency, which shall be at least annually but no more often than quarterly except in unusual circumstances. **Status reports due annually must be submitted no later than 90 calendar days after the reporting period, and reports due quarterly or semi-annually must be submitted no later than 30 calendar days after the reporting period. As amended by 85 Fed. Reg. 49506, 2 CFR 200.329 increases the time period for submitting final performance reports from 90 to 120 days after the performance end date.** The district may request an extension of the due date for any performance report for justifiable reasons.

In addition, the California Department of Education (CDE) is required under Education Code 64001 to monitor districts' compliance with legal requirements for federal categorical programs. This monitoring is accomplished through the Federal Program Monitoring process, which is based on a combination of data and document reviews and on-site visits. For further information, see the CDE's website and BP 6190 - Evaluation of the Instructional Program.

The district shall submit **financial and** performance reports to the awarding agency in accordance with the schedule and indicators required for that federal grant by law and the awarding agency. As required, such reports may include a comparison of actual accomplishments to the objectives of the federal award, the relationship between financial data and performance accomplishments, the reasons that established goals were not met if applicable, cost information to demonstrate cost-effective practices, analysis and explanation of any cost overruns or high unit costs, and other relevant information. The final performance report shall be submitted ~~within 90~~ **no later than 120 calendar** days after the ending date of the grant. (2 CFR 200.301, 200.328, **200.329**)

*(cf. 0500 - Accountability)*

*(cf. 6190 - Evaluation of the Instructional Program)*

*Legal Reference: (see next page)*

**FEDERAL GRANT FUNDS (continued)***Legal Reference:*EDUCATION CODE

42122-42129 Budget requirements

64001 School plan for student achievement, consolidated application programs

CODE OF FEDERAL REGULATIONS, TITLE 2

180.220 Amount of contract subject to suspension and debarment rules

200.0-200.521 Federal uniform grant guidance, especially:

200.1-200.99 Definitions

200.100-200.113 General provisions

200.317-200.326 Procurement standards

200.327-200.329 Monitoring and reporting

200.333-200.337 Record retention

200.400-200.475 Cost principles

200.500-200.521 Audit requirements

CODE OF FEDERAL REGULATIONS, TITLE 34

76.730-76.731 Records related to federal grant programs

CODE OF FEDERAL REGULATIONS, TITLE 48

2.101 Federal acquisition regulation; definitions

*Management Resources:*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONSCalifornia Department of Education Audit GuideCalifornia School Accounting ManualEDUCATION AUDIT APPEALS PANEL PUBLICATIONSGuide for Annual Audits of K-12 Local Education Agencies and State Compliance ReportingU.S. DEPARTMENT OF EDUCATION PUBLICATIONSQuestions and Answers Regarding 2 CFR Part 200, March 17, 2016WEB SITESCalifornia Department of Education: <http://www.cde.ca.gov>Education Audit Appeals Panel: <http://www.eaap.ca.gov>Office of Management and Budget, Uniform Guidance: <https://www.whitehouse.gov/omb/grants-does>State Controller's Office: <http://www.sco.ca.gov>System for Award Management (SAM): <http://www.sam.gov/SAMportal/SAM/###>U.S. Department of Education: <http://www.ed.gov>U.S. Government Accountability Office: <http://www.gao.gov>

# CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3452(a)

## STUDENT ACTIVITY FUNDS

Note: Pursuant to Education Code 48930, the Governing Board may approve the formation of associated student body organizations (ASBs), which are composed entirely of students and are subject to the Board's control and regulation. Generally, there are two types of ASBs. ASBs in high schools and middle schools are called referred to as "organized ASBs" since the students, organizing their activities around student clubs and/or a student council, have primary responsibility for the ASB, with the assistance, oversight, and co-approval of an district-employed advisor. In elementary schools, the ASBs are considered to be is "unorganized" because there is no student council and the principal or designee usually oversees the fundraising and spending decisions, with more limited involvement from the students.

Unlike parent-teacher associations or other school-connected organizations, ASBs, which are subject to the Board's control and regulation pursuant to Education Code 48930, are legally considered part of the district. In contrast, booster clubs, education foundations, parent-teacher associations, and other parent-run organizations operate independently of the district. See BP /AR 1230 - School-Connected Organizations. Districts with questions regarding the distinction between an ASB and a school-connected organization should consult legal counsel.

The following optional policy may be modified to reflect district practice.

The Governing Board recognizes that student organizations can provide students with an opportunity to conduct worthwhile cocurricular activities beyond those provided by the district and can also while helping students learn about effective financial practices and develop leadership and management skills. To that end, the Board may approve the formation of associated student body organizations which are composed entirely of students, operate under the oversight of the principal or other district-employed advisor, and are subject to the control and regulation of the Board. Student organizations may raise and spend funds to support activities that promote the general welfare, morale, and educational experiences of the student body.

*(cf. 1230 - School Connected Organizations)*

*(cf. 3260 - Fees and Charges)*

*(cf. 5000 - Concepts and Roles)*

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

*(cf. 6145.5 - Student Organizations and Equal Access)*

### ~~Fund Raising Events Fundraising~~

Note: Education Code 48932 requires the Board to approve a student organization's fundraising events and to determine whether such fundraising activities that are held on school property during school hours will interfere with the normal conduct of the schools. The following paragraph provides for the Board to delegate the review and approval of ASB fundraising events to the Superintendent or designee and should be modified to reflect district practice.

**STUDENT ACTIVITY FUNDS (continued)**

Education Code 49431 and 49431.5 limit the number of fund-raising events and types of food that may be sold on school grounds, see BP/AR 3550 - Other Food Sales. For a list of activities that may be prohibited on school grounds because of safety concerns, see AR 5142 - Safety. For information regarding online fundraising, see BP 3290 - Gifts, Grants and Bequests.

At the beginning of each school year, each principal or designee shall submit to the Superintendent or designee a list of the fund-raising fundraising events that each student organization proposes to hold that year. The Superintendent or designee shall review the proposed events and determine whether the events contribute to the educational experience and are not in do not conflict with or detract from the school's educational program. When reviewing proposed events, the Superintendent or designee shall consider the effects of the activities on student health and safety, evaluate the risk of liability to the district, and ensure that the proposed activities are in compliance with law, Board policy, and administrative regulation.

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

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

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

*(cf. 3554 - Other Food Sales)*

*(cf. 5030 - Student Wellness)*

*(cf. 5142 - Safety)*

*(cf. 5143 - Insurance)*

Note: Education Code 49431, 49431.2, and 49431.5 prescribe the types of foods and beverages that may be sold on school grounds limit the number of and restrict when fundraising events that involve the sale of noncompliant foods and beverages on school grounds may occur. and types of food that may be sold on school grounds, see BP/AR 3550 3554 - Other Food Sales.

**Fundraising events that involve the sale of food and/or beverages shall comply with applicable state and/or federal nutrition standards and BP/AR 3554 - Other Food Sales. If the fundraising event involves the sale of noncompliant food and/or beverages, it shall not take place from midnight until at least one-half hour after the end of the school day, or not be conducted on school premises.**

*(cf. 3554 - Other Food Sales)*

**Management and Reporting of Funds**

Note: Education Code 48937 requires the district to provide for the supervision of all funds raised by any student body organization or student organization using the name of the school. The acceptable investment and use of such funds are detailed in Education Code 48933, 48934, and 48936. The Fiscal Crisis & and Management Assistance Team (FCMAT) has developed the Associated Student Body Accounting Manual, Fraud Prevention Guide and & Desk Reference, available on its web site, to outline the district's fiscal and managerial responsibilities relative to these funds.

**STUDENT ACTIVITY FUNDS** (continued)

Student body funds shall be managed in accordance with law, **regulations, Board policies,** and sound business procedures designed to encourage the largest possible educational return to students without sacrificing the security of funds.

The Superintendent or designee shall develop internal control procedures to safeguard the organization's assets, promote the success of **fund-raising fundraising** ventures, provide reliable financial information, **protect employees and volunteers from accusations of impropriety,** and reduce the risk **and promote the detection** of fraud and abuse. These procedures shall detail the oversight of activities and funds including, but not limited to, the appropriate role and provision of training for staff and students, parameters for events on campus, appropriate and prohibited uses of funds, and accounting and record-keeping processes, including procedures for handling questionable expenditures.

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

The principal or designee shall be responsible for the proper conduct of all student organization financial activities. The budget adopted by the student body organization should serve as the financial plan for the school year and shall be submitted to the Superintendent or designee at the beginning of each school year. The Superintendent or designee shall **monitor the budget and** periodically review the organization's use of funds to ensure compliance with the district's internal control procedures.

Funds derived from the student body shall be **expended disbursed** according to procedures established by the student organization. All **expenditures disbursements** must be approved by a Board-designated **employee or** official, the certificated employee who is the **designated** student organization advisor, and a student organization representative. (Education Code 48933)

**Note:** The following paragraph is optional. 5 CCR 4922 and 34 CFR 106.41 require districts to ensure that the district's athletic program provides equivalent opportunities for both sexes. The factors that districts must consider when determining whether equivalent opportunities are being provided include, but are not limited to, the provision of necessary funds, equipment, supplies, and travel allowances. See AR 6145.2 - Athletic Competition.

**When student body funds are expended for equipment, supplies, or activities that support the district's athletic program, the Superintendent or designee shall ensure that the expenditures are aligned with the district's commitment to provide equitable opportunities for males and females.**

*(cf. 6145.2 - Athletic Competition)*

**Note:** Pursuant to Governmental Accounting Standards Board (GASB) Statement 84, if the district has administrative or direct financial involvement with the ASB's assets, as defined, the student activity fund may be considered a governmental fund subject to accounting and financial reporting

**STUDENT ACTIVITY FUNDS (continued)**

within the district's funds. FCMAT's Fiscal Alert: GASB 84 and its Impact on Associated Student Body Accounts clarifies that, under state law, the district's considerable administrative involvement in both organized and unorganized ASBs means that ASBs will typically be considered governmental activities, rather than fiduciary responsibilities of the district. As such, ASB accounts should be reported in either a special reserve fund or the general fund. For further information see GASB 84, GASB's Implementation Guide No. 2019-2, Fiduciary Activities, and FCMAT's Fiscal Alert: GASB 84 and its Impact on Associated Student Body Accounts. Districts are encouraged to consult legal counsel in the determination of whether its ASB(s) are fiduciary or nonfiduciary in order to properly report the accounts.

**Because of the district's administrative and/or direct financial involvement in the assets of the student organization, the student activity fund shall be reported within the district's fund in accordance with Governmental Accounting Standards Board Statement 84.**

Note: Because **an the** ASB is an entity of the district, ASB funds are reviewed as part of the annual audit of the district conducted pursuant to Education Code 41020, as specified below.

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

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

*Legal Reference: (see next page)*

**STUDENT ACTIVITY FUNDS (continued)***Legal Reference:*EDUCATION CODE35182.5 *Non-nutritious foods and beverages, vending machines*35564 *Funds, obligations of the student body*41020 *Requirement for annual audit*48930-48938 *Student body organization*49431 *Sale of food and beverages, elementary school***49431.2 *Sale of food, middle and high schools***49431.5 *Sale of food and beverages, elementary, middle, and high schools*51520 *School premise, prohibited solicitations*51521 ~~*Fund-raising*~~ ***Fundraising*** projectsCODE OF REGULATIONS, TITLE 5**4922 *Nondiscrimination in intramural, interscholastic, and club activities***15500 *Food sales, elementary schools*15501 *Food sales, middle high schools and junior high schools*CODE OF FEDERAL REGULATIONS, TITLE 34**106.41 *Nondiscrimination in athletic programs***COURT DECISIONS*Prince v. Jacoby, (2002) 303 F.3d 1074**Management Resources:*FISCAL CRISIS MANAGEMENT & ASSISTANCE TEAM PUBLICATIONS***Fiscal Alert: GASB 84 and Its Impact on Associated Student Body Accounts, May 2020****Associated Student Body Accounting Manual, Fraud Prevention Guide and Desk Reference, 20015*GOVERNMENTAL ACCOUNTING STANDARDS BOARD PUBLICATIONS***Implementation Guide No. 2019-2, Fiduciary Activities, June 2019******Statement No. 84, January 2017***WEB SITES*California Department of Education: <http://www.cde.ca.gov>**Fiscal Crisis Management & Assistance Team: <http://www.fcmat.org>****Governmental Accounting Standards Board: [www.gasb.org](http://www.gasb.org)***

# Board Policy

## Business and Noninstructional Operations

BP 3600(a)

### CONSULTANTS

The Governing Board authorizes the use of consultants and other independent contractors to provide expert professional advice or specialized technical or training services which are not needed on a continuing basis and which cannot be provided by district staff because of limitations of time, experience, or knowledge. Individuals, firms, or organizations employed as independent contractors may assist management with decisions and/or project development related to financial, economic, accounting, engineering, legal, administrative, instructional, or other matters.

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

Note: Labor Code ~~2750.3-2775~~, as added by AB ~~§ 2257~~ (Ch. ~~296-38~~, Statutes of ~~2019-2020~~), ~~recodifies is a~~ **recodification of** the three-part "ABC" test established in Dynamex Operations West, Inc. v. Superior Court of Los Angeles to determine whether a person providing services for remuneration should be classified as an employee or an independent contractor. ~~Although Labor Code 2750.3 does not explicitly state whether it applies to public agencies, CSBA recommends that districts adhere to its provisions.~~

~~AB 5 also amended Unemployment Insurance Code 606.5 and 621 to incorporate the three-part ABC test from the Dynamex decision. Since public school employers are subject to certain provisions in the Unemployment Insurance Code, districts should apply the three-part ABC test to determine a worker's eligibility for unemployment benefits.~~

Pursuant to Labor Code ~~2750.3~~ **2775**, a person is considered to be an independent contractor rather than an employee if the person (1) is free from the control and direction of the district in connection with the performance of the work, (2) performs work that is outside the usual course of providing educational services, (i.e. services provided by the person's own independent business and not services that ordinarily would be performed by district employees), and (3) is customarily engaged in an independently established trade, occupation, or business.

~~Labor Code 2750.3 establishes exceptions to the use of the three-part ABC test, including (1) when a person's status as an employee or independent contractor is defined by the Labor Code, Unemployment Insurance Code, or an applicable wage order of the Industrial Welfare Commission; (2) when a court rules that the three-part test cannot be applied to a particular context; or (3) when specifically exempted within Labor Code 2750.3. Under the second and third scenarios, the determination of whether a person is an employee or independent contractor is then made pursuant to the court's decision in S.G. Borello & Sons, Inc. v. Department of Industrial Relations, which made employment status a fact-dependent ruling based on the extent to which the employer had a right to control the work that was being done. Tutors are potentially exempted from the three-part test in Labor Code 2750.3 if they develop and teach their own curriculum, but not if they teach a curriculum created by a public school or contract with a public school through a referral company.~~

As this area of law is complex and may alter the legal and financial obligations of the district to particular workers (e.g., eligibility for workers compensation, unemployment and disability insurance benefits, and district health and welfare benefits), legal counsel should be consulted when questions arise regarding the status of those who provide services to the district for remuneration.

**CONSULTANTS** (continued)

As part of the contract process, the Superintendent or designee shall determine that the individual, firm, or organization is properly classified as an independent contractor.

A person, ~~firm, or organization~~ **providing labor or services for remuneration** shall be considered an employee rather than an independent contractor unless the district is able to demonstrate that all of the following conditions have been met: (Labor Code ~~2750.3-2775~~)

1. The person ~~or entity~~ is free from the control and direction of the district in connection with the performance of the work.
2. The person ~~or entity~~ is performing work that is outside the usual course of the district providing educational services.
3. The person ~~or entity~~ is customarily engaged in an independently established trade, occupation, or business of the same nature as the work to be performed.

Note: Labor Code ~~2750.3-2775-2785~~, as added by AB 2257 and amended by AB 323 (Ch. 341, Statutes of 2020), establishes exceptions to the use of the three-part ABC test, including (1) when a person's status as an employee or independent contractor is **defined expressly made** by the Labor Code, Unemployment Insurance Code, or an applicable wage order of the Industrial Welfare Commission, **in which case the status remains in effect for purposes set forth in those provisions**; (2) when a court rules that the three-part test cannot be applied to a particular context; or (3) when specifically exempted **from the three-part test by within** Labor Code ~~2750.3-2776-2785~~. Under the second and third scenarios, **with the exception of exemptions pursuant to Labor Code 2779**, the determination of whether a person is an employee or independent contractor is ~~then~~ made pursuant to the court's decision in S.G. Borello & Sons, Inc. v. Department of Industrial Relations, which ~~made~~ **found** employment status **to be** a fact-dependent ruling based on the extent to which the employer had a right to control the work that was being done. **Pursuant to Labor Code 2776, the rule in Borello applies to "business-to-business" exceptions (including when a sole proprietor or business entity contracts to provide services to a public agency) when specified conditions are met. Additionally, tutors are potentially excepted from the three-part test in Labor Code 2750.3-2775 if they develop and teach their own curriculum, but not if they teach a curriculum created by a public school or contract with a public school through a referral company.**

~~Specific statutory exceptions to this analysis for the determination of whether a person, firm, or organization is an independent contractor may apply. (Labor Code 2750.3)~~ **The determination of whether an individual acting as a sole proprietor or a firm or other business organization is an independent contractor shall be made in accordance with Labor Code 2775-2785, as applicable.**

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

*(cf. 3311 - Bids)*

*(cf. 3312 - Contracts)*

*(cf. 4132/4232/4332 - Publication or Creation of Materials)*

## CONSULTANTS (continued)

Note: Government Code 12940, as amended by AB 3364 (Ch. 36, Statutes of 2020), changes the term "military and veteran status" to "veteran or military status."

All qualified independent contractors shall be accorded equal opportunity for contracts regardless of actual or perceived race, **ethnicity**, color, national origin, ancestry, age, religious creed, marital status, pregnancy, physical or mental disability, medical condition, genetic information, ~~military and~~ veteran **or military** status, sex, sexual orientation, gender, gender identity, gender expression, immigration status, or association with a person or group with one or more of these actual or perceived characteristics. (Education Code 220; Government Code 12940)

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

*(cf. 0415 - Equity)*

*(cf. 4030 - Nondiscrimination in Employment)*

Independent contractors shall submit a written conflict of interest statement disclosing financial interests as determined necessary by the Superintendent or designee, depending on the range of duties to be performed by the consultant. The Superintendent or designee shall consider this statement when deciding whether to recommend approval of the contract.

Any consultant hired by the district who is subject to the filing requirements in the district's conflict of interest code shall file a Statement of Economic Interests within the time period required by law. (Government Code 87302)

*(cf. 9270 - Conflict of Interest)*

When employees of a public university, county office of education, or other public agency serve as consultants or independent contractors in other capacities for the district, they shall certify as part of the agreement that they will not receive salary or remuneration other than vacation pay from any other public agency for the specific days when they work for the district.

Note: Pursuant to Government Code 12940, certain protections afforded to employees are extended to independent contractors; see BP/AR 4030 - Nondiscrimination in Employment. Government Code 12940 also provides that the district may be held liable for sexual harassment committed against employees by nonemployees, including independent contractors, if the district knew, or should have known, of the harassment and failed to take immediate and appropriate corrective action to stop the harassment.

The Board prohibits the harassment of an independent contractor by any district employee or by any other person with whom the independent contractor comes in contact during the course of employment with the district. Additionally, the Board prohibits the harassment of a district employee by an independent contractor. Any complaint of harassment shall be investigated and resolved in accordance with applicable district complaint procedures. (Government Code 12940)

**CONSULTANTS (continued)**

*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*

*(cf. 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures)*

*Legal Reference:*

EDUCATION CODE

220 Prohibition of discrimination

10400-10407 Cooperative improvement programs

17596 Limit on continuing contracts

35010 Control of districts; prescription and enforcement of rules

35172 Promotional activities

35204 Contract with attorney

44925 Part-time readers employed as independent contractors

45103 Classified service in districts not incorporating the merit system

45103.5 Contracts for food service consulting services

45134-45135 Employment of retired classified employee

45256 Merit system districts; classified service; positions established for professional experts on a temporary basis

GOVERNMENT CODE

12940 Unlawful employment practices

53060 Contract for special services and advice

82019 Designated employee; **definition**

87302 Conflict of interest code

LABOR CODE

~~2750.3-2775-2787 ABC three-part test; employees and independent contractors~~ **Worker status: employees**

UNEMPLOYMENT INSURANCE CODE

606.5 Determination of employment status

621 ~~Employer and e~~Employee defined

CODE OF REGULATIONS, TITLE 2

18700.3 Consultant

COURT DECISIONS

Dynamex Operations West, Inc. v. Superior Court of Los Angeles (2018) 4 Cal. 5th 903

S.G. Borello & Sons, Inc. v. Department of Industrial Relations (1989) 48 Cal. 3d 341

(10/96 12/19) 3/21

# CSBA Sample Exhibit

All Personnel

E 4112.9(a)

4212.9

EMPLOYEE NOTIFICATIONS

4312.9

Note: The following exhibit lists notices which the law requires be provided to employees. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements.

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
<b>I. To All Employees</b>			
At the beginning of school year or upon employment	Education Code 231.5; Government Code 12950	AR 4119.11 4219.11 4319.11	The district's policy on sexual harassment, legal remedies, complaints
Annually to all employees, and 72 hours before pesticide application	Education Code 17612	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information on pesticides
To all employees, prior to implementing year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round program
To all employees, prior to implementing alternative schedule	Education Code 46162	BP 6112	Public hearing on alternative schedule in secondary grades
Annually to all employees	Education Code 49013; 5 CCR 4622	AR 1312.3 BP 0460 BP 3260	Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control and accountability plan
Annually to all employees	Education Code 49414	AR 5141.21	Request for volunteers to be trained to administer epinephrine auto-injectors
At least once per year	Education Code 49414.3	AR 5141.21	Request for volunteers to be trained to administer opioid antagonist
To all employees	Government Code 1126	BP 4136 4236 4336	Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal

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**EMPLOYEE NOTIFICATIONS (continued)**

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
<b>I. To All Employees (continued)</b>			
To all employees	Government Code 8355; 41 USC 8102; 34 CFR 84.205, 84.210	BP 4020 BP 4159 4259 4359	District's drug- and alcohol-free workplace; actions to be taken if violated; available employee assistance programs
Upon employment	Government Code 21029	None	Right to purchase PERS service credit for military service performed prior to public employment
Upon placement of automated external defibrillator (AED) in school, and annually thereafter	Health and Safety Code 1797.196	AR 5141	Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan
To all employees, if the district receives Tobacco-Use Prevention Education funds	Health and Safety Code 104420	AR 3513.3	District's tobacco-free schools policy and enforcement procedures
Annually to all employees, or more frequently if there is new information	Health and Safety Code 120875, 120880	BP 4119.43 4219.43 4319.43	AIDS and hepatitis B, including methods to prevent exposure
<b>To new employees upon hire and other employees upon request, in districts with 25 or more employees</b>	<b>Labor Code 230.1</b>	<b>AR 4161.2 4261.2 4361.2</b>	<b>Rights pursuant to Labor Code 230-230.1 pertaining to leaves and accommodations for victims of crime or abuse</b>
To all employees, w/With each paycheck	Labor Code 246	AR 4161.1 4361.1 AR 4261.1	Amount of sick leave available
Upon hire, in employee handbook, and upon request for parental leave	Labor Code 1034	BP 4033	The district's policy on lactation accommodation
To covered employees and former employees	Labor Code 2800.2	AR 4154 4254 4354	Availability of COBRA/ Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage

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**EMPLOYEE NOTIFICATIONS (continued)**

<b>When/Whom to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>I. To All Employees (continued)</b>			
To employees participating in a flexible spending account	Labor Code 2810.7	None	Deadline to withdraw funds from account before the end of the plan year
To every new employee, either at the time employee is hired or by end of first pay period	Labor Code 3551	AR 4157.1 4257.1 4357.1	Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor
<b>Within one day of receiving notice of potential exposure to COVID-19, to employees who were on the premises during the infectious period, the exclusive representative, and the employer of subcontracted employees as applicable</b>	<b>Labor Code 6409.6</b>	<b>AR 4157 4257 4357</b>	<b>Potential exposure to COVID-19; benefits to which employees may be entitled; available leave options; protection against discrimination and retaliation; district's disinfection and safety plan</b>
Prior to beginning employment	Penal Code 11165.7, 11166.5	AR 5141.4	Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law
Upon employment, and when employee goes on leave for specified reasons	Unemployment Insurance Code 2613	AR 4154 4254 4354	Disability insurance rights and benefits
To all employees and job applicants	2 CCR 11023; 34 CFR 104.8, 106.9	BP 0410 AR 4030	District's policy on nondiscrimination and related complaint procedures
To all employees via employee handbook, or to each new employee	2 CCR 11091, 11095; 29 CFR 825.300	AR 4161.8 4261.8 4361.8	Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 days' notice of need for leave when possible
<b>To all employees</b>	<b>8 CCR 3203</b>	<b>AR 4157 4257 4357</b>	<b>The right and procedure to access the injury and illness prevention program</b>

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**EMPLOYEE NOTIFICATIONS (continued)**

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
<b>I. To All Employees (continued)</b>			
To all employees	34 CFR 106.8	AR 4119.11 4219.11 4319.11	Nondiscrimination on the basis of sex; contact information for district's Title IX Coordinator; referral of inquiries to Title IX Coordinator and/or Office for Civil Rights
Annually to all employees	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; inspections, response actions, post-response actions planned or in progress
<b>II. To Certificated Employees</b>			
To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire	Education Code 22455.5	AR 4121	Criteria for membership in retirement system; right to elect membership at any time
Upon employment of a retired certificated individual	Education Code 22461	AR 4117.14 4317.14	Postretirement earnings limitation or employment restriction; monthly report of compensation
To certificated employees	Education Code 35171	AR 4115 BP 4315	District regulations related to performance evaluations
30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated	Education Code 44663	AR 4115	Copy of employee's evaluation
To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee	Education Code 44664	AR 4115	Notice and description of the unsatisfactory performance

**EMPLOYEE NOTIFICATIONS (continued)**

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
<b>II. To Certificated Employees (continued)</b>			
By May 30, if district issues reemployment notices to certificated employees	Education Code 44842	AR 4112.1	Request that the employee notify district of intent to remain in service next year
To <b>certificated probationary and temporary certificated</b> employees upon employment, <b>and to nonpermanent employees and every July thereafter in July of each school year</b>	Education Code 44916	AR 4112.1 AR 4121	Employment status and salary
To probationary employee, by March 15	Education Code 44929.21, 44929.23, 44948.5	BP 4116	Whether or not employee is reelected for next school year
When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year	Education Code 44934, 44934.1, 44936	BP 4118 AR 4118	Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice
To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/ dismissal notice	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct
To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct
To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings	Education Code 44940.5	AR 4118	Notice of intent to dismiss 30 days from notice unless employee demands hearing
To probationary employees 30 days prior to dismissal during school year, but not later than March 15 for <b>a</b> second-year probationary employees	Education Code 44948.3	AR 4118	Reasons for dismissal and opportunity to appeal

**EMPLOYEE NOTIFICATIONS (continued)**

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
<b>II. To Certificated Employees (continued)</b>			
By March 15 when necessary to reduce certificated personnel, with final notice by May 15	Education Code 44949, 44955	BP 4117.3	Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination
<del>On or before June 30, Before the end of the school year</del> to temporary employee who served 75 percent of school year but will be released	Education Code 44954	BP 4121	District's decision not to reelect employee for following school year
To teacher, when a student engages in or is reasonably suspected of specified acts	Education Code 49079	AR 4158 4258 4358	Student has committed specified act that constitutes ground for suspension or expulsion
To certificated employee upon change in employment status due to alleged misconduct or while allegation is pending	5 CCR 80303	AR 4117.7 4317.7	Contents of state regulation re: report to Commission on Teacher Credentialing
<b>III. To Classified Employees</b>			
When classified employee is subject to disciplinary action for cause, in nonmerit district	Education Code 45113	AR 4218	Notice of charges, right to hearing, timeline for requesting hearing
<del>To classified employees at</del> At least 60 days prior to layoff, or by April 29 for specially funded program that expires at end of school year	Education Code 45117	AR 4217.3	Notice of layoff and reemployment rights
<del>To classified employees u</del> Upon employment and upon each change in classification	Education Code 45169	AR 4212	Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek
To <del>classified</del> permanent employee whose leave is exhausted	Education Code 45192, 45195	AR 4261.1 AR 4261.11	Exhaustion of leave, opportunity to request additional leave

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**EMPLOYEE NOTIFICATIONS** (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
<b>III. To Classified Employees</b> (continued)			
To school bus drivers and school activity bus drivers prior to expiration of specified documents	13 CCR 1234	AR 3542	Expiration date of driver's license, driver's certificate and medical certificate; need to renew
To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter	13 CCR 2480	AR 3542	Limitations on vehicle idling; consequences of not complying
To school bus drivers, prior to district drug testing program and thereafter upon employment	49 CFR 382.113, 382.601	AR 4112.42 4212.42 4312.42	Explanation of federal requirements for drug testing program and district's policy
To school bus drivers, prior to operating school bus	49 CFR 382.303	AR 4112.42 4212.42 4312.42	Post-accident information, procedures, and instructions
<b>IV. To Administrative/Supervisory Personnel</b>			
To superintendent, deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract	Education Code 35031	BP 2121 BP 4312.1	Decision not to reelect or reemploy upon expiration of contract or term
Upon request by administrative or supervisory employee transferred to teaching position	Education Code 44896	AR 4313.2	Statement of the reasons for the <del>release or</del> reassignment
By March 15 to employee who may be released/reassigned the following school year	Education Code 44951	AR 4313.2	Notice that employee may be released or reassigned the following school year
<b>V. To Individual Employees Under Special Circumstances</b>			
In the event of a breach of security of district records, to affected employees	Civil Code 1798.29	BP 3580	Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies

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**EMPLOYEE NOTIFICATIONS (continued)**

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
<b>V. To Individual Employees Under Special Circumstances (continued)</b>			
Prior to placing derogatory information in personnel file	Education Code 44031	AR 4112.6 4212.6 4312.6	Notice of derogatory information, opportunity to review and comment
To employees who volunteer to administer epinephrine auto-injector	Education Code 49414	AR 5141.21	Defense and indemnification from civil liability by the district
<b>To district police officer, within 30 days of decision to impose discipline</b>	<b>Government Code 3304</b>	<b>AR 3515.3</b>	<b>Decision to impose discipline, including the date that discipline will be imposed</b>
To employees returning from military leave of absence, within 30 days of return	Government Code 20997	AR 4161.5 4261.5 4361.5	Right to receive PERS service credit for military service; application form
24 hours before Board meets in closed session to hear complaints or charges against employee	Government Code 54957	BB 9321	Employee's right to have complaints/charges heard in open session
When taking disciplinary action against employee for disclosure of confidential information	Government Code 54963	BP 4119.23 4219.23 4319.23	Law prohibiting disclosure of confidential information obtained in closed session
Within one working day of work-related injury or victimization of crime	Labor Code 3553, 5401	AR 4157.1 4257.1 4357.1	Potential eligibility for workers' compensation benefits, claim form
When adverse employment action is based on DOJ criminal history information or subsequent arrest notification	Penal Code 11105, 11105.2	AR 4112.5 4212.5 4312.5	Copy of DOJ notification
To any employee with exposure to blood or other potentially infectious materials, upon initial employment and at least annually thereafter	8 CCR 3204	AR 4119.42 4219.42 4319.42	The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records

**EMPLOYEE NOTIFICATIONS** (continued)

<b>When/Whom to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>V. To Individual Employees Under Special Circumstances</b> (continued)			
To any employee assigned to a work area where hazardous chemicals are present, upon initial assignment and upon new exposure situation	8 CCR 5191	AR 3514.1	Location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material
To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area	8 CCR 5194	AR 3514.1	Any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights
To employee eligible for military leave	38 USC 4334	AR 4161.5 4261.5 4361.5	Notice of rights, benefits, and obligations under military leave
Within five days of employee's request for FMLA leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave	29 CFR 825.300; 2 CCR 11049, 11091	AR 4161.8 4261.8 4361.8	Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice
Whenever notice of eligibility for FMLA is provided to employee	29 CFR 825.300	AR 4161.8 4261.8 4361.8	Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

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**Policy Reference UPDATE Service**

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# CSBA Sample Board Policy

Instruction

BP 6142.8(a)

## COMPREHENSIVE HEALTH EDUCATION

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

The Governing Board believes that health education should foster the knowledge, skills, and attitudes that students need in order to lead healthy lives and avoid high-risk behaviors, **and that creating a safe, supportive, inclusive, and nonjudgmental environment is crucial in promoting healthy development for all students.** The district's health education program shall be part of a coordinated school health system which supports the **physical, mental, and social** well-being of students and is linked to district and community services and resources.

***(cf. 0415 - Equity)***

*(cf. 3513.3 - Tobacco-Free Schools)*

*(cf. 3514 - Environmental Safety)*

*(cf. 3550 - Food Service/Child Nutrition Program)*

*(cf. 3554 - Other Food Sales)*

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

***(cf. 5131.62 - Tobacco)***

*(cf. 5131.63 - Steroids)*

***(cf. 5137 - Positive School Climate)***

*(cf. 5141.22 - Infectious Diseases)*

*(cf. 5141.23 - Asthma Management)*

*(cf. 5141.3 - Health Examinations)*

*(cf. 5141.32 - Health Screening for School Entry)*

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

***(cf. 5141.5 - Mental Health)***

***(cf. 5141.52 - Suicide Prevention)***

*(cf. 5141.6 - School Health Services)*

*(cf. 5141.7 - Sun Safety)*

*(cf. 5142 - Safety)*

***(cf. 5145.3 - Nondiscrimination/Harassment)***

*(cf. 5146 - Married/Pregnant/Parenting Students)*

*(cf. 6164.2 - Guidance/Counseling Services)*

Note: ~~The federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (42 USC 1758b)~~ requires each district participating in the National School Lunch program (42 USC 1751-1769j) or any program in the Child Nutrition Act of 1966, ~~including the School Breakfast Program~~ (42 USC 1771-1791-1793), **including the School Breakfast Program, to adopt a districtwide school wellness policy which includes goals for nutrition promotion and education, education and physical activity, and other school-based activities that promote student wellness education.** See BP 5030 - Student Wellness for language fulfilling this mandate.

Goals for the district's health education program shall be designed to promote student wellness and shall include, but not be limited to, goals for nutrition **promotion and education, and physical activity, and other school-based activities that promote student well-being.**

**COMPREHENSIVE HEALTH EDUCATION** (continued)

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

*(cf. 5030 - Student Wellness)*

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

Note: The following **optional** paragraph should be revised as necessary to reflect grade levels offered by the district. Education Code 51210 requires that the adopted course of study for grades 1-6 include instruction in health, including instruction in the principles and practices of individual, family, and community health. Education Code 51202 requires that certain health-related topics be addressed at the appropriate elementary and secondary grade levels and in appropriate subject areas, as determined by the district.

Education Code 51934 requires that ~~students be~~ **districts** provided **comprehensive sexual health education and HIV/AIDS** prevention instruction, at least once in middle school or junior high school and at least once in high school, **by instructors trained in the appropriate courses.** Education Code 51934 also **authorizes, but does not require, districts to provide age-appropriate comprehensive sexual health education prior to grade 7 on any of the topics specified in Education Code 51934.** See AR 6143 - Courses of Study and BP/AR 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction.

**Additionally, Education Code 51900.6 authorizes districts to provide age-appropriate instruction in grades K-12 in sexual abuse and sexual assault awareness and prevention pursuant to content standards developed by the State Board of Education (SBE), provided that students are allowed to be excused from such instruction upon the written request of their parents/guardians. SBE has not yet adopted content standards regarding sexual abuse and sexual assault awareness and prevention. Also see BP 5141.4 - Child Abuse Prevention and Reporting.**

**The Health Education Framework for California Public Schools, Kindergarten through Grade Twelve provides nonprescriptive instructional guidance and support to California teachers, administrators, curriculum specialists, other educators, and school boards for implementation of the voluntary health education standards, which include the following six content areas: nutrition and physical activity; growth, development, and sexual health; injury prevention and safety; alcohol, tobacco, and other drugs; mental, emotional, and social health; and personal and community health.**

~~In March 2008, the State Board of Education adopted voluntary content standards for health education as required by Education Code 51210.8; see the accompanying administrative regulation. The state's Health Framework for California Public Schools, provides nonprescriptive guidance on the scope and sequence of the health curriculum.~~

The district shall provide a planned, sequential, research-based, and developmentally appropriate health education curriculum for students in grades K-12 which is aligned with the state's content standards and curriculum framework **and integrated with other content areas of the district's curriculum.** The Superintendent or designee shall determine the grade levels and subject areas in which health-related topics will be addressed, in accordance with law, Board policy, and administrative regulation.

*(cf. 6011 - Academic Standards)*

*(cf. 6141 - Curriculum Development and Evaluation)*

*(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)*

*(cf. 6143 - Courses of Study)*

**COMPREHENSIVE HEALTH EDUCATION** (continued)

Note: The following **optional** paragraph may be revised to reflect district practice. Education Code 51890 defines a "comprehensive health education program" as one that includes community participation in the **teaching of health, including classroom participation by practicing professional health and safety personnel in the community.** Education Code 51891 defines "community participation" as **active including participation in the planning, implementation, and evaluation of comprehensive health education** by parents/guardians, practicing health care and public safety personnel, and public and private health care and service agencies **in the planning, implementation, and evaluation of the program.**

As appropriate, the Superintendent or designee shall involve school administrators, teachers, school nurses, health professionals representing various fields of health care, parents/guardians, community-based organizations, and other community members in the development, implementation, and evaluation of the district's health education program. Health and safety professionals may be invited to provide related instruction in the classroom, school assemblies, and other instructional settings.

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 1240 - Volunteer Assistance)*

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

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

*(cf. 6020 - Parent Involvement)*

*(cf. 6145.8 - Assemblies and Special Events)*

*(cf. 6162.8 - Research)*

The Superintendent or designee shall provide professional development as needed to ensure that health education teachers are knowledgeable about academic content standards, **the state curriculum framework**, and effective instructional methodologies.

*(cf. 4131 - Staff Development)*

Note: The following **optional** paragraph should be revised to reflect indicators agreed upon by the Governing Board and Superintendent for evaluating the district's health education program.

*(cf. 0500 - Accountability)*

*(cf. 6190 - Evaluation of the Instructional Program)*

*Legal Reference: (see next page)*

**COMPREHENSIVE HEALTH EDUCATION** (continued)*Legal Reference:*EDUCATION CODE8850.5 *Family relationships and parenting education*35183.5 *Sun protection*49413 *First aid and cardiopulmonary resuscitation training*49430-49434 *Pupil Nutrition, Health and Achievement Act of 2001*49490-49494 *School breakfast and lunch programs*49500-49505 *School meals*51202 *Instruction in personal and public health and safety*51203 *Instruction on alcohol, narcotics and dangerous drugs*51210 *Areas of study; grades 1-6*51210.8 *State content standards for health education*51220.5 *Parenting skills; areas of instruction***51225.36 *Sexual harassment and violence instruction; affirmative consent standard*****51225.6 *Compression-only cardiopulmonary resuscitation instruction***51260-51269 *Drug education*51513 *Personal beliefs; exams, questionnaires, and surveys*51880-51881.5 *Health education, legislative findings and intent*51890-51891 *Comprehensive health education programs and community participation; definitions***51900.6 *Sexual abuse and sexual assault awareness and prevention***51913 *District health education plan*51920 *Inservice training, health education*51930-51939 **California Healthy Youth Act; Comprehensive sexual health and HIV/AIDS prevention education****67386 *Affirmative consent; definition***CALIFORNIA CODE OF REGULATIONS, TITLE 511800-11801 *District health education plan*UNITED STATES CODE, TITLE 421751-1769j *National School Lunch Program, especially:*1758b *Local wellness policy*1771-1793 *Child nutrition programs, including National School Breakfast Program**Management Resources:*CSBA PUBLICATIONS***Why Schools Hold the Promise for Adolescent Mental Health, Governance Brief, May 2019******The Impact of Marijuana Legalization on K-12: The Effect of Marijuana on the Brain, November 2018******Preventing Catastrophic Health Illness, Governance Brief, July 2018******Integrating Physical Activity into the School Day, April 2016******Promoting Healthy Relationships for Adolescents: Board Policy Considerations, August 2014****Asthma Management in the Schools, Policy Brief, March 2008****Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies Student Wellness Policy Implementation Monitoring Report and Guide, 2007-2012****Physical Education and California Schools, Policy Brief, rev. October 2007****Promoting Oral Health for California's Students: New Roles, New Opportunities for Schools, Policy Brief, March 2007 November 2008******Asthma Management in the Schools, Policy Brief, March 2008****Management Resources continued: (see next page)*

**COMPREHENSIVE HEALTH EDUCATION (continued)***Management Resources: (continued)*CSBA PUBLICATIONS (continued)*Sun Safety in Schools, Policy Brief, July 2006**Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006*AMERICAN ASSOCIATION FOR HEALTH EDUCATION PUBLICATIONS*National Health Education Standards: Achieving Excellence, 2007–rev. November 2012*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve, 2008**Health Education Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003 2019**Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve, 2008*HUMAN RIGHTS CAMPAIGN FOUNDATION PUBLICATIONS*California LGBTQ Youth Report, January 2019*WEB SITESCSBA: <http://www.csba.org>American Association for Health Education: <http://www.aahperd.org>American School Health Association: <http://www.ashaweb.org>California Association of School Health Educators: <http://www.cashe.org>California Department of Education, Health Education: <http://www.cde.ca.gov/ci/he>California Department of Public Health: <http://www.cdph.ca.gov>California Healthy Kids Resource Center: <http://www.californiahealthykids.org>California Subject Matter Project, Physical Education-Health Project: <https://csmp.online>  
<http://esmp.ucop.edu/epehp>Center for Injury Prevention Policy and Practice: <http://www.cipp.org>Centers for Disease Control and Prevention: <http://www.cdc.gov>Human Rights Campaign Foundation: <https://www.hrc.org/>National Center for Health Education: <http://www.nche.org>National Hearing Conservation Association: <http://www.hearingconservation.org>Shape American Association—for Society of Health and Physical Educators: <http://www.aahperd.org> <https://www.shapeamerica.org>

# CSBA Sample Board Policy

Facilities

BP 7210(a)

## FACILITIES FINANCING

**The Governing Board recognizes its responsibility to identify the most cost-efficient and effective method of financing when purchasing or modifying district facilities. Financing may be necessary** ~~When it is determined that school facilities must be built or expanded to accommodate an increased or projected increased enrollment, the Governing Board shall consider appropriate methods of financing for the purchase of school sites and the construction of buildings. In addition, financing may be needed~~ **or** when safety considerations and educational program improvements require the replacement, reconstruction, or modernization of existing facilities.

The Superintendent or designee shall research funding alternatives and recommend to the Board the method **of funding** that ~~would~~ **will** best serve district needs as identified in the district's master plan for school facilities.

*(cf. 7110 - Facilities Master Plan)*

Note: The following list describes some of the facilities financing options available to school districts.

~~These f~~**Funding** alternatives may include, but **are** not be limited to:

1. Levying developer fees pursuant to Education Code 17620 and Government Code 65995-65998

*(cf. 7211- Developer Fees)*

2. Forming a community facilities district pursuant to Government Code 53311-53368.3, the Mello-Roos Community Facilities Act

*(cf. 7212 - Mello-Roos Districts)*

3. Forming a school facilities improvement district pursuant to Education Code 15300-15425

*(cf. 7213 - School Facilities Improvement Districts)*

4. Issuing voter-approved general obligation bonds

*(cf. 7214 - General Obligation Bonds)*

5. Imposing a ~~qualified~~ parcel tax pursuant to Government Code 50079

**FACILITIES FINANCING (continued)**

*(cf. 3471 - Parcel Taxes)*

6. Using lease revenues for capital outlay purposes from surplus school property

*(cf. 3280 - Sale or Lease of District-Owned Real Property)*

**Note:** Pursuant to the Leroy F. Greene School Facilities Act of 1998 (Education Code 17070.10-17079.30), the State Allocation Board provides state per-pupil funding, including hardship funding, for new school facilities construction and school facilities modernization for applicant school districts.

7. **Applying for state facilities funding pursuant to the Leroy F. Greene School Facilities Act (Education Code 17070.10-17079.30)**

**Note:** Pursuant to Education Code 41024, districts that receive state facilities funding pursuant to the Leroy F. Greene School Facilities Act must annually report a detailed list of all expenditures of state funds and of the district's matching funds for completed projects until all funds are expended, and submit an audit of completed facilities projects within one year of project completion. As amended by SB 820 (Ch. 110, Statutes of 2020), Education Code 41024 requires the auditor to file the audit with the California State Controller, who will then provide a copy of the audit to the California Department of Education and notify the Office of Public School Construction of any audit findings and any identified amounts to be adjusted. See AR 3460 - Financial Reports and Accountability for more specific information about reporting and auditing requirements.

**The district shall provide reports, maintain records, and provide for audits of the expenditure of state facilities funds as required by law and AR 3460 - Financial Reports and Accountability. (Education Code 41024)**

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

**Note:** Government Code 8855 requires districts to adopt a debt management policy prior to issuing any debt, such as general obligation bonds. The policy must include (1) the purposes for which the debt proceeds may be used; (2) the types of debt that may be issued; (3) the relationship of the debt to, and integration with, the district's capital improvement program or budget, if applicable; (4) policy goals related to the district's planning goals and objectives; and (5) internal control procedures to ensure that the proceeds of the proposed debt issuance will be directed to the intended use. See BP 3470 - Debt Issuance and Management.

**As applicable, the district shall comply with BP 3470 - Debt Issuance and Management.**

*(cf. 3470 - Debt Issuance and Management)*

*Legal Reference: (see next page)*

## FACILITIES FINANCING (continued)

### Legal Reference:

#### EDUCATION CODE

15100-~~17059.2~~ **17199.6** School bonds, especially:  
 15122.5 Ballot statement  
 15300-15327 School facilities improvement districts  
 17000-17059.2 State School Building Lease-Purchase Law of 1976  
 17060-17066 Joint venture school facilities construction projects  
 17070.10-~~17076.10~~ **17079.30** Leroy F. Greene School Facilities Act of 1998  
 17085-~~17095~~ **17096** State Relocatable Classroom Law of 1979  
 17582 District deferred maintenance fund  
 17620-17626 Levies against development projects by school districts, especially:  
 17621 Procedures for levying fees

#### **41024 Accounting system and audits**

#### GOVERNMENT CODE

6061 **One-time Manner of notice as prescribed in designated section**  
 6066 Two weeks' notice  
**8855 Debt issuance and management**  
 50075-50077.5 Voter-approved special taxes  
 50079 School districts; qualified special taxes  
 53175-53187 Integrated Financing District Act  
 53311-53368.3 Mello-Roos Community Facilities Act of 1982  
 53753 Assessment notice and hearing requirements  
 53753.5 Exemptions  
 54954.1 **Mailing of agenda notice to property owners**  
 54954.6 New or increased tax or assessment; public meetings and hearings; notice  
 65864-~~65867~~ **65869.5** Development agreements  
 65970-~~65980.1~~ **65981** School facilities development project  
 65995-65998 Payment of fees against a development project  
 66000-66008 Fees for development projects  
 66016-~~66018.5~~ **66019** Development project fees  
 66020-66025 Protests and audits

#### HEALTH AND SAFETY CODE

33445.5 Overcrowding of schools resulting from redevelopment  
 33446 School construction by redevelopment agency

#### CALIFORNIA CONSTITUTION

Article 13D, Sections 1-6 Assessment and property related fee reform

#### UNCODIFIED STATUTES

~~17696-17696.98~~ **Greene-Hughes School Building Lease-Purchase Bond Law of 1986**

#### CODE OF REGULATIONS, TITLE 2

1859-1859.~~406~~**199** School facility program

Legal Reference continued: (see next page)

## FACILITIES FINANCING (continued)

### Legal Reference: (continued)

#### COURT DECISIONS

*Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854

*Loyola Marymount University v. Los Angeles Unified School District* (1996) 45 Cal.App.4th 1256

*Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854

*Dolan v. City of Tigard* (1994) 114 S.Ct. 2309

*Canyon North Co. v. Conejo Valley Unified School District* (1993) 19 Cal.App.4th 243, 23 Cal.Rptr.2d 495

*Garlic Development Co. v. Hayward Unified School District* (1992) 3 Cal.App.4th 320, 4 Cal.Rptr.2d 897

*Nollan v. California Coastal Commission* (1987) 107 S.Ct. 3141

#### ATTORNEY GENERAL OPINIONS

79 Ops.Cal.Atty.Gen. 149 (1996)

### Management Resources:

#### WEB SITES

California Department of Education: [www.cde.ca.gov](http://www.cde.ca.gov)

California State Controller: [www.sco.ca.gov](http://www.sco.ca.gov)

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

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