

MPCSD Board Policy Update  
April

Board Policy (BP)	Admin. Regulation (AR)	Exhibit (E)	Mandated (M)	Conditional Mandates (CM)	Title	New Policy	Reason for Update	Staff Assigned (CSBA update)
-------------------	------------------------	-------------	--------------	---------------------------	-------	------------	-------------------	------------------------------

**COLOR KEY:**

RED CSBA Update  
BLUE New Policy  
BLACK MPCSD Review

**2nd and 5th Reading (FOR ACTION)**

BP 0410			M		Nondiscrimination in District Programs and Activities (Added CSBA 10/2016 Update for Reading on 2/15/17)		CSBA Update (2/2014 & 10/2016)	MG/GM
BP 1240	AR 1240				Volunteer Assistance	New AR	CSBA Update (1/2015)	EB
BP 3470			M		Debit Issuance And Management	New BP	New Mandate	AS

**MPCSD DRAFT REVISED BP**  
**1<sup>st</sup> Reading 2/15/17, 2<sup>nd</sup> Reading 3/21/17, 3<sup>rd</sup> Reading 4/18/17**  
*(Also submitted to Board: 4/12/16 and 10/18/16)*  
***Edits since 2<sup>nd</sup> Reading on 3/21/17 are highlighted in red.***

**Philosophy, Goals, Objectives and Comprehensive Plans**

**BP 0410**

**NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES**

The Governing Board is committed to providing equal opportunity for all individuals in education. District programs, activities, and practices shall be free from discrimination based on race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

*(cf. 1240 - Volunteer Assistance)*  
*(cf. 4030 - Nondiscrimination in Employment)*  
*(cf. 4032 - Reasonable Accommodation)*  
*(cf. 4033 - Lactation Accommodation)*  
*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*  
*(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)*  
*(cf. 5131.2 - Bullying)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*  
*(cf. 5145.7 - Sexual Harassment)*  
*(cf. 5146 - Married/Pregnant/Parenting Students)*  
*(cf. 6145 - Extracurricular and Cocurricular Activities)*  
*(cf. 6145.2 - Athletic Competition)*  
*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*  
*(cf. 6164.6 - Identification and Education Under Section 504)*  
*(cf. 6178 - Career Technical Education)*  
*(cf. 6200 - Adult Education)*

District programs and activities shall also be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

The Superintendent or designee shall ~~periodically review~~ **monitor** district programs and activities to ensure the removal of any derogatory or discriminatory name, image, practice, or other barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities. He/she shall take prompt, reasonable actions to remove any identified barrier. ~~The Superintendent or designee shall report his/her findings and recommendations to the Board after each review.~~

*(cf. 1330 - Use of Facilities)*

All allegations of unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with the procedures specified in AR 1312.3 - Uniform Complaint Procedures.

*(cf. 1312.3 - Uniform Complaint Procedures)*

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in each announcement, bulletin, catalog, handbook, application form, or other materials distributed to these groups and, as applicable, to the public. As appropriate, such notification shall be posted in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations and shall be posted on the district's web site and, when available, district-supported social media.

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

*(cf. 1114 - District-Sponsored Social Media)*

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

*(cf. 5145.6 - Parental Notifications)*

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language.

### **Access for Individuals with Disabilities**

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act and any implementing standards and/or regulations. When structural changes to existing district facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the Superintendent or designee shall develop a transition plan that sets forth the steps for completing the changes.

*(cf. 6163.2 - Animals At School)*

*(cf. 7110 - Facilities Master Plan)*

*(cf. 7111 - Evaluating Existing Buildings)*

The Superintendent or designee shall ensure that the district provides appropriate auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, assistive technologies or other modifications to increase accessibility to district and school web sites, notetakers, written materials, taped text, and Braille or large print materials.

Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to the school-sponsored function, program, or meeting.

*(cf. 6020 - Parent Involvement)*

*(cf. 9320 - Meetings and Notices)*

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

The individual identified in AR 1312.3 - Uniform Complaint Procedures as the employees responsible (listed below) for coordinating the district's response to complaints and for complying with state and federal civil rights laws is hereby designated as the district's ADA coordinator. He/she shall receive and address requests for accommodation submitted by individuals with disabilities, and shall investigate and resolve complaints regarding their access to district programs, services, activities, or facilities.

**Special Education; Section 504  
Director of Student Services  
181 Encinal Avenue  
Atherton, CA 94027  
(650) 321-7140**

**Consolidated Categorical Aid Programs; Discrimination  
Assistant Superintendent  
181 Encinal Avenue  
Atherton, CA 94027  
(650) 321-7140**

If the complaint alleges wrong doing on the part of an employee responsible (listed above) for coordinating the district's response to complaints, the complaint will be coordinated by the Superintendent.

*Legal Reference:*

*EDUCATION CODE*

*200-262.4 Prohibition of discrimination*

*48985 Notices to parents in language other than English*

*51007 Legislative intent: state policy*

*GOVERNMENT CODE*

*11000 Definitions*

*11135 Nondiscrimination in programs or activities funded by state*

*11138 Rules and regulations*

*12900-12996 Fair Employment and Housing Act*

*54953.2 Brown Act compliance with Americans with Disabilities Act*

*PENAL CODE*

*422.55 Definition of hate crime*

*422.6 Interference with constitutional right or privilege*

*CODE OF REGULATIONS, TITLE 5*

*4600-4687 Uniform complaint procedures*

*4900-4965 Nondiscrimination in elementary and secondary education programs*

*UNITED STATES CODE, TITLE 20*

*1400-1482 Individuals with Disabilities in Education Act*

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

*2301-2415 Carl D. Perkins Vocational and Applied Technology Act*

*6311 State plans*

*6312 Local education agency plans*

*UNITED STATES CODE, TITLE 29*

*794 Section 504 of the Rehabilitation Act of 1973*

*UNITED STATES CODE, TITLE 42*

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



2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended  
2000h-2000h-6 Title IX  
12101-12213 Americans with Disabilities Act  
CODE OF FEDERAL REGULATIONS, TITLE 28  
35.101-35.190 Americans with Disabilities Act  
36.303 Auxiliary aids and services  
CODE OF FEDERAL REGULATIONS, TITLE 34  
100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI  
104.1-104.39 Section 504 of the Rehabilitation Act of 1973  
106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:  
106.9 Dissemination of policy

*Management Resources:*

CSBA PUBLICATIONS

*Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, July 2016*

*Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014*

*Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011*

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS

*California Law Prohibits Workplace Discrimination and Harassment*

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

*Dear Colleague Letter: Transgender Students, May 2016*

*Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016*

*Dear Colleague Letter: Title IX Coordinators, April 2015*

*Dear Colleague Letter: Harassment and Bullying, October 2010*

*Dear Colleague Letter: Electronic Book Readers, June 29, 2010*

*Notice of Non-Discrimination, January 1999*

*Protecting Students from Harassment and Hate Crime, January 1999*

*Nondiscrimination in Employment Practices in Education, August 1991*

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

*2010 ADA Standards for Accessible Design, September 2010*

*Accessibility of State and Local Government Websites to People with Disabilities, June 2003*

WORLD WIDE WEB CONSORTIUM PUBLICATIONS

*Web Content Accessibility Guidelines, December 2008*

WEB SITES

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

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

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Safe Schools Coalition: <http://www.casafeschools.org>

Pacific ADA Center: <http://www.adapacific.org>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act: <http://www.ada.gov>

U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>

World Wide Web Consortium, Web Accessibility Initiative: <http://www.w3.org/wai>

EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

51007 Legislative intent: state policy

GOVERNMENT CODE

11000 Definitions

11135 Nondiscrimination in programs or activities funded by state

11138 Rules and regulations

12900-12996 Fair Employment and Housing Act

54953.2 Brown Act compliance with Americans with Disabilities Act

*PENAL CODE*

*422.55 Definition of hate crime*

*422.6 Interference with constitutional right or privilege*

*CODE OF REGULATIONS, TITLE 5*

*4600-4687 Uniform complaint procedures*

*4900-4965 Nondiscrimination in elementary and secondary education programs*

*UNITED STATES CODE, TITLE 20*

*1400-1482 Individuals with Disabilities in Education Act*

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

*2301-2415 Carl D. Perkins Vocational and Applied Technology Act*

*6311 State plans*

*6312 Local education agency plans*

*UNITED STATES CODE, TITLE 29*

*794 Section 504 of the Rehabilitation Act of 1973*

*UNITED STATES CODE, TITLE 42*

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

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

*2000h-2000h-6 Title IX*

*12101-12213 Americans with Disabilities Act*

*CODE OF FEDERAL REGULATIONS, TITLE 28*

*35.101-35.190 Americans with Disabilities Act*

*36.303 Auxiliary aids and services*

*CODE OF FEDERAL REGULATIONS, TITLE 34*

*100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI*

*104.1-104.39 Section 504 of the Rehabilitation Act of 1973*

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

*106.9 Dissemination of policy*

**Board Policy Revised/Adopted: PENDING**

Previous Adoption: May 29, 2013, November 21, 2002

---

*Menlo Park City School District  
Atherton, CA*

**MPCSD DRAFT REVISED BP**

**1<sup>st</sup> Reading 2/15/17, 2<sup>nd</sup> Reading 3/21/17, 3<sup>rd</sup> Reading 4/18/17**

*(Also submitted to Board: 4/12/16 and 10/18/16)*

***NO CHANGES SINCE 2<sup>ND</sup> READING ON 3/21/17***

**Community Relations**

**BP 1240**

**VOLUNTEER ASSISTANCE**

The Governing Board recognizes that volunteer assistance in schools can enrich the educational program, increase supervision of students, and contribute to school safety while strengthening the schools' relationships with the community. The Board encourages parents/guardians and other members of the community to share their time, knowledge, and abilities with students.

*(cf. 1000 - Concepts and Roles)*

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

*(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)*

*(cf. 4222 - Teacher Aides/Paraprofessionals)*

*(cf. 5020 - Parent Rights and Responsibilities)*

*(cf. 6020 - Parent Involvement)*

*(cf. 6171 - Title I Programs)*

The Superintendent or designee shall develop and implement a plan for recruiting, screening, and placing volunteers, including strategies for reaching underrepresented groups of parents/guardians and community members. He/she may also recruit community members to serve as mentors to students and/or make appropriate referrals to community organizations.

*(cf. 1020 - Youth Services)*

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

The Board prohibits harassment of any volunteer on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. (Government Code 12940)

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

As appropriate, the Superintendent or designee shall provide volunteers with information about school goals, programs, and practices and an orientation or other training related to their specific responsibilities. Employees who supervise volunteers shall ensure that volunteers are assigned meaningful responsibilities that utilize their skills and expertise and maximize their contribution to the educational program.

Volunteer work shall be limited to those projects that do not replace the normal duties of classified staff. The Board nevertheless encourages volunteers to work on short-term projects to the extent that they enhance the classroom or school and comply with employee negotiated agreements.

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

The Superintendent or designee shall establish procedures for determining whether volunteers possess the qualifications, if any, required by law and administrative regulation for the types of duties they will perform.

Volunteers shall act in accordance with district policies, regulations, and school rules. The Superintendent or designee shall be responsible for investigating and resolving complaints regarding volunteers.

*(cf. 3515.2 - Disruptions)*

*Legal Reference:*

*EDUCATION CODE*

*8482-8484.6 After School Education and Safety program*

*8484.7-8484.9 21st Century Community Learning Center program*

*35021 Volunteer aides*

*35021.1 Automated records check*

*35021.3 Registry of volunteers for before/after school programs*

*44010 Sex offense; definition*

*44814-44815 Supervision of students during lunch and other nutrition periods*

*45125 Fingerprinting requirements*

*45125.01 Interagency agreements for criminal record information*

*45340-45349 Instructional aides*

*45360-45367 Teacher aides*

*48981 Parental notifications*

*49024 Activity Supervisor Clearance Certificate*

*49406 Examination for tuberculosis*

*GOVERNMENT CODE*

*3543.5 Prohibited interference with employees' rights*

*12940 Prohibited discrimination and harassment*

*HEALTH AND SAFETY CODE*

*1596.871 Fingerprints of individuals in contact with child day care facility clients*

*LABOR CODE*

*1720.4 Public works; exclusion of volunteers from prevailing wage law*

*3352 Workers' compensation; definitions*

*3364.5 Authority to provide workers' compensation insurance for volunteers*

*PENAL CODE*

*290 Registration of sex offenders*

*290.4 Information re: sex offenders*

*290.95 Disclosure by person required to register as sex offender*

*626.81 Sex offender; permission to volunteer at school*

*CODE OF REGULATIONS, TITLE 22*

*101170 Criminal record clearance*

*101216 Health screening, volunteers in child care centers*

*UNITED STATES CODE, TITLE 20*

*6319 Qualifications and duties of paraprofessionals, Title I programs*

*PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS*

*Whisman Elementary School District, (1991) PERB Decision No. 868*

*Management Resources:*

*WEB SITES*

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



*California Department of Education, Parents/Family and Community: <http://www.cde.ca.gov/ls/pf>  
California Department of Justice, Megan's Law: <http://www.meganslaw.ca.gov>  
California Parent Teacher Association: <http://www.capta.org>  
Commission on Teacher Credentialing: <http://www.ctc.ca.gov>*

**Board Policy Revised/Adopted: PENDING**

Previous Adoption: November 21, 2002

---

*Menlo Park City School District  
Atherton, CA*

**MPCSD DRAFT NEW AR**

**1<sup>st</sup> Reading 2/15/17, 2<sup>nd</sup> Reading 3/21/17, 3<sup>rd</sup> Reading 4/18/17**

*(Also submitted to Board: 4/12/16 and 10/18/16)*

*Edits since 2<sup>nd</sup> Reading on 3/21/17 are highlighted in red.*

**Community Relations**

**AR 1240**

**VOLUNTEER ASSISTANCE**

**Duties of Volunteers**

The Superintendent or designee may assign volunteers to:

1. Assist certificated personnel in the performance of their duties, including in the supervision of students and in the performance of instructional tasks which, in the judgment of the certificated personnel to which the volunteer is assigned, may be performed by a person not licensed as a classroom teacher (Education Code 35021, 45343, 45344, 45349)

*(cf. 4222 - Teacher Aides/Paraprofessionals)*

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

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

2. Serve as nonteaching aides under the immediate supervision and direction of certificated personnel to perform noninstructional work which assists certificated personnel in the performance of teaching and administrative responsibilities (Education Code 35021)

3. Supervise students during lunch, breakfast, or other nutritional periods (Education Code 35021, 44814, 44815)

4. Work on short-term facilities projects pursuant to the section below entitled "Volunteer Facilities Projects"

5. Perform other duties in support of district or school operations as approved by the Superintendent or designee

*(cf. 6163.1 - Library Media Centers)*

Volunteers shall not be authorized to assign grades to students, and shall not be used to assist certificated staff in performing teaching or administrative responsibilities in place of regularly authorized classified employees who have been laid off. (Education Code 35021, 45344)

*(cf. 4217.3 - Layoff/Rehire)*

**Basic Skills Proficiency Requirement**

Volunteers who supervise or provide instruction to students pursuant to Education Code 45349

shall submit evidence of basic skills proficiency to the Superintendent or designee. (Education Code 45344.5, 45349)

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

### **Criminal Background Check**

Prior to assuming a volunteer position working with students in a district-sponsored student activity program, a volunteer shall obtain fingerprint clearance through the Department of Justice and Federal Bureau of Investigation. At his/her discretion, the volunteer may choose to meet this requirement by obtaining an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing. Student activity programs include, but are not limited to, scholastic programs, interscholastic programs, and extracurricular activities sponsored by the district or a school booster club, such as cheer team, drill team, dance team, and marching band. (Education Code 49024)

*(cf. 4112.5/4212.5/4312.5 - Criminal Background Check)*  
*(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)*  
*(cf. 6145 - Extracurricular and Cocurricular Activities)*

The Superintendent or designee shall determine which volunteer positions in the district are subject to the above requirement.

The criminal background check requirement shall not apply to volunteer supervisors for breakfast, lunch, or other nutritional periods or to volunteer nonteaching aides under the immediate supervision and direction of certificated personnel pursuant to Education Code 35021, including parents/guardians volunteering in a classroom or on a field trip or community members providing noninstructional services. (Education Code 49024)

### **Registered Sex Offenders**

~~The Superintendent or designee may require all volunteers to disclose whether they are a registered sex offender and/or to provide the district with sufficient information in order to allow verification of this status on the Department of Justice's Megan's Law web site.~~

~~The principal may grant a registered sex offender, who is not the parent/guardian of a student at the school, permission to come into a school building or upon school grounds to volunteer at the school. At least 14 days prior to the first date for which permission has been granted, the principal or designee shall notify the parent/guardian of each student at the school, using one of the methods specified in Education Code 48981, that a person who is required to register as a sex offender pursuant to Penal Code 290 has been granted permission to come into a school building or upon school grounds, the date(s) and times for which permission has been granted, and the parent/guardian's right to obtain information regarding the person from a designated law enforcement agency. (Penal Code 626.81)~~

*(cf. 5145.6 - Parental Notifications)*



~~However, no person who is required to register as a sex offender pursuant to Penal Code 290 shall be assigned as a volunteer to assist certificated personnel in the performance of their duties; supervise students during lunch, breakfast, or other nutritional period; or serve as a nonteaching aide to perform noninstructional tasks. In addition, a person who is required to register as a sex offender because of a conviction for a crime where the victim was a minor under age 16 shall not serve as a volunteer in any capacity in which he/she would be working directly and in an unaccompanied setting with minors on more than an incidental and occasional basis or have supervision or disciplinary power over minors. (Education Code 35021, 45349; Penal Code 290.95)~~

~~(cf. 3515.5—Sex Offender Notification)~~

### **Tuberculosis Assessment/Examination**

~~Upon initial volunteer assignment, a volunteer shall have on file with the school a certificate showing that he/she has submitted to a tuberculosis risk assessment and, if tuberculosis risk factors were identified, was examined and found to be free of infectious tuberculosis. (Education Code 49406)~~

~~(cf. 4112.4/4212.4/4312.4—Health Examinations)~~

~~The Superintendent or designee may exempt from the tuberculosis risk assessment and/or examination those volunteers whose functions do not require frequent or prolonged contact with students. (Education Code 49406)~~

~~Note: See AR 5148.2—Before/After School Programs for information about health screening and fingerprint clearance requirements for volunteers in the After School Education and Safety program and 21st Century Community Learning Center program pursuant to Education Code 8483.4 and 35021.3.~~

### **Volunteer Facilities Projects**

All volunteer facilities projects shall have approximate start and completion dates and shall be approved by the principal in advance. Projects also shall be approved in advance by the Superintendent or designee if they involve the following types of work:

1. Alterations, additions, or repairs to buildings and grounds
2. Construction involving wall or roof penetration, drilling, or nailing
3. Structural modifications
4. Electrical, electronic, plumbing, or heating and cooling work
5. Painting
6. Installation of carpet, playground equipment, benches, sprinkler systems, marquees or



signs

7. Paving

8. Tree planting, pruning, or removal

The Superintendent or designee shall ensure that volunteers possess the appropriate license and/or have sufficient expertise required for the project. He/she shall also ensure that such projects comply with building and safety codes and other applicable laws and collective bargaining agreements. The district shall provide on-site assistance and supervision for such projects as necessary.

*(cf. 3514 - Environmental Safety)*

*(cf. 3514.1 - Hazardous Substances)*

*(cf. 7140 - Architectural and Engineering Services)*

**Administrative Regulation Adopted: PENDING**

*Menlo Park City School District  
Atherton, CA*

**Business and Noninstructional Operations**

**BP 3470**

**DEBT ISSUANCE AND MANAGMENT**

The Governing Board is committed to long-term capital and financial planning and recognizes that the issuance of debt is a key source for funding the improvement and maintenance of school facilities and managing cash flow. Any debt issued by the district shall be consistent with law and this policy.

*(cf. 3000 - Concepts and Roles)*

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

*(cf. 7110 - Facilities Master Plan)*

*(cf. 7210 - Facilities Financing)*

The district shall not enter into indebtedness or liability that in any year exceeds the income and revenue provided for such year, unless two-thirds of the voters approve the obligation or one of the exceptions specified in law applies. (California Constitution, Article 16, Section 18)

When the Board determines that it is in the best interest of the district, the Board may issue debt or order an election to issue debt. The Superintendent or designee shall make recommendations to the Board regarding appropriate financing methods for capital projects or other projects that are authorized purposes for debt issuance. When approved by the Board and/or the voters as applicable, the Superintendent or designee shall administer and coordinate the district's debt issuance program and activities, including the timing of issuance, sizing of issuance, method of sale, structuring of the issue, and marketing strategies.

The Superintendent or designee shall retain a financial advisor, municipal advisor, investment advisor, and other financial services professionals as needed to assist with the structuring of the debt issuance and to provide general advice on the district's debt management program, financing options, investments, and compliance with legal requirements. Contracts for services provided by such advisors may be for a single transaction or for multiple transactions, consistent with the contracting requirements in Education Code 17596. In the event that the district issues debt through a negotiated sale, underwriters may be selected for multiple transactions if multiple issuances are planned for the same project. In addition, the district shall select a legal team on an as-needed basis to assist with debt issuances or special projects.

*(cf. 3312 - Contracts)*

*(cf. 3600 - Consultants)*

*(cf. 9270 - Conflict of Interest)*

**Goals**

The district's debt issuance activities and procedures shall be aligned with the district's vision and goals for providing adequate facilities and programs that support student learning and well-being. When issuing debt, the district shall ensure that it:

1. Maintains accountability for the fiscal health of the district, including prudent management and transparency of the district's financing programs
2. Attains the best possible credit rating for each debt issue in order to reduce interest costs, within the context of preserving financial flexibility and meeting capital funding requirements
3. Takes all practical precautions and proactive measures to avoid any financial decision that will negatively impact current credit ratings on existing or future debt issues
4. Maintains effective communication with rating agencies and, as appropriate, credit enhancers such as bond insurers or other providers of credit or liquidity instruments in order to enhance the creditworthiness, liquidity, or marketability of the debt
5. Monitors the district's statutory debt limit in relation to assessed valuation within the district and the tax burden needed to meet long-term debt service requirements
6. When determining the timing of debt issuance, considers market conditions, cash flows associated with repayment, and the district's ability to expend the obtained funds in a timely, efficient, and economical manner consistent with federal tax laws
7. Determines the amortization (maturity) schedule which will fit best within the overall debt structure of the district at the time the new debt is issued
8. Considers the useful lives of assets funded by the debt issue, as well as repair and replacement costs of those assets to be incurred in the future
9. Preserves the availability of the district's general fund for operating purposes and other purposes that cannot be funded by the issuance of voter-approved debt
10. Meets the ongoing obligations and accountability requirements associated with the issuance and management of debt under state and federal tax and securities laws

*(cf. 0000 - Vision)*

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

*(cf. 7000 - Concepts and Roles)*

#### **Authorized Purposes for the Issuance of Debt**

The district may issue debt for any of the following purposes:

1. To pay for the cost of capital improvements, including acquiring, constructing, reconstructing, rehabilitating, replacing, improving, extending, enlarging, and/or equipping district facilities
2. To refund existing debt
3. To provide for cash flow needs

*(cf. 3100 - Budget)*

*(cf. 3110 - Transfer of Funds)*

Pursuant to Government Code 53854, general operating costs, including, but not limited to, items normally funded in the district's annual operating budget, shall not be financed from debt payable later than 15 months from the date of issuance. The district may deem it desirable to finance cash flow requirements under certain conditions so that available resources better match expenditures within a given fiscal year. To satisfy both state constitutional and statutory constraints, such cash flow borrowing shall be payable from taxes, income, revenue, cash receipts, and other moneys attributable to the fiscal year in which the debt is issued.

### **Authorized Types of Debt**

The Superintendent or designee shall recommend to the Board potential financing method(s) that result in the highest benefit to the district, with the cost of staff and consultants considered. Potential financing sources may include:

1. Short-Term Debt
  - a. Short-term debt, such as tax and revenue anticipation notes (TRANs), when necessary to allow the district to meet its cash flow requirements (Government Code 53850-53858)
  - b. Bond anticipation notes (BANs) to provide interim financing for capital bond projects that will ultimately be paid from general obligation bonds (Education Code 15150)
  - c. Grant anticipation notes (GANs) to provide interim financing pending the receipt of grants and/or loans from the state or federal government that have been appropriated and committed to the district (Government Code 53859-53859.08)
2. Long-Term Debt
  - a. General obligation bonds for projects approved by voters (California Constitution, Article 13A, Section 1; Education Code 15100-15262, 15264-15276; Government



Code 53506-53509.5)

*(cf. 7214 - General Obligation Bonds)*

- b. Special tax bonds issued pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code 53311-53368.3)

*(cf. 7212 - Mello Roos Districts)*

- 3. Lease financing, including certificates of participation (COPs)
  - a. Lease financing to fund the highest priority capital equipment purchases when pay-as-you-go financing is not feasible (Education Code 17450-17453.1)
  - b. Lease financing to fund facilities projects when there is insufficient time to obtain voter approval or in instances where obtaining voter approval is either not feasible or unavailable (Education Code 17400-17429)
- 4. Special financing programs or structures offered by the federal or state government, such as Qualified Zone Academy Bonds or other tax credit obligations or obligations that provide subsidized interest payments, when the use of such programs or structures is determined to result in sufficiently lower financing costs compared to traditional tax-exempt bonds and/or COPs
- 5. Temporary borrowing from other sources such as the County Treasurer

COPs, TRANs, revenue bonds, or any other non-voter approved debt instrument shall not be issued by the district in any fiscal year in which the district has a qualified or negative certification, unless the County Superintendent of Schools determines, pursuant to criteria established by the Superintendent of Public Instruction, that the district's repayment of that indebtedness is probable. (Education Code 42133)

### **Relationship of Debt to District Facilities Program and Budget**

Decisions regarding the issuance of debt for the purpose of financing capital improvement shall be aligned with current needs for acquisition, development, and/or improvement of district property and facilities as identified in the district's facilities master plan or other applicable needs assessment, the projected costs of those needs, schedules for the projects, and the expected resources.

The cost of debt issued for major capital repairs or replacements shall be evaluated against the potential cost of delaying such repairs and/or replacing such facilities.

When considering a debt issuance, the Board and the Superintendent or designee shall evaluate both the short-term and long-term implications of the debt issuance and additional operating

costs associated with the new projects involved. Such evaluation may include, but is not limited to, the projected ratio of annual debt service to the tax burden on the district's taxpayers and the ratio of annual debt service secured by the general fund to general fund expenditures.

The district may enter into credit enhancement agreements such as municipal bond insurance, surety bonds, letters of credit, and lines of credit with commercial banks, municipal bond insurance companies, or other financial entities when their use is judged to lower borrowing costs, eliminate restrictive covenants, or have a net economic benefit to the financing.

### **Structure of Debt Issues**

The district shall consider the overall impact of the current and future debt burden of the financing when determining the duration of the debt issue.

The district shall design the financing schedule and repayment of debt so as to take best advantage of market conditions, ensure cost effectiveness, provide flexibility, and, as practical, recapture or maximize its debt capacity for future use. Principal amortization will be structured to meet debt repayment, tax rate, and flexibility goals.

For new money debt issuances for capital improvements, the district shall size the debt issuance with the aim of funding capital projects as deemed appropriate by the Board, as long as the issuance is consistent with the overall financing plan, does not exceed the amount authorized by voters, and, unless a waiver is sought and received from the state, will not cause the district to exceed the limitation on debt issuances specified in the California Constitution or Education Code 15106.

To the extent practicable, the district shall also consider credit issues, market factors, and tax law when sizing the district's bond issuance. The sizing of refunding bonds shall be determined by the amount of money that will be required to cover the principal of, any accrued interest on, and any redemption premium for the debt to be paid on the call date and to cover appropriate financing costs.

Any general obligation bond issued by the district shall mature within 40 years of the issuance date or as otherwise required by law. (California Constitution, Article 16, Section 18; Government Code 53508.6)

The final maturity of equipment or real property lease obligations will be limited to the useful life of the assets to be financed but, with respect to a lease purchase of equipment, no longer than a period of 10 years. (Education Code 17452)

### **Method of Sale**

For the sale of any district-issued debt, the Superintendent or designee shall recommend the method of sale with the potential to achieve the lowest financing cost and/or to generate other

benefits to the district. Potential methods of sale include:

1. A competitive bidding process through which the award is based on, among other factors, the lowest offered true interest cost
2. Negotiated sale, subject to approval by the district to ensure that interest costs are in accordance with comparable market interest rates
3. Private placement sale, when the financing can or must be structured for a single or limited number of purchasers or where the terms of the private placement are more beneficial to the district than either a negotiated or competitive sale

### **Investment of Proceeds**

The district shall actively manage the proceeds of debt issued for public purposes in a manner that is consistent with state law governing the investment of public funds and with the permitted securities covenants of related financing documents executed by the district. Where applicable, the district's official investment policy and legal documents for a particular debt issuance shall govern specific methods of investment of bond-related proceeds. Preservation of principal shall be the primary goal of any investment strategy, followed by the availability of funds and then by return on investment.

*(cf. 3430 - Investing)*

With regard to general obligation bonds, the district shall invest new money bond proceeds in the county treasury pool as required by law. (Education Code 15146)

The management of public funds shall enable the district to respond to changes in markets or changes in payment or construction schedules so as to ensure liquidity and minimize risk.

### **Refunding/Restructuring**

The district may consider refunding or restructuring outstanding debt if it will be financially advantageous or beneficial for debt repayment and/or structuring flexibility. When doing so, the district shall consider the maximization of the district's expected net savings over the life of the debt issuance and, when using a general obligation bond to refund an existing bond, shall ensure that the final maturity of the refunding bond is no longer than the final maturity of the existing bond.

### **Internal Controls**

The Superintendent or designee shall establish internal control procedures to ensure that the proceeds of any debt issuance are directed to the intended use. Such procedures shall assist the district in maintaining the effectiveness and efficiency of operations, properly expending funds,

reliably reporting debt incurred by the district and the use of the proceeds, complying with all laws and regulations, preventing fraud, and avoiding conflict of interest.

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

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

The district shall be vigilant in using bond proceeds in accordance with the stated purposes at the time such debt was incurred as defined in the text of the voter-approved bond measure. (Government Code 53410)

When feasible, the district shall issue debt with a defined revenue source in order to preserve the use of the general fund for general operating purposes.

The district shall annually conduct a due diligence review to ensure its compliance with all ongoing obligations applicable to issuers of debt. Such a review may be conducted by general legal counsel or bond counsel. Any district personnel involved in conducting such reviews shall receive periodic training regarding their responsibilities.

In addition, the Superintendent or designee shall ensure that the district completes, as applicable, all performance and financial audits that may be required for any debt issued by the district, including disclosure requirements applicable to a particular transaction.

### **Records/Reports**

At least 30 days prior to the sale of any debt issue, the Superintendent or designee shall submit a report of the proposed issuance to the California Debt and Investment Advisory Commission (CDIAC). Such report shall include a self-certification that the district has adopted a policy concerning the use of debt that complies with law and that the contemplated debt issuance is consistent with that policy. (Government Code 8855)

On or before January 31 of each year, the Superintendent or designee shall submit a report to the CDIAC regarding the debt authorized, the debt outstanding, and the use of proceeds of the issued debt for the period from July 1 to June 30. (Government Code 8855)

The Superintendent or designee shall provide initial and any annual or ongoing disclosures required by 17 CFR 240.10b-5 and 240.15c2-12 to the Municipal Securities Rulemaking Board, investors, and other persons or entities entitled to disclosure, and shall ensure that the district's disclosure filings are updated as needed.

The Superintendent or designee shall maintain transaction records of decisions made in connection with each debt issuance, including the selection of members of the financing team, the structuring of the financing, selection of credit enhancement products and providers, and selection of investment products. Each transaction file shall include the official transcript for the financing, interest rates and cost of issuance on the day when the debt was sold ("final number



runs"), and a post-pricing summary of the debt issue. In addition, documentation evidencing the expenditure of proceeds, the use of debt-financed property by public and private entities, all sources of payment or security for the debt, and investment of proceeds shall be kept for as long as the debt is outstanding, plus the period ending three years after the financial payment date of the debt or the final payment date of any obligations or series of bonds issued to refund directly or indirectly all of any portion of the debt, whichever is later.

The Superintendent or designee shall annually report to the Board regarding debts issued by the district, including information on actual and projected tax rates, an analysis of bonding capacity, ratings on the district's bonds, market update and refunding opportunities, new development for California bond financings, and the district's compliance with post-issuance requirements.

*Legal Reference:*

**EDUCATION CODE**

5300-5441 *Conduct of elections*

15100-15262 *Bonds for school districts and community college districts*

15264-15276 *Strict accountability in local school construction bonds*

15278-15288 *Citizen's oversight committees*

15300-15425 *School Facilities Improvement Districts*

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

17400-17429 *Leasing of district property*

17450-17453.1 *Leasing of equipment*

17456 *Sale or lease of district property*

17596 *Duration of contracts*

42130-42134 *Financial reports and certifications*

**ELECTIONS CODE**

1000 *Established election dates*

**GOVERNMENT CODE**

8855 *California Debt and Investment Advisory Commission*

53311-53368.3 *Mello-Roos Community Facilities Act*

53410-53411 *Bond reporting*

53506-53509.5 *General obligation bonds*

53550-53569 *Refunding bonds of local agencies*

53580-53595.55 *Bonds*

53850-53858 *Tax and revenue anticipation notes*

53859-53859.08 *Grant anticipation notes*

**CALIFORNIA CONSTITUTION**

Article 13A, Section 1 *Tax limitation*

Article 16, Section 18 *Debt limit*

**UNITED STATES CODE, TITLE 15**

78o-4 *Registration of municipal securities dealers*

**UNITED STATES CODE, TITLE 26**

54E *Qualified Zone Academy Bonds*

**CODE OF FEDERAL REGULATIONS, TITLE 17**

240.10b-5 *Prohibition against fraud or deceit*

240.15c2-12 *Municipal securities disclosure*

**CODE OF FEDERAL REGULATIONS, TITLE 26**

1.103 *Interest on state and local bonds*

1.141 *Private activity bonds*

1.148 *Arbitrage and rebate*

1.149 Hedge bonds  
1.6001-1 Records

*Management Resources:*

*CALIFORNIA DEBT AND INVESTMENT ADVISORY COMMISSION PUBLICATIONS*

*California Debt Issuance Primer*

*GOVERNMENT FINANCE OFFICERS ASSOCIATION PUBLICATIONS*

*An Elected Official's Guide to Debt Issuance, 2nd Ed., 2016*

*Understanding Your Continuing Disclosure Responsibilities, Best Practice, September 2015*

*Investment of Bond Proceeds, Best Practice, September 2014*

*Selecting and Managing Municipal Advisors, Best Practice, February 2014*

*Debt Management Policy, Best Practice, October 2012*

*Analyzing and Issuing Refunding Bonds, Best Practice, February 2011*

*INTERNAL REVENUE SERVICE PUBLICATIONS*

*Tax Exempt Bond FAQs Regarding Record Retention Requirements*

*Tax-Exempt Governmental Bonds, Publication 4079, rev. 2016*

*U.S. GOVERNMENT ACCOUNTABILITY OFFICE PUBLICATIONS*

*Internal Control System Checklist*

*WEB SITES*

*California Debt and Investment Advisory Commission: <http://www.treasurer.ca.gov/cdiac>*

*Government Finance Officers Association: <http://www.gfoa.org>*

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

*Municipal Security Rulemaking Board, Electronic Municipal Market Access (EMMA): <http://www.emma.msrb.org>*

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

*U.S. Securities and Exchange Commission: <http://www.sec.gov>*

**Board Policy Adopted: TBD**

*Menlo Park City School District  
Atherton, CA*