

**HESPERIA UNIFIED SCHOOL DISTRICT
Hesperia, California**

ARTICLE 3

BUSINESS & NON-INSTRUCTIONAL OPERATIONS

SERIES 3000

		<u>Code</u>
0.	Concepts and Roles.....	3000 SEE OLD
	A. Goals & Objectives.....	3010
	B. Fiscal Policy Team.....	3020
1.	Budget (includes planning, preparation, proposal budget, adoption, administration).....	3100 SEE OLD
	A. Fund Balance for the General Fund (Policy & Procedure).....	3100.1 BP
	B. Transfer of Funds between Categories; Amendments.....	3110 SEE OLD
2.	Income x 3430.....	3200 SEE OLD
	A. Local Funds.....	3210
	B. State Funds.....	3220
	1. Lottery Funds.....	3220.1 SEE OLD
	2. Instructional Improvement & Accountability Funds.....	3220.2
	C. Federal Funds.....	3230
	D. Tuition Fees.....	3240
	E. Transportation Fees x 3540.....	3250 SEE OLD
	F. Materials/Service Fees, Fines, Charges Gate Receipts x 6161.2.....	3260 SEE OLD
	1. Rental of District Personal Property.....	3261
	G. Sale & Disposal of Books, Equipment & Supplies.....	3270 SEE OLD
	H. Sale, Lease, Rental of District-Owned Real Property.....	3280 SEE OLD
	I. Gifts, Grants & Bequests (does not include state or federal funds).....	3290 SEE OLD
	1. Gifts Requiring Installation, Modification or Improvement.....	3291 SEE OLD
3.	Expenditures & Purchases.....	3310 BP/AR
	A. Purchasing Procedures.....	3310
	1. Bids.....	3311 BP/AR
	2. Contracts.....	3312 BP/AR
	a. State Contract/Cooperative Purchasing.....	3312.1
	(1) State Allocation Board Contracts.....	3312.11SEE OLD
	3. Leases & Agreements.....	3313
	4. Payment for Goods & Services.....	3314 BP/AR
	a. Prepayment Fund.....	3314.1
	b. Revolving Fund.....	3314.2 SEE OLD

	<u>Code</u>
5. Relations with Vendors.....	3315 SEE OLD
B. Claims and Actions Against the District.....	3320 SEE OLD
C. Tuition.....	3330
D. Rental/Long Term Leasing.....	3340
1. Purchase, Lease, Rental of Neighboring District- owned property.....	3341
E. Travel Expenses	3350 BP/AR
4. Management of District Assets/Accounts (includes systems, encumbering, audits	3400 BP/AR
A. Depository.....	3410
B. Borrowing.....	3420
C. Investing.....	3430 SEE OLD
D. Inventories.....	3440 AR
E. Money in School Buildings.....	3450 SEE OLD
1. Petty Cash Funds.....	3451 AR
2. Student Activity Funds.....	3452 SEE OLD
F. Financial Reports and Accountability.....	3460 SEE OLD
5. Noninstructional Operations	3500
A. Operation & Maintenance of Plant x7000 et seq.	3510
1. Energy and Water Conservation.....	3511
2. Equipment (includes instructional equipment).....	3512 SEE OLD
3. Facilities Use x1330.....	3513
a. Telephone.....	3513.1
b. Parking.....	3513.2
c. Tobacco-Free Workplace/Smoking.....	3513.3 SEE OLD
4. Environmental Safety x5142.....	3514 SEE OLD
a. Hazardous Substances.....	3514.1 SEE OLD
5. School Safety and Security.....	3515 SEE OLD
a. Crime Data Reporting.....	3515.1 SEE OLD
b. Disruptions.....	3515.2 SEE OLD
c. District Police Department.....	3515.3 SEE OLD
d. Recovery for Property Loss or Damage.....	3515.4 SEE OLD
B. Office Services.....	3520
1. Data Processing/Word Processing x6162.7.....	3521 SEE OLD
2. Mail & Delivery.....	3522

(continued)

Code

C. Insurance Management (includes liability, property, employee bonds).....	3530 SEE OLD
1. Insurance/Tax Shelter Annuity Vendors Visiting District Schools/ Work Sites	3535 SEE OLD
D. Transportation x3250.....	3540 BP/AR
1. Transportation Routes and Services.....	3541 BP
a. School-Related Trips.....	3541.1 SEE OLD
b. Transportation for Students with Disabilities or Handicaps.....	3541.2 SEE OLD
c. Nonpublic School Students.....	3541.3
d. Transportation for Outside Groups.....	3541.4
e. Alternative Transportation Arrangements.....	3541.5 SEE OLD
2. Schoolbus Drivers.....	3542 SEE OLD
3. Transportation Safety and Emergencies.....	3543 SEE OLD
4. Equipment (includes maintenance & vandalism).....	3544 SEE OLD
a. Use of District-owned Vehicles-Driver Mgmt Program (DMP).....	3544.1 BP/AR/E
b. Privately owned.....	3544.2
E. Food Service/Child Nutrition Program.....	3550 BP/AR
1. Food Service Operations/Cafeteria Fund x3310.....	3551 SEE OLD
2. Regular Lunch Programs.....	3552
3. Free & Reduced Price Meals.....	3553 BP
4. Other Food Sales.....	3554 BP/AR
F. Debt Service (includes bonds).....	3560
G. Capital Outlay.....	3570
H. District Records.....	3580 SEE OLD
1. Maintenance of.....	3581 SEE OLD
2. Destruction of.....	3582 SEE OLD
I. Consultants	3600 BP

Business & Non-Instructional Operations**Fund Balance for the General Fund (Policy & Procedures)****I. PURPOSE**

This Fund Balance Policy establishes the procedures for reporting unrestricted fund balance in the General Fund financial statements. Certain commitments and assignments of fund balance will help ensure that there will be adequate financial resources to protect the District against unforeseen circumstances and events such as revenue shortfalls and unanticipated expenditures.

The policy also authorizes and directs the Chief Business Official to prepare financial reports which accurately categorize fund balance as per Governmental Accounting Standards Board (GASB) Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions.

II. GENERAL POLICY

Fund balance is essentially the difference between the assets and liabilities reported in a governmental fund. There are five separate components of fund balance, each of which identifies the extent to which the District is bound to honor constraints on the specific purpose for which amounts can be spent:

1. Nonspendable fund balance (*inherently nonspendable*)
2. Restricted fund balance (*externally enforceable limitations on use*)
3. Committed fund balance (*self-imposed limitations on use*)
4. Assigned fund balance (*limitation resulting from intended use*)
5. Unassigned fund balance (*residual net resources*)

The first two components listed above are not addressed in this policy due to the nature of their restrictions. An example of nonspendable fund balance is inventory. Restricted fund balance is either imposed by law or constrained by grantors, contributors, or laws or regulations of other governments. This policy is focused on the financial reporting of unrestricted fund balance, or the last three components listed above. These three components are further defined below.

III. PROVISIONS**A. Committed Fund Balance**

The Governing Board, as the District's highest level of decision-making authority, may commit fund balance for specific purposes pursuant to constraints imposed by formal actions taken, such a majority vote or resolution. These committed amounts cannot be used for any other purpose unless the Governing Board removes or changes the specific use through the same type of formal action taken to establish the commitment. Governing Board action to commit fund balance needs to occur within the fiscal reporting period, no later than June 30th; however, the amount can be determined subsequent to the release of the financial statements. At the time of adoption of this policy, the District does not have any reserves that meet this component of fund balance.

Business & Non-Instructional Operations**Fund Balance for the General Fund (Policy & Procedures)****B. Assigned Fund Balance**

Amounts that are constrained by the District's intent to be used for specific purposes, but are neither restricted nor committed, should be reported as assigned fund balance. This policy hereby delegates the authority to assign amounts to be used for specific purposes to the Chief Business Official for the purpose of reporting these amounts in the annual financial statements.

C. Unassigned Fund Balance

These are residual positive net resources of the general fund in excess of what can properly be classified in one of the other four categories. There are some reserves that do not meet the requirements of the fore mentioned components of fund balance. For financial statement reporting purposes these reserves are included in unassigned fund balance. This includes:

- **Reserve For Economic Uncertainty Reserve** – The District will maintain an economic uncertainty reserve of at least 3.5% of total General Fund operating expenditures (including other financing). The primary purpose of this reserve is to avoid the need for service level reductions in the event of an economic downturn causes revenues to come in lower than budget. This reserve may be increased from time to time in order to address specific anticipated revenue shortfalls (state actions, etc.).

D. Fund Balance Classification

The District considers restricted fund balances to have been spent first when an expenditure is incurred for purposes for which both restricted and unrestricted fund balance is available. Similarly, when an expenditure is incurred for purposes for which amounts in any of the unrestricted classifications of fund balance could be used, the District considers committed amounts to be reduced first, followed by assigned amounts and then unassigned amounts.

This policy is in place to provide a measure of protection for the District against unforeseen circumstances and to comply with GASB Statement No. 54. No other policy or procedure supersedes the authority and provisions of this policy.

Business and Non-instructional Operations

Expenditures and Purchases

The Governing Board recognizes its fiduciary responsibility to oversee the prudent expenditure of district funds. In order to best serve district's interest, the Superintendent or designee shall develop and maintain effective purchasing procedures that are consistent with sound financial controls and that ensure the District receives maximum value for items purchased. He/she shall ensure that records of expenditures and purchase are maintained in accordance with law.

A. Expending Authority

The Superintendent or designee may purchase supplies, material, apparatus, equipment, and services up to the amount specified in Public Contract Code 20111, beyond which a competitive bidding process is required. The Board shall not recognize obligations incurred contrary to State and Federal laws, codes, Board policies, administrative regulations or any other Board directives.

All purchases are to be authorized or ratified by the Board of Education.

The Superintendent or designee may authorize an expenditure which exceeds the budget classification allowance against which the expenditure is the proper charge only if an amount sufficient to cover the purchase is available in the budget for transfer.

B. Purchasing Procedures

Insofar as possible, goods and services purchased shall meet the needs of the person or department ordering them at the lowest price consistent with standard purchasing practices. Maintenance costs, replacement costs, and trade-in value shall be considered when determining the most economical purchase price. All purchases shall be made by formal contract, purchase order, or District credit card including CAL-Card, and shall be accompanied by a receipt or proof of purchase.

Any person that wishes to commence, transact or operate any business with the Hesperia Unified School District within the city, shall have procured a business license from the City of Hesperia and paid all fees as required. The Vendor shall be responsible, when applicable, to secure and maintain in force, all Federal, State, County, and City license and permits in connection with the furnishing of materials, supplies, services or construction.

Business and Non-instructional Operations

Expenditures and Purchases (Continued)

Legal Reference:

EDUCATION CODE

17604 delegation of powers to agents; liability of agents.

17605 delegation of authority to purchase supplies, equipment, and services; limitations on expenditures; review; personal liability.

32370-32376 Legislative findings and declarations; Definitions; Paper recycling programs; establishment, cooperation with existing programs; recycled paper; purchase; preference; elimination of purchase of potential contaminants of program; certification of contents of recycled paper

32435 Prohibited use of public funds, alcoholic beverages

35010 Control of district; prescription and enforcement of rules

35053 Powers and duties of superintendent

35160 Author of governing boards

35250 Duty to keep certain records and reports

38083 Purchase of perishable foodstuffs and seasonal commodities

41010 Accounting system

41014 Requirement of budgetary accounting

GOVERNMENT CODE

4330-4334 California made materials

PUBLIC CONTRACT CODE

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

Business and Non-instructional Operations

Expenditures and Purchases

The District Purchasing Office shall assist district employees in the procurement of goods and services in accordance with Public Contract Code, Education Code, Government Code, Labor Code, Civil Code, Health and Safety Code, and any other pertinent legal requirements. This relates directly to purchases and services rendered using District funds. District personnel shall verify a vendor has the necessary business license to commence, transact, or operate any business in the City of Hesperia prior to obligating District funds.

All requests for quotes and all purchasing using District funds will be reviewed and verified by the Purchasing Department. Under no circumstances are orders to be handed to salesmen or vendors except by the district's Purchasing Department with the exception of CAL-Card purchases.

Vendor representatives are not permitted in schools or offices for the purpose of making sales unless prior notification and approval is given by the Purchasing Department. If it is necessary to contact a company representative regarding special or highly technical details of their products, schools or offices may make such arrangements and will notify the Purchasing Department.

No direct purchase of materials using District funds will be made by district personnel other than: 1) designated Purchasing Department employees; (2) those persons authorized by the Board of Education action; (3) or persons authorized to purchase through an open purchase order, revolving cash fund, or State of California CAL-Card.

The District shall not be responsible for purchases made without a purchase order, contract or CAL-Card, nor responsible for payment of any order not requisitioned in the prescribed manner.

Open purchase orders are at the approval of the Purchasing office and may be requested for small purchases that are frequently made from a vendor and a CAL-Card is not available.

1. An open purchase order may be requested through the normal requisition process.
2. The request shall include the vendor, the nature of items to be purchased, and a "not to exceed" amount with a designated users name.

Business and Non-instructional Operations

Expenditures and Purchases (Continued)

3. The open purchase order will have a specific time frame with an expiration date. Yearly open purchase orders will not be allowed without the approval of the Purchasing Department and this exception pertains mainly to the Maintenance department.
4. The user of an open purchase order shall submit signed receipts or other substantiating documentation verifying the purchase of goods or services to the district Business Office.

Employees issued State of California CAL-Cards will receive their bankcards from the Purchasing Department. All cardholders will be issued their cards *only* after receiving training from the Purchasing department's purchasing procedures and policies. The procurement card (CAL-Card) does not release the user from following all purchasing procedures, legal codes or policies set forth in the CAL-Card manual and is simply a method of payment.

1. Cardholders will undergo training prior to use of the CAL-Card.
2. Changes to limits (monthly or daily) or commodity authorizations will be sent in writing by the approving official to the Director of Purchasing.
3. Statements will be turned in to the approving official and then to Accounts Payable as defined in the training session.
4. Items that are regulated by purchasing policies also apply to CAL-Card.
5. Asset items are prohibited to be purchased on the CAL-Card without prior approval of the Purchasing Director.
6. Violation of any policy, procedure, or legal code, will result in the suspension or cancellation of CAL-Card privileges.

REGULATION ADOPTED: August 4, 2008

Business and Non-Instructional Operations

Bids

The Board shall not recognize obligations incurred contrary to State and Federal laws, codes, Board policies, administrative regulations or any other Board directives.

The district shall purchase equipment, supplies, and services, on a competitive bidding basis when required by law. Care shall be taken to observe all statutory requirements for bidding and bidding procedures. In addition, the district shall solicit formal bids whenever it appears to be in the best interest of the district to do so.

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

The district is subject to the Uniform Public Construction Accounting Procedures where the law allows and is in the best interest of the district.

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

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

Legal Reference:

EDUCATION CODE

17595 Purchase of supplies through Department of General Services
38083 Purchase of perishable foodstuffs and seasonable commodities
38110 Purchase of standard supplies and equipment
38111 Purchases by district governing board
38112 Purchases of necessary school supplies and equipment
39802 Bids and contracts for services

GOVERNMENT CODE

4330-4334 Preference of California-made materials
6252 Definition of public record
53060 Special services and advice
54201-54205 Purchases of supplies and equipment by local agencies

PUBLIC CONTRACT CODE

2000-2001 Responsive bidders
3400 Bids, specifications by brand or trade name not permitted
6610 Bid visits
20103.8 Award of contracts
20107 Bidder's security
20111-20118.4 School districts
20189 Bidder's security
22002 Definition of public project
22030-22045 Alternative procedures for public projects (UPCCAA)
22050 Alternative emergency procedures

Business and Non-Instructional Operations

Bids

A. Advertised Bids - Public Works

The District's Purchasing department shall seek competitive bids through advertisement for Public Works contracts involving an expenditure of \$15,000 or more. (Public Contract Code 20111)

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

Public projects exceeding \$1,000.00 will require a "field contract" to ensure labor compliance, liability and contractor licensing.

B. Commodity, Services, Maintenance and Repairs

Competitive bids shall be sought through advertisement for contracts exceeding \$72,400 (2008 annual amount) for the items listed below. The amount by which contracts shall be competitively bid shall escalate automatically based upon the annual adjustment by the Superintendent of Public Instruction in January of each calendar year. (Public Contract Code 20111)

1. The purchase of equipment, material or supplies to be furnished, sold, or leased to the district
2. Service, not including construction services, or special services and advice such as accounting, financial, legal or administrative matters
3. Repairs, including maintenance that is not a public works project

"Maintenance" means routine, recurring and usual work for preserving, protecting and keeping a district facility operating in a safe, efficient, and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered or repaired. "Maintenance" includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craftwork, designed to preserve the facility as well as repairs, cleaning and other operations on machinery and other permanently attached equipment. This definition does not include, among other types of work, janitorial or custodial services, and protection provided by security forces, nor does it include painting, repainting or decorating, other than touchup (Public Contract Code 20115)

Business and Non-Instructional Operations

Bids

Commodity, Services, Maintenance and Repairs (Continued)

Unless otherwise authorized by law, contracts shall be let to the lowest responsive, responsible bidder who shall give such security, as the Board of Education requires, or else all bids shall be rejected. (Public Contract Code 20111)

When letting a contract for the procurement and/or maintenance of electronic data processing systems and supporting software, the Board may contract with any one of the three lowest responsible bidders. (Public Contract Code 20118.1, 20118.2)

The Board shall secure bids pursuant to Public Contract Code 20111 and 20112 for any transportation service expenditure of more than \$10,000 when contemplating that such a contract may be made with a person or corporation other than a common carrier, municipally owned transit system or a parent/guardian of students who are to be transported. The Board may let this contract to other than the lowest bidder. (Education Code 39802)

No work, project, service or purchase shall be split or separated into smaller work orders or projects for the purpose of evading the legal requirements of Public Contract Code 20111-20118.4.

C. Instructions and Procedures for Advertised Bids

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

The notice shall contain the time, date and location of any mandatory prebid conference, site visit or meeting. The notice shall also detail when and where project documents, including final plan and specifications, are available. Any such mandatory visit or meeting shall not occur within a minimum of five calendar days of the publication of the initial notice. (Public Contract Code 6610)

Bid instructions and specifications shall include the following requirements and information:

Business and Non-Instructional Operations

Bids

Instructions and Procedures for Advertised Bids (Continued)

1. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security: (Public Contract Code 20107, 20111)
 - a. Cash
 - b. A cashier's check made payable to the district
 - c. A certified check made payable to the district
 - d. A bidder's bond executed by an admitted surety insurer and made payable to the district.

The security of unsuccessful bidders shall be returned in a reasonable period of time, in no event any later than 60 days after the bid is awarded. (Public Contract Code 20111)

2. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)
3. When two or more identical lowest or highest bids are received, the Board or designee may determine by lot which bid shall be accepted. (Public Contract Code 20117)
4. Every original contractor to whom is awarded a contract by a public entity, except as provided in subdivision (d) of section 7103 of Public Contract Code, involving an expenditure in excess of twenty-five thousand (\$25,000) for any public work shall, before entering upon the performance of the work, file a payment bond with and approved by the officer or public entity by whom the contract was awarded. (Civil Code 3247)
5. If the district requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, depending on the availability of funds, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in item #a, below, will be used: (Public Contract Code 20103.8)
 - a. The lowest bid shall be the lowest bid price on the base contract without consideration of the prices on the additive or deductive items.
 - b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.

Business and Non-Instructional Operations

Bids

Instructions and Procedures for Advertised Bids (Continued)

- c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items taken in order from a specifically identified list of those items, depending on available funds as identified in the solicitation.
 - d. The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders from being revealed to the public entity before the ranking of all bidders from lowest to highest has been determined.
6. The provisions of Public Contract Code 20118.4 shall govern any subsequent change or alteration of a contract.
 7. After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for review pursuant to law, Board policy, and administrative regulation.

D. Bids Not Required

Upon a determination that it is in the best interest of the district, the Board may authorize the purchase, lease or contract, for data-processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors and other personal property, through a public corporation, agency or State of California CMAS (California Multiple Award Schedule) ("piggyback") without advertising for bids. (Public Contract Code 20118)

Supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals, may be purchased in any amount without taking estimates or advertising for bids. (Public Contract Code 20118.3)

Perishable commodities such as foodstuffs may be purchased through bid or on the open market, depending on district preference. (Education Code 38083)

In an emergency when any repairs, alterations, work or improvement to any school facility is necessary to permit the continuance of existing school classes, or to avoid danger to life or property, the Board, by unanimous vote and with the approval of the County Superintendent of Schools, may contract for labor and materials, or supplies, without advertising for, or inviting bids. (Public Contract Code 20113)

Business and Non-Instructional Operations

Bids

Bids Not Required (Continued)

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

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

1. School building repairs, alterations, additions
2. Painting, repainting or decorating of school buildings
3. Repair or building of apparatus or equipment
4. Improvements on school grounds
5. Maintenance work as defined above

E. Sole Sourcing

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

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

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

Every attempt must be made by the District to meet competitive regulations and policies.

Business and Non-Instructional Operations

Bids

F. Selection of Professional Services

Notwithstanding any other provision of law, selection by a state or local agency head for professional services of private architectural, landscape architectural, engineering, environmental, land surveying or construction management firms shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the service required. This is contingent on the funding source. (Government Code 4526) These services under any circumstances shall be selected through a formal request for proposal (RFP) process. The RFP award criteria shall be determined by the scope of work for the project.

G. Prequalification Procedure

For any contract for which bids are legally required, the Board may require that each prospective bidder complete and submit a standardized questionnaire and financial statement. For this purpose, the Superintendent or designee shall supply a form which requires a complete statement of the bidder's financial ability and experience in performing public works. Prospective bidders shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids. The information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records, and shall not be open to public inspection. (Public Contract Code 20111.5)

The Superintendent or designee shall establish a uniform system for rating bidders, on the basis of completed questionnaires and financial statements, in order to determine the size of contracts on which each bidder is qualified to bid. Bidders must be deemed pre-qualified by the district at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

The Superintendent or designee shall furnish each qualified bidder with a standardized proposal form. Bids not presented on the standard form shall be disregarded. (Public Contract Code 20111.5)

The district may establish a procedure for pre-qualifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. (Public Contract Code 20111.5)

Business and Non-Instructional Operations

Bids

H. Protests by Bidders

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

A protest must be filed in writing with the Superintendent, or designee, within five working days after receipt of notification of the contract award. The bidder shall submit all documents supporting or justifying the protest. A bidder's failure to timely file a protest shall constitute a waiver of his/her right to protest the award of the contract.

The Superintendent, or designee, shall review the documents submitted with the bidder's claims and render a decision in writing within 30 days. The Superintendent, or designee, also may convene a meeting with the bidder in order to attempt to resolve the problem.

The bidder may appeal the Superintendent, or designee's, decision to the Board. The Superintendent or designee shall provide reasonable notice to the bidder of the time for Board consideration of the contract award. The Board's decision shall be final.

I. Quotes

To ensure good value is received for funds expended, and to meet the district's specifications and standards, quotes shall be received for items exceeding \$5,000 for all service, equipment, material, and supplies leased or sold to the district unless the purchase is made through a public corporation, agency, or State of California CMAS (California Multiple Award Schedule). Public Contract Code 20118.

J. Informal Bid Procedures under Uniform Public Construction Cost Accounting Act

Public projects, as defined by the Act, and in accordance with the limits listed in Section 22032 of the Public Contract Code, may be let without advertisement for contract by informal procedures as set forth in Section 22032, et seq., of the Public Contract Code.

1. Public projects of twenty-five thousand dollars (\$25,000) or less may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order.

Business and Non-Instructional Operations

Bids

Informal Bid Procedures under Uniform Public Construction Cost Accounting Act (Continued)

2. Public projects of one hundred thousand dollars (\$100,000) or less may be let to contract informal procedures as set forth in this article. This amount may increase with notification from the commission. (2008 amount \$125,000)
3. Public projects of more than one hundred thousand dollars (\$100,000) shall, except as otherwise provided in this article, be let to contract by formal bidding procedure.

A list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission.

During November of each year, the District shall mail a written notice to all construction trade journals designated for the district under Public Contract Code 22036, inviting all licensed contractors to submit the name of their firm to the district for inclusion on the District's List of Qualified Contractors for the following calendar year. You are not required to mail a notice to a trade journal if the trade journal listed under your county is now charging for their services, or is out of business. The Public Agency may create a new contractors list starting January 1st of each year.

Where a public project is to be performed which is subject to the provisions of this regulation, a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section 2 above, and to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be notified at the discretion of the department/agency soliciting bids, provided however:

1. If there is no list of qualified contractors maintained by the District for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the Commission
2. If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

Business and Non-Instructional Operations

Bids

Informal Bid Procedures under Uniform Public Construction Cost Accounting Act (Continued)

The Purchasing Director, Superintendent, or Board designee are each authorized to award informal contracts and approve specifications pursuant to this regulation.

Business and Non-instructional Operations

Contracts

The Board shall not recognize obligations incurred contrary to State and Federal laws, codes, Board policies, administrative regulations or any other Board directives.

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

All contracts between the district and outside agencies shall conform to standards required by law and shall be prepared under the direction of the Superintendent or designee. Contracts over \$15,000 shall have two district-authorized signatures, one of which must be a cabinet level signature.

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

The district shall not enter into a contract that prohibits a school employee from disparaging the goods or services of the contracting party. (Education Code 35182).

A. Contracts for Electronic Products or Services

The Board shall not enter into a contract for electronic products or services that requires the dissemination of advertising to students, unless the Board: (Education Code 35182.5)

1. Enters into the contract at a noticed, public hearing of the Board.
2. Makes a finding that the electronic product or service is or would be an integral component of the education of students.
3. Makes a finding that the district cannot afford to provide the electronic product or service unless it contracts to permit dissemination of advertising to students.
4. As part of the district's normal, ongoing communication to parents/guardians, provides written notice that the advertising will be used in the classroom or other learning center.
5. Offers parents/guardians the opportunity to request in writing that their child not be exposed to the program that contains the advertising. Any request shall be honored for the school year in which it is submitted, or longer if specified, but may be withdrawn by the parents/guardians at any time.

Business and Non-instructional Operations

Contracts

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

14505 Provisions required in contracts for audits

17595-17606 Contracts

35182.5 Contract prohibitions

CODE OF CIVIL PROCEDURE

685.010 Rate of interest

GOVERNMENT CODE

12990 Nondiscrimination and compliance employment programs

53262 Ratification of contracts with administrative officers

LABOR CODE

1775 Penalties for violations

1810-1813 Working hours

PUBLIC CONTRACT CODE

4100-4114 Subletting and subcontracting fair prices

7104 Contracts for excavations; discovery of hazardous waste

7106 Non-collusion affidavit

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

20104.50 Construction Progress Payments

22300 Performance retentions

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, Discrimination

Business and Non-instructional Operations

Contracts

To be valid or to constitute an enforceable obligation against the district, all contracts must be approved and/or ratified by the Board of Education. (Education Code 17604)

In order to ensure proper control and conform to standards as required by law, contracts shall be presented to the Board for approval and/or ratified as follows:

1. Ratification By Purchase Orders

These agreements are usually ordered through the purchase order process. The specifications and conditions for this service are specified on the purchase order. Any attachments to the purchase order would be used to specify date, time and payment terms.

Examples of these are:

- Assembly/Speaker Agreements
- Maintenance Agreements
- Utilities
- Equipment and Supply Orders

2. Agreements and Contracts Requiring Board Approval

These agreements or contracts usually have extensive terms and conditions and require both the vendor and district signatures. These contracts/agreements require Board approval before the scope of work or services are executed

Examples of these are:

- Consultant Contracts
- Contracts for Public Works Projects over \$125,000 (Uniform Public Construction Cost Account Act)
- Service Contracts over the Bid Limit as defined by Public Contract Code 20111
- Food Service Contracts for Non-Nutritious Foods or Beverages

Business and Non-instructional Operations

Payment for Goods and Services

The Governing Board recognizes the importance of developing a system of internal control procedures in order to help fulfill its obligation to monitor and safeguard district resources. To facilitate warrant processing, the Superintendent or designee shall ensure that purchasing, receiving, and payment functions are kept separate. He/she shall also ensure that invoices are paid expeditiously so that the district may, to the extent possible, take advantage of available discounts and avoid finance charges.

- (cf. 3300 - Expenditures and Purchases)
- (cf. 3312 - Contracts)
- (cf. 3314.2 - Revolving Funds)
- (cf. 3400 - Management of District Assets/Accounts)
- (cf. 9320 - Meetings and Notices)

The Superintendent or designee shall sign all warrants and shall ensure that warrants have appropriate documentary support verifying that all goods and services to be paid for have been delivered or rendered in accordance with the purchase agreement.

The Board shall approve all warrants at a regularly scheduled Board meeting.

- (cf. 9320 - Meetings and Notices)

The Board shall not recognize obligations incurred contrary to State and Federal laws, codes, Board policies, administrative regulations or any other Board Directives.

Legal Reference:

EDUCATION CODE

- 17605 Delegation of authority for purchases
- 42630-42651 Orders, requisitions and warrants
- 42800-42806 Revolving cash fund
- 42810 Alternative revolving fund
- 42820 Prepayment funds

CODE OF CIVIL PROCEDURE

- 685.010 Rate of interest

Business and Non-instructional Operations

Payment for Goods and Services

Legal Reference (Continued)

GOVERNMENT CODE

16.5 Digital signatures

5500-5506 Uniform Facsimile Signatures of Public Officials Act

8111.2 Definition of public entity

PUBLIC CONTRACT CODE

7107 Retention proceeds; withholding; disbursement

9203 Payment for projects costing over \$5000

20104.50 Timely progress payments

CODE OF REGULATIONS, TITLE 2

22000-22005 Digital signatures

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: Understanding California's Public School Finance System, 2006

Maximizing School Board Governance: Budget Planning and Adoption, 2006

Maximizing School Board Governance: Understanding District Budgets, 2006

Maximizing School Board Governance: Fiscal Accountability, 2006

School Finance CD-ROM, 2005

WEB SITES

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

California Secretary of State, digital signatures: <http://www.sos.ca.gov/digsig/digsig.htm>

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

Business and Non-instructional Operations

Payment for Goods and Services

Payments to Contractors

The district shall make payment on any contract for the creation, construction, alteration, repair, or improvement of any public structure, building, or other improvement of any kind which costs over \$5,000 based on estimates of actual work completed that have been approved by the Governing Board. The district shall not make progress payments in excess of 90 percent of the actual work completed and may include 90 percent of the value of material delivered or stored but as yet unused. The district shall withhold at least ten percent of the contract price until the final completion and acceptance of the project. However, any time after 50 percent of the work has been completed; the Board may make any of the remaining progress payments in full for actual work completed if the Board finds that satisfactory progress is being made. (Public Contract Code 9203)

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

(cf. 3312 - Contracts)

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

Upon request by the contractor, the Superintendent or designee may authorize the District to advance pay a contractor for materials not to exceed 50% of the total contract.

Business and Non-instructional Operations

Travel Expenses

The Governing Board shall authorize payment for actual and necessary expenses, including travel, incurred by any employee performing authorized services for the district.

The Superintendent or designee may approve employee requests to attend meetings in accordance with the adopted budget.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Expenses shall be reimbursed within limits approved by the Board. The Superintendent or designee shall establish procedures for the submission and verification of expense claims. He/she may authorize an advance of funds to cover necessary expenses.

The Board may establish an allowance on either a mileage or monthly basis to reimburse authorized employees for the use of their own vehicles in the performance of assigned duties.

All out-of-state travel for which reimbursement will be claimed shall have Board approval. Travel expenses not previously budgeted also shall be approved on an individual basis by the Superintendent or designee.

Authorized employees may use district credit cards while attending to district business. Under no circumstances may personal expenses be charged on district credit cards.

(cf. 9240 - Board Development)

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

Legal Reference:

EDUCATION CODE

44016 Travel expense

44032 Travel expense payment

44033 Automobile allowance

44802 Student teacher's travel expense

POLICY REVISED: August 25, 2008

Business & Non-Instructional Operations**Travel Expenses**A. Mileage

The mileage rate shall be the Federal IRS recognized rate applicable at the time of travel. Mileage will be calculated from the employee's primary worksite and return using established mapping software (i.e. Mapquest) or actual mileage, whichever is less.

B. Conference/Workshop/Meeting Attendance

For attendance at approved conferences, workshops, seminars, or other meetings, the District may authorize registration, travel, hotel, portage, phone/fax/e-mail (District business only), car rental and meal expenses subject to the following limitations:

1. Travel Requests: All travel requests to attend conferences, seminars, workshops, trainings, conventions or meetings require the prior approval of the employee's immediate supervisor. All expenses not covered by pre-arrangement/pre-approval with the District shall be borne by the employee.
2. Lodging: Lodging for one night prior to or subsequent to an approved meeting/conference/workshop may be allowed by the Superintendent or designee where appropriate to accommodate travel or workshop/meeting times. If a non-attending or non-employee spouse is accompanying the employee, the District will pay/reimburse at the single occupancy rate.
3. Airfare: Economy, standard, tourist or similar airfare rates are allowed. Any airfare upgrades to a higher class of service are at the employee's expense.
4. Registration Fees: Registration fees are authorized. Banquets and sessions held in conjunction with a breakfast, luncheon, dinner or reception are authorized. Conference related dances or other entertainment or tours are not authorized for District payment. Tours that are integral to the conference/meeting (i.e. to visit a school) may be approved by the Superintendent or designee.
5. Meals: The maximum daily allowance shall be \$60 with no single meal over \$35. The Superintendent may waive the \$35 per meal restriction upon a showing of a good and sufficient reason. Gratuities are in addition to the \$60/\$35 maximums and normally should not exceed 15%. The Superintendent is the final arbiter on the amount of gratuity and may disallow amounts over 15%.

Business & Non-Instructional Operations**Travel Expenses**Meals (Continued)

No breakfast payment shall be made for travel commencing to an approved event after 6:00 a.m. No dinner payment shall be made for trips that would normally terminate in the District by 6:00 p.m. No lunch payment shall be made for meetings or travel that occurs for a morning session only or an afternoon session only. Meetings that last for the entire day would be entitled to a lunch payment. Any exceptions to these exclusions must be approved by the Superintendent or designee.

All meal receipts must show the food items ordered, number of persons, date, time and gratuity. No alcoholic beverages shall be paid for or reimbursed by the District. No reimbursement claim may be made for a meal not taken or included in the conference registration.

6. Incidental Expenses: Actual costs for parking, baggage handling/storage, car rental, gas, bus/taxi/subway/van/or similar transportation, business related phone, tax, e-mail, copying and similar expenses are authorized. Unusual incidental expenses may be approved by the Superintendent on a case by case basis with compelling justification.
7. Credit Cards: A limited number of District credit cards are available for employee travel. If no card is available or issued, the employee then submits receipts for reimbursement upon return. Credit card issuance is at the sole discretion of the Superintendent or designee.

C. Travel for District Business (Other than conferences/workshops/meetings)

1. Mileage for use of employee's vehicle is at the applicable Federal IRS rate at the time of travel. Actual mileage will be reimbursed. Beginning and ending odometer readings must be submitted with the mileage claim.
2. Meals are authorized subject to the following limitations:
 - a. The maximum daily allowance for meals is \$60 with no single meal over \$35.
 - b. Gratuities should normally be no more than 15%. The Superintendent may disallow tips over 15%.

Business & Non-Instructional Operations

Travel Expenses

Travel for District Business (Other than conferences/workshops/meetings)
(Continued)

3. Lodging: Lodging is authorized when appropriate and approved by the employee's immediate supervisor.

4. Incidental Expenses: Actual costs for parking, baggage handling/storage, car rental, gas, bus/taxi/subway/van/or similar transportation, business related phone, tax, e-mail, copying and similar expenses are authorized. Unusual incidental expenses may be approved by the Superintendent on a case by case basis with compelling justification.

REGULATION ADOPTED: September 13, 2004

REGULATION REVISED: August 25, 2008

Business and Non-instructional Operations

Management of District Assets/Accounts

The Governing Board recognizes its fiduciary responsibility to effectively manage and safeguard the district's assets and resources in order to help achieve the district's goals for student learning. The Superintendent or designee shall establish and maintain an accurate, efficient financial management system that enhances the district's ability to meet its fiscal obligations, produces reliable financial reports, and complies with laws, regulations, policies, and procedures. He/she shall ensure that the district's accounting system provides ongoing internal controls and meets generally accepted accounting standards.

- (cf. 3000 - Concepts and Roles)
- (cf. 3100 - Budget)
- (cf. 3300 - Expenditures and Purchases)
- (cf. 3312 - Contracts)
- (cf. 3314 - Payment for Goods and Services)
- (cf. 3460 - Financial Reports and Accountability)

A. Capital Assets

The Superintendent or designee shall develop a system to accurately identify and value district assets in order to help ensure financial accountability and to minimize the risk of loss or misuse. District assets with a useful life of more than one year and an initial acquisition cost of \$5,000 or more shall be considered capital assets. The Superintendent or designee shall determine the estimated useful life of each capital asset and shall calculate and report the estimated loss of value or depreciation during each accounting period for all capital assets.

- (cf. 3440 - Inventories)

B. Internal Controls/Fraud Prevention

The Board expects Board members, employees, consultants, vendors, contractors, and other parties maintaining a business relationship with the district to act with integrity and due diligence in dealings involving the district's assets and fiscal resources.

The Superintendent or designee shall develop internal controls which aid in the prevention and detection of fraud, financial impropriety, or irregularity within the district. These internal controls may include, but are not limited to, segregating employee duties relating to authorization, custody of assets, and recording or reporting of transactions; providing detailed, written job descriptions explaining the segregation of functions; adopting an integrated financial system; conducting background checks on business office employees; and requiring continuous in-service training for business office staff on the importance of fraud prevention.

Business and Non-instructional Operations

Management of District Assets/Accounts

Internal Controls/Fraud Prevention (Continued)

All employees shall be alert for any indication of fraud, financial impropriety, or irregularity within their area of responsibility. Any employee who suspects fraud, impropriety, or irregularity shall immediately report those suspicions to his/her immediate supervisor and/or the Superintendent or designee. In addition, the Superintendent or designee shall establish a method for employees and outside persons to anonymously report any suspected instances of fraud, impropriety, or irregularity. (cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

The Superintendent or designee shall have primary responsibility for any necessary investigations of suspected fraud, impropriety, or irregularity, in coordination with legal counsel, the district's auditors, law enforcement agencies, or other governmental entities, as appropriate.

The Superintendent or designee shall provide regular reports to the Board on the status of the district's internal control procedures and recommend any necessary revisions to related Board policies or administrative regulations.

Legal Reference:

EDUCATION CODE

14500-14508 Financial and compliance audits

35035 Powers and duties of superintendent

35250 Duty to keep certain records and reports

41010-41023 Accounting regulations, budget controls and audits

42600-42604 Control of expenditures

42647 Drawing of warrants by district on county treasurer; form; reports, statements and other data

GOVERNMENT CODE

53995-53997 Obligation of contract

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: Budget Planning and Adoption, 2006

Maximizing School Board Governance: Fiscal Accountability, 2006

School Finance CD-ROM, 2005

GOVERNMENTAL ACCOUNTING STANDARDS BOARD

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

WEB SITES

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

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

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

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

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

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

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

POLICY REVISED: September 8, 2008

Business and Non-instructional Operations

Management of District Assets/Accounts

A. Accounts

The district's accounting system shall fully comply with the definitions, instructions and procedures set forth in the California Department of Education School Accounting Manual. (Education Code 41010)

The Superintendent or designee shall ensure that funds are encumbered in the district accounting records immediately after expenditure is committed for subsequent payment.

(cf. 3110 - Transfer of Funds)

B. Cash Handling

All cash turned in to a district employee for deposit must be counted by the person receipting the deposit and the person delivering the deposit at the time of receipt. Both individuals must sign that the amount received is correct, and/or note any discrepancies that may be present.

If any discrepancies are noted, the bookkeeper or the person receiving the deposit should immediately notify either the advisor or their supervisor. Any significant discrepancies should be reported to the school principal or administrator.

At the secondary school level, the ASB bookkeeper is responsible for storing the cash and checks and the supporting documentation in a safe until it is deposited in the bank. Secondary schools shall have a safe for cash storage. At the elementary school level, cash shall be deposited or locked in a safe.

At a minimum, deposits to the bank account should be made weekly, though within two to three school days is preferable. Money should never be left at a school over the weekend or holidays. Individuals who, upon investigation, are found to have misappropriated or mishandled funds will be held personally liable.

C. Fraud Prevention and Investigation

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

1. Forgery or unauthorized alteration of any document or account belonging to the district.
2. Forgery or unauthorized alteration of a check, bank draft or any other financial document.

Business and Non-instructional Operations

Management of District Assets/Accounts

Fraud Prevention and Investigation (Continued)

3. Misappropriation of funds, securities, supplies or other assets
4. Impropriety in the handling of money or reporting of financial transactions
5. Profiteering as a result of insider knowledge of district information or activities
6. Disclosing confidential and/or proprietary information to outside parties
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
7. Disclosing investment activities engaged in or contemplated by the district
(cf. 3430 - Investing)
8. Accepting or seeking anything of material value from contractors, vendors or persons providing services or materials to the district.
9. Destroying, removing or inappropriately using of records, furniture, fixtures or equipment.
10. Failing to provide financial records to authorized state or local entities.
11. Any other dishonest or fraudulent act.

The Superintendent or designee shall investigate reports of fraudulent activity in a manner that protects the confidentiality of the parties and the facts. All employees involved in the investigation shall be advised to keep information about the investigation confidential.

If an investigation substantiates the occurrence of a fraudulent activity, the Superintendent or designee shall issue a report to appropriate personnel and to the Governing Board. The final disposition of the matter and any decision to file a criminal complaint or refer the matter to the appropriate law enforcement and/or regulatory agency for independent investigation shall be made in consultation with legal counsel. The result of the investigation shall not be disclosed to or discussed with anyone other than those individuals with a legitimate need to know.

(cf. 4112.6/4212.6/4312.6 - Personnel Files)
(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

Business and Non-instructional Operations

Inventories

In order to provide for the proper control and conservation of district property, the Superintendent or designee shall maintain an inventory of equipment in accordance with law for the following:

1. All items currently valued in excess of \$500 (Education Code 35168)
2. All items purchased with federal funds that have a useful life of more than one year with an acquisition cost per unit of \$5,000 or more (34 CFR 80.3)

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

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 3512 - Equipment)

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

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

The following information must also be recorded for items acquired with federal funds, as defined above. (34 CFR 80.32)

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

Business and Non-instructional Operations

Inventories

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

Each school shall maintain a copy of its inventory and provide a copy of this inventory to the district office on or before June 30 of each fiscal year. Copies of all district inventories shall be kept at the district office.

Legal Reference:

EDUCATION CODE

35168 Inventory of equipment

CODE OF REGULATIONS, TITLE 5

3946 Control, safeguards, disposal of equipment purchased with state and federal consolidated application funds

16023 Class 1 - Permanent records

16035 Historical inventory of equipment

UNITED STATES CODE, TITLE 20

2301-2471 Carl D. Perkins Vocational Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

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

Management Resources:

OFFICE OF MANAGEMENT AND BUDGET

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

Business and Non-instructional Operations

Petty Cash Funds

In order to facilitate minor purchases, the Superintendent or designee may establish a petty cash fund at each school. The petty cash fund shall be used for unforeseen, small school expenses, such as postage or individual purchases of supplies.

The amount of the petty cash fund shall not exceed \$200. The principal or designee shall be responsible for all expenditures from the fund and shall create a system for tracking fund expenditures. Each expenditure shall be supported by appropriate documentation.

Expenditures shall be reconciled and accounted for whenever the principal requests that the fund be replenished, at the end of the fiscal year, or at the request of the Superintendent or designee.

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

The principal or designee shall ensure that the petty cash fund is kept in a safe and secure location.

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35250 Duty to keep certain records

41020 Requirement for annual audit

42800-42810 Revolving funds

Management Resources:

WEB SITES

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

REGULATION REVISED: August 25, 2008

Business and Non-Instructional Operations

Transportation

The extent to which the District provides student transportation depends upon student needs and a continuing assessment of financial resources.

(cf. 3250 – Transportation Fees)

The Governing Board desires to:

1. Provide maximum safety for students between home and school and on school-sponsored trips.
2. Promote desirable student behavior and respect for traffic safety.
3. Provide assistance and transportation for handicapped students.
4. Provide transportation for field trips.

All transportation of students to and from school, on field trips, or other group activities under the control of the District, shall be in school vehicles or with the approval of the Superintendent or designee, by contracted public carriers which meet the requirements stated in Education Code 39830 and which are in compliance with inspection requirements specified in the Vehicle Code and administered by the California Highway Patrol.

Individual children may be transported to and from school or part way by their parents or guardians as authorized by the Superintendent in the absence of District transportation services for a student. Students may also be transported in vehicles owned by members of the staff under special conditions.

(cf. 3541.5 – Alternative Transportation Arrangement)

(cf. 3541.1 – Bus conduct)

Business and Non-Instructional Operations

Transportation (continued)

A. Off Campus Proms/Dances

High School proms and dances may be held off campus with the prior approval of the Superintendent and if they meet the following criteria:

- No alcohol or drug use
- No overnight hotel stays
- No use of hotel rooms prior to or during the prom/dance

If the prom/dance site is within the cities of Hesperia, Victorville, Apple Valley, or Adelanto, high school students holding a valid California Drivers License, car insurance and having parent permission, may drive to an approved off-campus prom/dance within the above specified cities. Parents assume full responsibility that student drivers are licensed, have car insurance, that the car is properly maintained, and that the students are not drug or alcohol impaired.

If the prom/dance is held outside the above specified cities, all transportation of students shall be in school vehicles or, with the approval of the Superintendent or designee, by contracted public carriers which meet the requirements stated in Education Code 39830 and which are in compliance with inspection requirements specified in the Vehicle Code and administered by the California Highway Patrol.

Legal Reference:

EDUCATION CODE

- 35330 Excursions and field trips
- 35350-35351 Transportation of students; assignment to particular schools
- 39800-39860 Transportation
- 41850-41854 Allowances for transportation

CODE OF REGULATIONS, TITLE 5

- 14100-14103 Use of school buses and school pupil activity buses

VEHICLE CODE

- 2807 School bus inspection
- Arcadia Unified School District v. State Dept. of Education, 91 Daily Journal
D.A.R. 2d 545

Management Resources:

CDE MANAGEMENT ADVISORY

- 0500.92 Implementation of Special Education Transportation Apportionment (#92-02)
- 0619.92 Fees for Pupil Transportation (#92-05)

POLICY REVISED: February 21, 2007

Business and Non-Instructional Operations

Transportation: Private Vehicle

A. Teachers

A teacher who desires to transport students in his/her vehicle must obtain prior approval from the principal and file a completed School Driver Certification Form. The District carries a liability insurance policy which covers the liability of the school District in the use of the employee's vehicle when their vehicle is used on authorized school business. This policy, however, does not exclude the teacher from liability in a case where an accident occurs while a student is riding in their vehicle.

Business and Non-instructional Operations

Transportation Routes and Services

Students who reside beyond minimum walking distance as defined below shall be eligible for transportation service to the school of their attendance area. Minimum walking distances to a school or bus stop are:

- Grades K : three-fourths mile
- Grades 1-6 : one mile
- Grades 7-8 : two miles (bus pass required)
- Grades 9-12 : three miles (bus pass required)

If students lose their bus passes, the District will charge \$5 for the replacement of the bus pass.

Students who attend a school outside their attendance area may be eligible for transportation services in accordance with Board policy.

- (cf. 5116.1 – Intradistrict Open Enrollment)
- (cf. 5117.1 – Interdistrict Attendance Agreements)
- (cf. 5117.2 – Alternative Interdistrict Attendance Program)

The Superintendent or designee may authorize transportation within the walking distance when special problems or hazards exist.

The Superintendent or designee shall design school routes and stops so as to enhance the safety of student pedestrians and maximum efficiency in the use of buses.

The district shall provide homeless children with transportation services comparable to those offered to other students at the school of attendance.
(42 U.S.C. 11432)

If the student moves to a shelter that is in another attendance area within the district, the Superintendent or designee may arrange transportation that enables the student to continue attending the same school.

- (cf. 5111.13 – Residency of Homeless Children)

If a homeless student attending school in this district moves to a shelter that is in another district, the Superintendent or designee may arrange transportation that enables the student to continue attending the same school in this district. This transportation may be achieved through the transportation services of this district, the new district, or another outside agency.

Business and Non-instructional Operations

Transportation Routes and Services (Continued)

Legal Reference:

EDUCATION CODE

35350-35351 Authority to transport pupils

39800-39860 Transportation

41850-41854 Allowances for transportation

UNITED STATES CODE, TITLE 42

11432 State and local education activities (McKinney Homeless Assistance Act)

POLICY ADOPTED: August 28, 1995

POLICY REVISED: June 23, 2008; August 25, 2008; February 18, 2009; May 18, 2009

Business and Non-instructional Operations

Use of District-Owned Vehicles

District employees may be required to travel on a daily or regular basis to perform their respective duties for the Hesperia Unified School District, therefore District employees may be assigned the use of district vehicle on a daily basis or may have access to district owned vehicles for intermittent use. For those employees requiring a district owned vehicle, keys will be issued to the employee using the vehicle. Employees will also have access to drive district owned vehicles if on district business. District-owned vehicles shall not be used for personal business.

The responsibility for the safe operation and care of the vehicle shall be assumed by the individual to whom the vehicle is assigned on a regular or occasional basis.

Any employee operating a district-owned vehicle who receives a citation in any way connected with the use of that vehicle, shall report the citation to the Director of Maintenance, Operations, and Transportation, or immediate supervisor, immediately upon the return of the vehicle. The school district assumes no responsibility for citations received for any violations. Authorized drivers are required to obey all safety laws and speed limits while operating a district vehicle. Anyone who does not adhere to these laws may lose the privilege of the use of a district vehicle.

The employee operating the vehicle shall be responsible for reporting at the time the vehicle is returned to the transportation yard any accident, damage, or mechanical malfunction to the vehicle while it is in his/her possession, regardless of severity.

Any employee who does not have in his/her possession a valid California driver's license shall not be assigned, or request the use of, a district-owned vehicle.

All employees using district vehicles on a regular or occasional basis must be insurable and show proof of insurability.

All employees driving district-owned vehicles must take and pass all tests for certification where certification is required. It is the employee's responsibility to maintain proper certification. Employees must also participate and pass online drivers safety training assigned by the district in order to be eligible to drive a district-owned vehicle.

Any employee who violates any provisions may be subject to suspension or dismissal from their position.

POLICY ADOPTED: November 1, 2010

Business and Non-instructional Operations

Use of District-Owned Vehicles – Driver Management Program (DMP)

The District requires employees that drive District owned or leased motor vehicles to maintain an acceptable driving record that meets the District's minimum driver standards. To enhance public and employee safety and protect the best interest of the Hesperia Unified School District (District), its employees, students and the general public, the following Driver Management Program (DMP) has been adopted.

The contents of the DMP shall govern employees while operating any District owned or leased motor vehicle for purposes of conducting business on behalf of the Hesperia Unified School District. Failure to comply with the contents of the following DMP may result in appropriate disciplinary action and/or revocation of authorization to drive a motor vehicle on District business.

Prior to July 1 of each fiscal year, Department Directors and /or Site Administrators will submit a District Owned Vehicle Assignment Form to Personnel and Risk Management with the names of the individuals in their department or at their site who should be assigned a District owned vehicle in order to perform their duties. Directors and Administrators will be expected to justify such vehicle assignments on an annual basis.

Employees authorized to drive a district vehicle while conducting District business must have a valid California Drivers License of the proper class and meet the District's minimum driver standards.

Employees authorized to drive a district vehicle must provide proof of insurability (personal insurance) to Personnel prior to driving district vehicle. If the District's insurance carrier requires conformance to a stricter minimum driver's standards for the purpose of providing such coverage, the District will defer to their requirements.

A. Authorized Drivers

Authorized persons are limited to District employees who have met the criteria outlined in the DMP. Unauthorized persons shall not be permitted to drive District owned or leased motor vehicles. ALL District vehicles will stay on District property when not in use for District business. However, some positions require individuals to be "on call" and are recognized as having a need for immediate use of a District Owned vehicle at any hour of the day or night. It is authorized that these individuals may drive vehicle to and from home, without deviation, during the normal course of their assignments. With the exception of Maintenance Supervisors, the positions in the "on call" rotation may take the assigned vehicle home only for the week assigned "on call".

Business and Non-instructional Operations

Use of District-Owned Vehicles – Driver Management Program (DMP)

Authorized Drivers (Continued)

The District reserves the right to refuse an employee authorization to operate a vehicle on District business or be reimbursed mileage if the individual is determined to be a negligent operator or fails to maintain an appropriate valid California driver's license or proof of insurability. If job requires driving to perform essential job functions, an accommodation meeting will occur with Personnel and Risk Management.

The Risk Management or Transportation Department will conduct annual employee driver history inspections through the Department of Motor Vehicles (DMV). Each time a driver is convicted of a moving traffic Law violation, the court notifies the DMV. A record of the conviction is placed in the drivers' license file. For District's purposes, a driver is considered a negligent operator of a motor vehicle when the employee's driving record shows the following point count:

2 points in a 12 month period

3 points in a 24 month period

4 points in a 36 month period

B. Authorized Passengers

Passengers are limited to only those authorized by an administrator or supervisor. Each driver shall be responsible for maintaining acceptable passenger behavior.

C. General Information

1. Each driver shall abide by all Federal, State and Local laws and/or ordinances and shall be held responsible for all personal driving fines or infractions that may be imposed upon them.
2. Vehicle maintenance citations will be the responsibility of the District.
3. District owned or leased motor vehicles shall be housed only at district approved locations. Only vehicles used while employee is "on call" may be housed at employees' home.
4. Each driver shall be responsible for conducting an inspection of their vehicle and shall report any problems to their Supervisor for repairs. The vehicle shall not be driven if safety is compromised.
5. All occupants must properly use seat belt devices while vehicle is in operation.
6. Each driver shall be responsible for leaving the vehicle in a clean condition after use.
7. District owned or leased motor vehicles shall not be driven for personal use.
8. Each driver shall ensure that they do not operate a District owned or leased motor vehicle when taking prescription or over-the-counter medication carrying a warning not to drive under its influence.

Business and Non-instructional Operations

Use of District-Owned Vehicles – Driver Management Program (DMP)

Driver Requirements (Continued)

9. Each driver shall ensure that they are physically capable of safe motor vehicle operation at all times.
10. Each driver shall not use a cell phone while driving a district vehicle unless they are using a hands free device.

D. Driver Requirements

1. Each driver must be an authorized District employee .
2. Each driver shall hold a valid California Drivers license of the proper class for the vehicle being operated.
3. Each driver must present proof of personal insurance (as proof of insurability, not to be used for District coverage).
4. To determine driving eligibility, each driver must authorize the District to obtain his/her current Department of Motor Vehicle (DMV) record.
5. Each driver must maintain a DMV driving record that is acceptable to the District and satisfies the contents of the DMP.
6. Each driver will complete online driver safety training.
7. Drivers are required to report to their supervisor or administrator conditions such as, but are not limited to:

➤License suspension or revocation of driving privileges, such events must be reported the next work day.

➤Serious moving violations must be reported within one work day of citation issuance. Serious violation include but are not limited to:

- o Driving while impaired/intoxicated/controlled substance
- o Reckless driving/speed contest/exhibition of speed
- o Leaving the scene of an accident
- o Arrest for any motor vehicle related incident

➤Failure to report will result in disciplinary action up to and including dismissal

➤Reporting protocol shall be as follows:

1. Driver must verbally report to the Director of M&O or their immediate supervisor/site administrator.
2. Immediate supervisor or administrator will report to Assistant Superintendent of Personnel or Assistant Director of Risk Management.

Hesperia Unified School District
EMPLOYEE ACKNOWLEDGEMENT OF
DRIVER MANAGEMENT PROGRAM (DMP)

(For All Employees Required to Drive as Conditions of Employment)

1. The District has provided me with a copy of the DMP defining the rules for operating District owned or leased motor vehicles while conducting District business. A Supervisor has reviewed these policies with me and I understand and agree to comply.
2. I have received a copy of the District's insurers Vehicle Accident Report and have been trained on its use in the event of an accident. I agree to comply with its instructions and understand that it is my responsibility to inform my immediate supervisor as soon as possible following any accident or incident involving a District owned or leased motor vehicle, regardless of how minor.
3. I agree not to operate any District owned or leased motor vehicle while conducting District business under the influence of controlled substances or alcohol. I fully understand that, should I be found operating a vehicle while under the influence of controlled substances or alcohol, it may constitute grounds for revocation of authorization to drive a motor vehicle on District business, and may include appropriate disciplinary action.
4. I agree to abide by all Federal, State and Local laws and ordinances regarding the operation and storage of the motor vehicles I drive while conducting District business. I understand that it is my responsibility, as holder of a valid California Drivers License, to remain informed of and to fully comply with current and future laws and ordinances governing operator licensing and the operation and storage of motor vehicles.
5. I understand that I must report to the District any suspension, revocation or cancellation of my drivers license as well as my citation or arrest for any motor vehicle related offenses at the beginning of the next working day or before operating a District vehicle. Failure to report will result in disciplinary action up to and including dismissal.
6. I understand that my District driving authorization may be revoked or restricted in accordance with the District's DMP, which I have read and reviewed.
7. Should such revocation or suspension of my driving authorization affect the performance of my assigned job responsibilities, I understand that this may constitute grounds for suspension without pay or dismissal from my position.
8. By signing this document the employee does not waive any rights but acknowledges this document and the following: Any disputes or concerns are subject to the **CSEA or HTA** Collective Bargaining Agreement, Department of Transportation, Federal Highway Administration and applicable State and Federal statutes.

Print Employee Name

Employee Signature

Date

Business and Non-Instructional Operations

Food Service/Child Nutrition Program

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

5. Carefully selected so as to contribute to student's nutritional well-being and the prevention of disease
6. Prepared in healthy and appealing ways that retain nutritive quality and foster lifelong healthful eating habits
7. Served in age-appropriate quantities and at reasonable prices

Students shall be provided adequate space in appropriate surroundings as well as adequate time to eat, relax, and socialize.

The Superintendent or designee shall ensure that the meals offered by the district's food service program meet all legal requirements for participation in the National School Lunch and School Breakfast Programs.

To the extent permitted under the National School Lunch and School Breakfast Programs, students in all grades shall be allowed to decline a certain number of meal items that they do not intend to consume.

The Superintendent or designee shall develop strategies designed to encourage the participation of students and parents/guardians in the selection of foods of good nutritional quality for school menus. Parents/guardians are encouraged to support the district's nutrition education efforts by considering nutritional quality when selecting any snacks that they may donate for occasional class parties.

The Board shall establish and sustain a Child Nutrition and Physical Activity Advisory Committee (CNPAAC) to discuss nutrition and physical activity related topics of concern in the school community, and to develop school district policies on nutrition and physical activity for recommendation to and approval by the Board. (Education Code 49433)

POLICY REVISED: February 6, 2006

Business and Non-Instructional Operations

Food Service/Child Nutrition Program

A. Posting Requirements

Each district school shall post the district's policies and regulations on nutrition and physical activity in public view within all school cafeterias or in other central eating areas. (Education Code 49432)

Each district school may also post a summary of nutrition and physical activity laws and regulations prepared by the California Department of Education (Education Code 49432)

B. Nutritional Standards

Effective July 1, 2006, the Superintendent or designee shall ensure the nutritional quality and quantity of all foods served or made available to students and staff.

1. The Child Food Services program will ensure that all foods served on school campuses (cafeteria, as well as ala carte sales), from the morning opening of school until 30 minutes after the last period, will comply with the following SB 19 standards:
 - a. No more than 35% of total calories from fat (not including fruits, vegetables, and 100% juices)
 - b. No more than 10% of total calories from saturated fat.
 - c. No more than 35% added sugar by weight (not including fruits, vegetables, and 100% juices)
2. Effective July 2006, the District shall exercise control over all vending machines on its property including vendors, locations, contents, and appearance.
 - a. All beverage vending machines located on school campuses may sell only water, 100% fruit juices, non-carbonated electrolyte replacement drinks, reduced fat milk, and/or carbonated waters without added sweeteners.
 - b. Additionally all other foods sold in vending machines must be SB12/SB19 compliant.
3. Ensure more fresh produce, particularly California grown fruits and vegetables, is sold wherever food is sold on campus.
 - a. The Child Nutrition Services program will increase the availability of fresh fruits and vegetables, using California grown produce when feasible, as part of the school food service program.
 - b. Salad bars and/or pre-packaged salads, as well as fresh fruit shall be available at each school site.

Business and Noninstructional Operations

Food Service/Child Nutrition Program

Nutritional Standards (Continued)

4. Ensure meals are served in an appropriate environment with sufficient time for eating.
 - a. Students shall have a minimum of 30 minutes to eat lunch and 20 minutes to eat breakfast, when provided. Whenever possible, students will be allowed play before eating at mealtime.
 - b. School site leadership shall be involved to improve cafeteria décor and atmosphere.
 - c. Child Nutrition Services shall solicit student preferences in planning menus and snacks through surveys and taste tests of new foods and recipes.
 - d. Staff shall be encouraged to periodically join students to model good eating habits, manners, and behavior.

5. Nutrition and Health education should be incorporated into regular teaching plans, in ways that meet California Standards requirements.
 - a. Teachers shall be provided with training and resources to integrate nutritious eating experiences, gardens, and nutrition education into the curriculum for math, science, history, and language arts at all grade levels.
 - b. All schools are encouraged to develop School Gardens. Gardens can promote the link between food choices, physical activity, and health in a way that is hands-on and integrated into the standards-based curriculum.
 - c. Methods to incorporate cooking into class nutrition lessons shall be pursued.

6. Ensure that no student is hungry.
 - a. The District shall develop a coordinated and comprehensive outreach and promotion plan to ensure maximum participation in the school meal program.
 - b. The district shall ensure that all eligible children qualify for free and reduced meals.
 - c. The District shall provide applications to all students not directly certified in order to determine free and reduced priced eligibility.
 - d. The District shall provide an alternative meal to students who fail to bring money for meals.

Business and Noninstructional Operations

Food Service/Child Nutrition Program

Nutritional Standards (Continued)

7. Increase family and community involvement in issues of nutrition and physical activity as it relates to childhood and adult health.
 - e. Provide nutrition and physical activity information through a website linked to HUSD.
 - f. Involve parents/community in annual evaluation of food services and physical education program services in order to improve the quality, access, and knowledge of services.
8. Schools will not use foods or beverages, especially those that do not meet the nutrition standards for foods and beverages sold individually, as rewards for academic performance or good behavior, and will not withhold food or beverages (including food served through school meals) as a punishment.

C. Child Nutrition and Physical Activity Advisory Committee

The membership of the Child Nutrition and Physical Activity Advisory Committee shall include, but is not limited to, the following members: Governing Board member, school administrators, food service staff, students, parents/guardians, physical and health education teachers, dieticians, health care professionals and interested community members.

The Child Nutrition and Physical Activity Advisory Committee shall meet at least three times during the year and meetings shall be open to the public.

The policies on nutrition and physical activity shall address issues and goals, including, but not limited to, all of the following: (Education Code 49433)

1. Implementing the nutritional standards set forth in Education Code 49431
2. Encouraging fund-raisers that promote good health habits and discourage fund-raisers that promote unhealthy foods
3. Ensuring that no student is hungry
4. Improving nutritional standards
5. Increasing the availability of fresh fruits and vegetables, including provisions that encourage schools to make fruits and vegetables available at all locations where food is sold
6. Ensuring, to the extent possible, that the food served is fresh
7. Encouraging eligible students to participate in the school lunch program
8. Integrating nutrition and physical activity into the overall curriculum
9. Ensuring regular professional development for food service staff
10. Ensuring students a minimum of 30 minutes to eat lunch and 20 minutes to eat breakfast, when provided

Business and Non-Instructional Operations

Food Service/Child Nutrition Program

Child Nutrition and Physical Activity Advisory Committee (Continued)

11. Ensuring students engage in healthful levels of vigorous physical activity
12. Ensuring students receive nutrition education
13. Improving the quality of physical education curricula and increasing training of physical education teachers
14. Enforcing existing physical education requirements
15. Altering the economic structures in place to encourage healthy eating by students and reduce dependency on generating profits for the school from the sale of unhealthy foods
16. Developing a financing plan to implement the policies
17. Increasing the availability of organic fruits and vegetable and school gardens
18. Collaborating with local farmers' markets when available

In developing the policy(ies), the committee shall hold at least one public hearing. (Education Code 49433)

Business and Noninstructional Operations

Free and Reduced Price Meals

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

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

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

The Board authorizes designated employees to use individual records pertaining to student eligibility for any free and reduced price meal program for the purpose of disaggregation of academic achievement data in accordance with federal and state law and regulation.

Business and Noninstructional Operations

Other Food Sales

The Governing Board shall ensure that food sales by school-related groups and the use of vending machines are in compliance with state and federal law and do not impair student participation in the district's food service program. Sanitation and safety procedures shall comply with the requirements of the California Uniform Retail Food Facilities Law as set forth in Health and Safety Code 113700-114455.

The Superintendent or designee shall approve the sale of food items by student or adult organizations in accordance with law, Board policy and administrative regulations.

No foods of minimal nutritional value shall be sold on school premises during the school day (as defined as one half hour before the official school day begins until one half hour after the official school day ends).

In grades K-8, the ban on soda sales to students will be in effect all day every day regardless of the time of day.

Business and Noninstructional Operations

Other Food Sales

The sale of foods during meal periods in food service areas shall be allowed only if all income from the sale, including the sale of approved foods or drinks from vending machines, accrues to the benefit of the school, the school food service program, or the student organization(s) sponsoring the sale. (7 CFR 210.11, 220.12)

Food sales are prohibited during school hours, and within one half hour before or after school hours, unless the organization is legally organized as a nonpartisan, charitable organization, the purpose of the solicitation has been approved in accordance with Governing Board policy. (Education Code 51520)

The Superintendent or designee shall ensure that all food and beverages outside of the Child Nutrition Services program meets basic nutrition standards:

1. Non-nutritious foods, including but not limited to candy, sodas, donuts, and chewing gum, cannot be sold by or to students during their official school day (defined as one half hour before the official school day begins, until one half hour after the official school day ends).
2. The District should encourage fundraisers that reflect our commitment to student health. Fundraisers such as the sale of non-food items, nutritious food items, and physical activity events are strongly encouraged.

Additional Requirements for Schools Participating in the National School Lunch or Breakfast Program

In any school participating in the National School Lunch or Breakfast Program, student organizations may sell food items in accordance with 5 CCR 15500-15501. The specific nutritious food item shall be approved by the Superintendent or designee and, if sold during the regular school day, shall not be a food item prepared on school premises or sold in the food service program at school during that day. (5 CCR 15500-1550)

A. Senior High Schools

The principal may authorize the sale of food and beverages that are SB12, SB19, and SB 965 compliant by school related organizations during the school day provided that:

1. There are no more than four (4) days during the school year when any school-related organizations may sell any number of food items.

Business and Noninstructional Operations

Other Food Sales

Senior High Schools (Continued)

The principal or designee at each school shall provide procedures whereby fundraisers involving food sales are always planned in cooperation with a food services representative. The principal or designee shall review all fundraiser plans to ensure compliance with Board policy.

Principals shall be responsible for the on-site enforcement of all Board policy regarding food sales.

Business and Non-instructional Operations

Consultants

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

Internal Revenue Service (IRS) Publication 15-A identifies 20 common-law factors which the IRS uses to determine whether an individual is an employee or an independent contractor.

As part of the contract process, the Superintendent or designee shall determine, in accordance with Internal Revenue Service guidelines, that the consultant is properly classified as an independent contractor. District employees who perform extra-duty consultant services shall not be retained as independent contractors. They shall be considered employees for all purposes, even if the additional services are not related to their regular duties.

All consultant contracts shall be submitted to the Board for approval prior to the signing of contract documents.

(cf. 3312 - Contracts)

The district shall not contract for consulting services that can be performed without charge by a public agency or official unless these services are unavailable from the public source for reasons beyond the district's control.

All qualified firms or resource persons shall be accorded equal opportunity for consultant contracts regardless of race, creed, color, gender, national or ethnic origin, age or disability.

(cf. 3311 - Bids)

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

(cf. 4030 - Nondiscrimination in Employment)

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

(cf. 9270 - Conflict of Interest)

Business and Non-instructional Operations

Consultants (Con't)

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

Legal Reference:

EDUCATION CODE

10400-10407 Cooperative improvement programs

35010 Control of districts; prescription and enforcement of rules

35172(a) Promotional activities

35204 Contract with attorney

17596 Limit on continuing contracts

44925 Part-time readers employed as independent contractors

45103 Classified service in districts not incorporating the merit system

45103.5 Contracts for food service consulting services

45134-45135 Employment of retired classified employee

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

GOVERNMENT CODE

53060 Contract for special services and advice

Management Resources:

INTERNAL REVENUE SERVICE PUBLICATIONS

15-A Employer's Supplemental Tax Guide

POLICY ADOPTED: August 25, 2008