

AGENDA FOR THE REGULAR MEETING OF THE  
SIERRA COUNTY BOARD OF EDUCATION

April 13, 2021

6:00pm Regular Session

*In accordance with the Governor's Executive Order pertaining to the convening of public meetings in response to the COVID-19 pandemic, the Governing Board of the Sierra County Board of Education will hold meetings via Zoom Videoconferencing.*

Zoom link: <https://us02web.zoom.us/j/81047741896>

Phone dial-in: 669-900-9128  
(Press \*6 to unmute)

Webinar ID: 810 4774 1896

*Any individual who requires disability-related accommodations or modifications including auxiliary aids and services in order to participate in the Board meeting should contact the Superintendent or designee in writing.*

*Public inspection of agenda documents that are distributed to the Board less than 72 hours before the meeting, will be made available at the Sierra County Office of Education, Room 3, 109 Beckwith Road, Loyalton, CA, 96118, and posted with the online agenda at*

*<http://www.sierracountyofficeofeducation.org> (Government Code 54957.5).*

A. CALL TO ORDER

*Please be advised that this meeting will be recorded.*

B. ROLL CALL

C. APPROVAL OF AGENDA

D. FLAG SALUTE

E. INFORMATION/DISCUSSION ITEMS

1. Superintendent's Report
  - a. Update on Foster Youth Services and McKinney-Vento Liaison position\*\*
  - b. Update on Job Description review for Confidential Employees
  - c. Special Education Update
2. Business Report
  - a. Account Object Summary-Balance from 07/01/2020 to 03/31/2021\*\*
3. Staff Reports (5 minutes)
4. Board Member Reports (5 minutes)
5. Public Comment – This is an opportunity for members of the public to directly address the governing board on any item of interest that is within the subject matter jurisdiction of the governing board whether or not it is listed on the agenda. Three (3) minutes may be allotted to each speaker and a maximum of twenty (20) minutes to each subject matter. (Education Code 35145.5; Bylaw 9322; Government Code 54954.3)

F. CONSENT CALENDAR

1. Approval of minutes for the Regular Board Meeting held March 09, 2021\*\*
2. Approval of Board Report-Checks Dated 03/01/2021 through 03/31/2021\*\*
3. Approval of Quarterly Report on Williams Uniform Complaints for quarter ending March 31, 2021. It is required per Education Code 35186 section (d) that a school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district.
  - a. No complaints regarding textbooks and instructional materials, teacher vacancy or misassignment or conditions of facilities were filed with Sierra County Office of Education during the quarter ending March 31, 2021.

G. ACTION ITEMS

1. New Business
  - a. Approval of 2021-2022 Extra Duty Assignments and Stipends to be filled\*\*

BOARD POLICIES, ADMINISTRATIVE REGULATIONS, EXHIBITS, BOARD BYLAWS

**BATCH FROM MARCH MEETING:**

- b. 0430—Comprehensive Local Plan for Special Education\*\*\*
  1. Administrative Regulation, *revisions*
- c. 1312.3—Uniform Complaint Procedures\*\*\*
  1. Board Policy, *revisions*
  2. Administrative Regulation, *revisions*
- d. 4119.11~4219.11~4319.11—Sexual Harassment\*\*\*
  1. Board Policy, *revisions*
  2. Administrative Regulation, *revisions*
- e. 4119.12~4219.12~4319.12—Title IX Sexual Harassment Complaint Procedures\*\*\*
  1. Administrative Regulation, *revisions*
  2. Exhibit, *NEW*
- f. 6146.1—High School Graduation Requirements\*\*\*
  1. Board Policy, *revisions*
- g. 6146.2—Certificate of Proficiency/High School Equivalency\*\*\*
  1. Board Policy, *revisions*
  2. Administrative Regulation, *revisions*
  3. Exhibit, *NEW*

**NEW BATCH FOR APRIL MEETING:**

- h. 0420.42—Charter School Renewal
  1. Board Policy, *revisions\*\**
- i. 3110—Transfer of Funds
  1. Board Policy, *revisions\*\**
- j. 3230—Federal Grant Funds
  1. Board Policy, *revisions\*\**
  2. Administrative Regulation, *revisions\*\**
- k. 3311.2—Lease-Leaseback Contracts
  1. Administrative Regulation, *revisions\*\**
- l. 3311.3—Design-Build Contracts
  1. Administrative Regulation, *revisions\*\**

H. ADVANCED PLANNING

1. Next Regular Board Meetings will be held on May 11, 2021 beginning with Closed Session as needed at 5:00pm and the Regular Board Meetings at 6:00pm via Zoom videoconferencing.
2. Suggested Agenda Items

I. ADJOURN



James Berardi, Superintendent  
Secretary to the County Board of Education

- \*\*\* prior month handout
- \*\* enclosed
- \* handout

# SIERRA COUNTY OFFICE OF EDUCATION

## JOB DESCRIPTION

### **JOB TITLE:**

Foster Youth Services and McKinney-Vento Liaison

### **DEFINITION:**

Under the supervision of the Superintendent, the Foster Youth Services and McKinney-Vento Liaison will provide educational advocacy, develop inter-agency planning protocol, and provide case-management services for eligible foster youth and homeless youth within Sierra County. The Liaison will also be the designated TUPE Lead for the Sierra County Office of Education to ensure tobacco-use prevention education is carried out across Sierra-Plumas Joint Unified School District as this also impacts our foster youth and homeless youth.

### **ESSENTIAL FUNCTIONS:**

(Duties include but are not limited to the following):

#### **FOSTER YOUTH**

- Represent Sierra County as the Foster Youth Services Program Coordinator
- Work with the Superintendent and Business Manager on written plans, budgets and reporting
- Attend mandatory Regional and Statewide Coordinator Meetings
- Attend related trainings and workshops as needed
- Chair and prepare agendas and minutes for the Foster Youth Services Executive Advisory Council for Sierra County
- Monitor and assist foster youth enrolled in Sierra County schools
- Represent educational interests of eligible foster care youth during juvenile court proceedings
- Develop written procedures for inter-agency collaboration for eligible foster youth subject to out-of-home placement decisions by the court
- Increase the scope and coordination of services for foster youth in Sierra County, and/or Sierra County youth placed in out-of-county group homes
- Provide mentoring services to participants based on social and emotional needs including referral for counseling or other services as appropriate
- Organize and schedule experiential learning and team-building activities to eligible foster youth
- Coordinate enrollment of participants in after-school programs as appropriate
- Develop a case-management system, including a database to include: school of attendance, grade, living arrangements, health records, specialized pupil support services, and extra-curricular activities
- Coordinate trainings for group-home providers, with Sierra County Social Services, for new and existing providers
- Conduct home visits as requested by school administrators or teachers
- Perform other related duties as assigned

# SIERRA COUNTY OFFICE OF EDUCATION

## JOB DESCRIPTION

### HOMELESS YOUTH

- Represent Sierra County as the Education for Homeless Children and Youth Program Coordinator
- Work with the Superintendent and Business Manager on written plans, budgets and reporting
- Attend mandatory Regional and Statewide Coordinator Meetings
- Attend related trainings and workshops as needed
- Develop written procedures for inter-agency collaboration in identification of eligible homeless children
- Represent educational interests of eligible homeless youth during school enrollment proceedings
- Monitor and assist homeless youth enrolled in Sierra County schools
- Increase the scope and coordination of services for homeless youth in Sierra County through inter-agency collaboration
- Provide parent information services based on social and emotional needs including referral for counseling or other services as appropriate
- Organize and schedule public awareness activities for homeless youth
- Coordinate enrollment disputes with SPJUSD and SCOE as necessary
- Develop a case-management system
- Conduct dispute resolution services as necessary
- Perform other related duties as assigned

### TOBACCO-USE PREVENTION EDUCATION (TUPE)

- Coordinate and facilitate TUPE program/events
- Work with the Superintendent and Business Manager on written plans, budgets and reporting
- Work with school site administrators to incorporate TUPE events into the calendar of site activities
- Work in conjunction with the Sierra County Community Outreach Coordinator to facilitate Friday Night Live programs within the District
- Attend related trainings and workshops as needed

### **MINIMUM QUALIFICATIONS:**

#### Knowledge of:

- Interpersonal relationship skills using patience, courtesy and tact
- Effective verbal and written communication skills
- Computer operation
- Professional and ethical standards and practices
- Functions and procedures of county and community agencies providing services to at-risk youth.

# SIERRA COUNTY OFFICE OF EDUCATION

## JOB DESCRIPTION

### Ability to:

- Maintain cooperative relationships with those contacted in the course of work
- Operate a variety of modern office equipment, including computers
- Communicate well in writing
- Operate a vehicle

### Working Conditions:

Classroom, group home, office environments, community agency and school office environments, frequent interruptions, noise, physically active students, occasional outbursts of aggressive or abusive student behavior, occasional exposure to dissatisfied adults.

### Physical Abilities:

- Seeing to read, prepare and proofread documents
- Hearing and speaking to exchange information in person, on the telephone and/or via videoconferencing
- Sitting or standing for extended periods of time
- Climbing stairs or ramps
- Traveling to locations within Sierra County
- Traveling to locations outside of Sierra County to attend mandatory Regional and Statewide meetings for Liaisons/Coordinators
- Dexterity of arms, hands, and fingers to operate office equipment
- Kneeling, squatting, bending at the waist and reaching overhead, above the shoulders, horizontally and downward to retrieve and store files
- Light to moderate lifting

### Education and Experience:

- High school diploma or equivalent and successful employment experience with youth in an educational or community setting
- Prior experience working with foster youth, homeless youth and providers
- Prior experience working with children in need of multi-agency support
- Not required, but prefer someone trained and certified to provide supplemental counseling

### Licenses and Other Requirements:

- Valid California driver's license

**SCOE PartTime Temporary Position  
2021/22**

Position Type	Program Assignment	FTE	Salary	Workers					Total Benefits	Sal and Benefits
				PERS 3201/2 23.00%	OASDI 3301/2 6.20%	Medicare 3311/2 1.45%	SUI (unemp) 3501/2 0.07%	Comp 4.00%		
Classified	FYSCP 45%	0.2250	16,200.00	3,726.00	1,004.40	234.90	11.34	648.00	5,624.64	21,824.64
Classified	TUPE 45%	0.2250	16,200.00	3,726.00	1,004.40	234.90	11.34	648.00	5,624.64	21,824.64
Classified	McKinney-Vento (Homeless) 10%	0.0500	3,600.00	828.00	223.20	52.20	2.52	144.00	1,249.92	4,849.92
		0.5000	36,000.00	8,280.00	2,232.00	522.00	25.20	1,440.00	12,499.20	48,499.20

**Part Time, Temporary Position**  
**Split between Foster Youth, TUPE and Homeless programs**  
**\$50 per Hour, 20 Hours per Week, 36 Weeks per Year.**  
**\$50 \* 20 \* 36 = \$36,000 per year plus Benefits.**  
**No Health & Welfare**

Balances through March						Fiscal Year 2020/21
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
<b>Fund 01 - Gen Fund</b>						
1100	Teachers Salaries	362,817.00	344,286.00	96,627.18	231,980.91	15,677.91
1115	Certificated Extra Duty	1,500.00	1,530.00		100.00	1,430.00
1120	Certificated Substitutes	11,000.00	11,000.00		3,100.00	7,900.00
1200	Certificated Pupil Support Ser	30,561.00	35,861.00	7,640.19	25,564.77	2,656.04
1300	Certificated Supervisor Admini	193,338.00	193,338.00	46,684.41	143,353.23	3,300.36
1310	Teacher in Charge	10,000.00	10,000.00	3,000.00	7,000.00	.00
	<b>Total for Object 1000</b>	<b>609,216.00</b>	<b>596,015.00</b>	<b>153,951.78</b>	<b>411,098.91</b>	<b>30,964.31</b>
2100	Instructional Aides' Salaries	182,919.00	192,379.00	33,440.43	70,929.17	88,009.40
2115	Classified Extra Duty	1,000.00	1,000.00		464.66	535.34
2120	Classified Substitutes	5,071.00	5,250.00		1,442.46	3,807.54
2200	Classified Support Salaries	38,348.00	92,699.00	8,698.44	24,195.11	59,805.45
2215	Classified Support Extra Duty	1,000.00	1,000.00			1,000.00
2220	Classified Substitute Salaries	1,000.00	1,000.00			1,000.00
2300	Classified Supervisors' Admini	119,910.00	145,042.00	27,412.65	82,155.00	35,474.35
2400	Clerical Technical Office Staf	131,453.00	132,203.00	32,688.99	95,620.92	3,893.09
2420	Clerical Substitute	250.00	250.00			250.00
2900	Other Classified Salaries	18,984.00	67,360.00		4,505.00	62,855.00
	<b>Total for Object 2000</b>	<b>499,935.00</b>	<b>638,183.00</b>	<b>102,240.51</b>	<b>279,312.32</b>	<b>256,630.17</b>
3101	STRS Certificated Positions	168,308.00	166,696.00	24,863.25	65,625.03	76,207.72
3102	STRS Classified Positions	24,778.00	23,898.00	233.10	988.08	22,676.82
3201	PERS Certificated Positions				149.04	149.04
3202	PERS Classified Positions	96,151.00	123,331.00	19,137.55	54,206.39	49,987.06
3301	OASDI Certificated Positions	4,347.00	5,000.00		86.18	4,913.82
3302	OASDI Classified Positions	30,015.00	39,066.00	6,170.42	16,731.99	16,163.59
3311	Medicare Certificated Position	8,522.00	8,345.00	2,145.51	5,745.63	453.86
3312	Medicare Classified Positions	7,181.00	9,224.00	1,465.50	4,007.18	3,751.32
3401	Health & Welfare Benefits Cert	120,128.00	142,995.00	31,007.44	83,017.07	28,970.49
3402	Health & Welfare Benefits Clas	112,389.00	96,730.00	23,430.19	69,507.14	3,792.67
3501	SUI Certificated	304.00	299.00	76.98	207.51	14.51
3502	SUI Classified	251.00	323.00	51.11	139.56	132.33
3601	Workers' Compensation Certific	22,479.00	21,832.00	5,614.62	15,053.36	1,164.02
3602	Workers' Compensation Classifi	18,948.00	24,002.00	3,834.89	10,501.26	9,665.85
3901	Golden Handshake	15,000.00				.00
3902	Golden Handshake-Class	15,000.00				.00
	<b>Total for Object 3000</b>	<b>643,801.00</b>	<b>661,741.00</b>	<b>118,030.56</b>	<b>325,965.42</b>	<b>217,745.02</b>

Balances through March						Fiscal Year 2020/21
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
<b>Fund 01 - Gen Fund (continued)</b>						
4100	Approved Textbooks Core Curric	1,103.00	3,375.00			3,375.00
4300	Materials and Supplies	46,202.00	56,069.00	2,373.30	12,006.92	41,688.78
4320	Custodial Grounds Supplies	1,500.00	1,500.00		49.34	1,450.66
4330	Office Supplies	2,500.00	2,500.00		461.70	2,038.30
4350	Vehicle Upkeep	5,000.00	5,000.00	1,219.74	1,605.54	2,174.72
4399	Mat & Sup Undesignated Bal	879.00				.00
4400	Noncapitalized Equipment	12,020.00	30,802.00	3,212.14		27,589.86
	<b>Total for Object 4000</b>	<b>69,204.00</b>	<b>99,246.00</b>	<b>6,805.18</b>	<b>14,123.50</b>	<b>78,317.32</b>
5100	Subagreements for Services	15,000.00	15,000.00			15,000.00
5200	Travel and Conference	17,079.00	27,100.00	6,653.69	5,073.95	15,372.36
5300	Dues and Membership	16,246.00	16,302.00	696.51	14,640.53	964.96
5400	Insurance	11,000.00	15,000.00		14,575.81	424.19
5500	Operation Housekeeping Service	14,500.00	14,500.00	2,175.99	7,453.90	4,870.11
5600	Rentals, Leases, Repairs, Nonc	1,850.00	1,850.00	465.47	473.81	910.72
5800	Professional Consulting	6,500.00	6,500.00			6,500.00
5801	Legal Services	18,500.00	18,500.00	2,710.00	2,207.50	13,582.50
5803	Legal Publications	500.00	500.00			500.00
5805	Personnel Expense	242.00	242.00	69.00	81.00	92.00
5808	Other Services & Fees	1,500.00	2,000.00	519.36	1,230.64	250.00
5810	Contracted Services	411,963.00	428,500.00	148,992.14	233,612.49	45,895.37
5899	SPJUSD to Reimburse			3,796.84		3,796.84-
5900	Communications	10,500.00	10,500.00	2,672.92	7,786.53	40.55
	<b>Total for Object 5000</b>	<b>525,380.00</b>	<b>556,494.00</b>	<b>168,751.92</b>	<b>287,136.16</b>	<b>100,605.92</b>
6400	Equipment	79,255.00	92,101.00	2,330.57	49,732.44	40,037.99
6500	Equipment Replacement	15,000.00	15,000.00			15,000.00
	<b>Total for Object 6000</b>	<b>94,255.00</b>	<b>107,101.00</b>	<b>2,330.57</b>	<b>49,732.44</b>	<b>55,037.99</b>
7110	County Tuition Inter Dist Agree	25,000.00	25,000.00			25,000.00
7141	Tuition, excess cost etc betwe	24,428.00	24,428.00			24,428.00
7310	Direct Support/Indirect Costs					.00
	<b>Total for Object 7000</b>	<b>49,428.00</b>	<b>49,428.00</b>	<b>.00</b>	<b>.00</b>	<b>49,428.00</b>
	<b>Total for Fund 01 and Expense accounts</b>	<b>2,491,219.00</b>	<b>2,708,208.00</b>	<b>552,110.52</b>	<b>1,367,368.75</b>	<b>788,728.73</b>

<b>Fund 11 - ADULT ED</b>						
1100	Teachers Salaries		41,800.00		12,522.18	29,277.82
1300	Certificated Supervisor Admini	89,732.00	98,752.00	24,688.02	74,064.06	.08-



Balances through March			Fiscal Year 2020/21			
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
<b>Fund 11 - ADULT ED (continued)</b>						
<b>Total for Object 1000</b>		<b>89,732.00</b>	<b>140,552.00</b>	<b>24,688.02</b>	<b>86,586.24</b>	<b>29,277.74</b>
2100	Instructional Aides' Salaries	5,684.00	11,368.00		1,770.81	9,597.19
2200	Classified Support Salaries	14,210.00	14,210.00			14,210.00
<b>Total for Object 2000</b>		<b>19,894.00</b>	<b>25,578.00</b>	<b>.00</b>	<b>1,770.81</b>	<b>23,807.19</b>
3101	STRS Certificated Positions	19,692.00	27,899.00	3,987.12	13,459.08	10,452.80
3102	STRS Classified Positions				285.99	285.99
3202	PERS Classified Positions	3,031.00	5,295.00			5,295.00
3301	OASDI Certificated Positions				201.50	201.50
3302	OASDI Classified Positions	1,233.00	1,586.00			1,586.00
3311	Medicare Certificated Position	1,301.00	2,038.00	357.99	1,255.53	424.48
3312	Medicare Classified Positions	288.00	370.00		25.67	344.33
3401	Health & Welfare Benefits Cert	12,767.00	12,767.00	3,191.70	9,575.10	.20
3501	SUI Certificated	45.00	70.00	12.33	43.29	14.38
3502	SUI Classified	10.00	13.00		.88	12.12
3601	Workers' Compensation Certific	3,589.00	5,333.00	936.75	3,285.41	1,110.84
3602	Workers' Compensation Classifi	795.00	972.00		67.19	904.81
<b>Total for Object 3000</b>		<b>42,751.00</b>	<b>56,343.00</b>	<b>8,485.89</b>	<b>28,199.64</b>	<b>19,657.47</b>
4100	Approved Textbooks Core Curric	5,000.00	6,500.00		5,585.26	914.74
4300	Materials and Supplies	3,000.00	20,119.00	57.24	9,253.11	10,808.65
4320	Custodial Grounds Supplies	1,500.00	2,000.00		541.50	1,458.50
4330	Office Supplies	1,000.00	3,000.00		478.00	2,522.00
4350	Vehicle Upkeep	150.00	5,000.00	1,184.22		3,815.78
4400	Noncapitalized Equipment	2,500.00	5,200.00		5,383.25	183.25
<b>Total for Object 4000</b>		<b>13,150.00</b>	<b>41,819.00</b>	<b>1,241.46</b>	<b>21,241.12</b>	<b>19,336.42</b>
5200	Travel and Conference	1,500.00	6,500.00	767.61	1,157.39	4,575.00
5203	MILEAGE	1,000.00	1,000.00			1,000.00
5300	Dues and Membership	700.00	1,500.00		1,070.00	430.00
5500	Operation Housekeeping Service	1,250.00	4,200.00	2,928.02	1,071.98	200.00
5600	Rentals, Leases, Repairs, Nonc	2,500.00	2,500.00	1,170.93	796.33	532.74
5801	Legal Services	1,000.00	1,000.00			1,000.00
5805	Personnel Expense		100.00	50.00		50.00
5808	Other Services & Fees			214.97	35.03	250.00
5810	Contracted Services	15,000.00	17,000.00	11,870.00	4,632.14	497.86
5900	Communications	5,000.00	5,000.00	526.91	1,016.42	3,456.67
<b>Total for Object 5000</b>		<b>27,950.00</b>	<b>38,800.00</b>	<b>17,528.44</b>	<b>9,779.29</b>	<b>11,492.27</b>

Balances through March						Fiscal Year 2020/21
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
<b>Fund 11 - ADULT ED (continued)</b>						
6200	Building and Improvement of Bu		8,000.00			8,000.00
6400	Equipment	7,633.00	7,624.00		659.15-	8,283.15
	<b>Total for Object 6000</b>	<b>7,633.00</b>	<b>15,624.00</b>	<b>.00</b>	<b>659.15-</b>	<b>16,283.15</b>
7619	Other Authorized Interfund Tra	4,090.00	4,786.00			4,786.00
	<b>Total for Fund 11 and Expense accounts</b>	<b>205,200.00</b>	<b>323,502.00</b>	<b>51,943.81</b>	<b>146,917.95</b>	<b>124,640.24</b>
<b>Fund 16 - FOREST RES</b>						
7211	Transfers of Pass-through Rev	330,000.00	330,000.00			330,000.00
7619	Other Authorized Interfund Tra	58,250.00	58,250.00			58,250.00
	<b>Total for Fund 16, Expense accounts and Object 7000</b>	<b>388,250.00</b>	<b>388,250.00</b>	<b>.00</b>	<b>.00</b>	<b>388,250.00</b>
	<b>Total for Org 001 - Sierra County Office of Education</b>	<b>3,084,669.00</b>	<b>3,419,960.00</b>	<b>604,054.33</b>	<b>1,514,286.70</b>	<b>1,301,618.97</b>

MINUTES FOR THE REGULAR MEETING OF THE  
SIERRA COUNTY BOARD OF EDUCATION

March 09, 2021

*In accordance with the Governor's Executive Order pertaining to the convening of public meetings in response to the COVID-19 pandemic, the Sierra County Board of Education held this meeting via Zoom Videoconferencing for the public.*

6:00pm Regular Session

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A. CALL TO ORDER

*President PATTY HALL called the meeting to order at 6:02pm.*

B. ROLL CALL

PRESENT: Patty Hall, President  
Allen Wright, Vice President  
Christina Potter, Clerk  
Mike Moore, Member  
Nicole Stannard, Member

ABSENT: None

C. APPROVAL OF AGENDA

*WRIGHT/MOORE*

*5/0*

D. FLAG SALUTE

E. 2019-2020 AUDIT PRESENTATION – CWDL CPAs

1. Acceptance of 2019-2020 Audited Actuals

*WRIGHT/STANNARD*

*5/0*

F. INFORMATION/DISCUSSION ITEMS

1. Correspondence

- a. Letter from California Department of Education, SCOE 2020-2021 First Interim Reports accepted with a positive certification

2. Superintendent's Report

- a. Social Emotional Learning Memorandum of Understanding with Sacramento County Office of Education, Contract No. 2021-011C  
*BERARDI: Money in services are being provided through Sacramento COE to address Social Emotional Learning.*

- b. Update on CDPH Safe School Review

*BERARDI: We have done all the paperwork and reporting required by the State to apply for a sort of "waiver" to keep LES open for in-person learning. As it looks right now, though, we don't anticipate having to close any of our sites unless we hear otherwise from the State.*

3. Business Report

- a. Account Object Summary-Balance from 07/01/2020 to 02/28/2021

4. Staff Reports

*SELPA—BETHKE: \*\*Statement read regarding the importance of Special Education services in light of the possible cuts being looked at due to current budget issues.*

5. Board Member Reports

*None*

6. Public Comment

*CASSANDRA MARTINETTI—parent: \*\*Statement read regarding the proposed budget cuts discussed during the Community Budget Meeting last week.*

G. CONSENT CALENDAR

1. Approval of minutes for the Regular Board Meeting held February 09, 2021
2. Approval of Board Report-Checks Dated 02/01/2021 through 02/28/2021

*WRIGHT/POTTER*

*5/0*

H. ACTION ITEMS

1. New Business

- a. Adoption of SCOE 2020-2021 Second Interim Actuals and Criteria and Standards Report as of January 31, 2021

*WRIGHT/MOORE*

*5/0*

- b. Approval of 2021-2022 School Calendars

*MOORE/WRIGHT*

*5/0*

- c. Approval of Safe Schools Plan, annual review and revisions

(this plan can be found in its entirety on our website,

[http://www.sierracountyofficeofeducation.org/upload/?show=/SCHOOL\\_SAFETY\\_PLAN/](http://www.sierracountyofficeofeducation.org/upload/?show=/SCHOOL_SAFETY_PLAN/))

*WRIGHT/STANNARD*

*5/0*

- d. Accept letter of retirement for Barbara Jaquez, Loyalton High School Special Education teacher, 1.0 FTE, effective June 30, 2021

*STANNARD/POTTER – with regret!*

*5/0*

- e. In accordance with the Rodda Act, Sierra-Plumas Teachers Association (SPTA) is sunshining their proposal for the 2020-2021 school year

*WRIGHT/MOORE*

*5/0*

- f. 2021 Ballot for California School Boards Association (CSBA) Delegate Assembly Election

*WRIGHT motioned to vote for both incumbents listed on the ballot.*

*Second by MOORE.*

*5/0*

BOARD POLICIES, ADMINISTRATIVE REGULATIONS, EXHIBITS, BOARD BYLAWS

- g. 0430—Comprehensive Local Plan for Special Education

1. Administrative Regulation, *revisions*

- h. 1312.3—Uniform Complaint Procedures

1. Board Policy, *revisions*

2. Administrative Regulation, *revisions*

- i. 4119.11~4219.11~4319.11—Sexual Harassment

1. Board Policy, *revisions*

2. Administrative Regulation, *revisions*

- j. 4119.12~4219.12~4319.12—Title IX Sexual Harassment Complaint Procedures

1. Administrative Regulation, *revisions*

2. Exhibit, *NEW*

- k. 6146.1—High School Graduation Requirements
  - 1. Board Policy, *revisions*
- l. 6146.2—Certificate of Proficiency/High School Equivalency
  - 1. Board Policy, *revisions*
  - 2. Administrative Regulation, *revisions*
  - 3. Exhibit, *NEW*

*MOORE* motioned to table items g-l to the next board meeting in April. Second by *WRIGHT*.  
5/0

- m. 6146.12—Graduation Requirements/Standards of Proficiency – Adult Education
  - 1. Board Policy, *revisions*

*WRIGHT/POTTER*  
5/0

I. ADVANCED PLANNING

- 1. Next Regular Board Meetings will be held on April 13, 2021 beginning with Closed Session as needed at 5:00pm and the Regular Board Meetings at 6:00pm via Zoom videoconferencing.
- 2. Suggested Agenda Items
  - Board Policies that were tabled to the April meeting*

J. ADJOURN at 7:08pm  
*WRIGHT/STANNARD*  
5/0

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Christina Potter, Clerk

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James Berardi, Superintendent  
Secretary to the County Board of Education

Checks Dated 03/01/2021 through 03/31/2021

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
00015861	03/12/2021	MEGAN ANDALUZ	01-5810	TRANSPORTATION REIMBURSE		133.95
00015862	03/12/2021	AT&T	11-5900	PHONE		89.82
00015863	03/12/2021	CIT	01-5900	PHONE SYSTEM/MAINTENANCE		773.08
00015864	03/12/2021	KELLI GROCK	01-5810	COUNSELING SERVICES		1,922.80
00015865	03/12/2021	LIBERTY UTILITIES CPEC	01-5500	ELECTRICAL SERVICE	661.45	
			11-5500	ELECTRICAL SERVICE	304.92	966.37
00015866	03/12/2021	MARY LOWE	01-5810	COUNSELING SERVICES		2,675.20
00015867	03/12/2021	LESLIE MARSDEN, MOT, OTR/L	01-5810	OCCUPATIONAL THERAPY SERVICES		3,012.50
00015868	03/12/2021	MASTERCRAFT HARDWOOD LUMBER INC.	01-4300	PLYWOOD	453.88	
				Unpaid Sales Tax	30.68-	423.20
00015869	03/12/2021	PLUMAS-SIERRA TELECOMMUNICATIONS	11-5600	BROADBAND SERVICE		109.00
00015870	03/12/2021	PRESENCELEARNING, INC.	01-5810	PRESENCE LEARNING		8,346.74
00015871	03/12/2021	RAY MORGAN COMPANY	01-5600	COPIER MAINT.		14.35
00015872	03/12/2021	SIERRA COUNTY OFFICE OF EDUCATION	01-5808	BANK SERVICE FEES	230.62	
			11-5808	BANK SERVICE FEES	35.03	265.65
00015873	03/12/2021	SIERRA VALLEY HOME CENTER	01-4300	SHOP SUPPLIES		102.29
00015874	03/12/2021	TRI COUNTY SCHOOLS INSURANCE GROUP	01-9535	MAR 21 HEALTH INSURANCE	2,272.00	
			76-9576	MAR 21 HEALTH INSURANCE	17,334.90	19,606.90
00015875	03/12/2021	U.S. BANK	01-4300	SHOP SUPPLIES	518.04	
			11-4400	PEDIATRIC AIRWAY TRAINER	669.22	1,187.26
00015876	03/12/2021	VOYAGER	01-4350	FUEL EXPENSE		380.17
<b>Total Number of Checks</b>					<b>16</b>	<b>40,009.28</b>

Fund Summary

Fund	Description	Check Count	Expensed Amount
01	County School Service Fund	14	21,497.07
11	ADULT EDUCATION	5	1,207.99
76	Payroll Clearing	1	17,334.90
Total Number of Checks		<b>16</b>	40,039.96
Less Unpaid Sales Tax Liability			30.68
<b>Net (Check Amount)</b>			<b>40,009.28</b>

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

ESCAPE ONLINE

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

**CERTIFICATED PERSONNEL**

**2021-2022 Extra Duty Assignments – Positions to Be Filled**

*The following Extra Duty Assignment temporary positions and stipends are subject to the Sierra-Plumas Joint Unified Governing Board approval on April 13, 2021.*

<b>Position</b>	<b>Stipend</b>
WASC LEAD	
Loyalton Maintenance year	\$1,000
Downieville Maintenance year	\$1,000
Site Technology Coordinator	\$1,500
Loyalton Elementary	
Loyalton Junior/Senior High 7-12	
Downieville K-12	
Teacher-In-Charge per semester	\$1,000
Loyalton Elementary	
Loyalton Junior/Senior High 7-12	
Lead Teacher Downieville per month	\$1,000
Response to Intervention	
Loyalton High 7-12	\$1,500
Downieville K-12	\$1,000
Loyalton Elementary	\$1,500
Friday Night Live Program Advisor	
Friday Night Live, Club Live, Friday, Night Kids	
Loyalton Elementary, Loyalton High	\$2,000
Downieville K-12	\$1,000

# SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

## CERTIFICATED PERSONNEL

### 2021-2022 Extra Duty Assignments – Athletics

#### Positions To Be Filled

<u>Coaching Assignments</u>	<u>STIPEND</u>
Athletic Director - Loyalton High/\$2,500 per season x3/\$7,500 cap	\$7,500 cap
Athletic Director – Downieville/\$500 per team or \$2,000 cap	\$2,000 cap
Athletic Director - Loyalton Elementary 6,7,8	\$1,000
Varsity Football, LHS	\$2,000
Assistant Varsity Football, LHS	\$1,500
Varsity Basketball - Boys	\$2,000
J.V. Basketball – Boys	\$2,000
Varsity Basketball - Girls	\$2,000
J.V Basketball – Girls	\$2,000
7 <sup>th</sup> Grade Basketball – Boys	\$500
8 <sup>th</sup> Grade Basketball – Boys	\$500
7 <sup>th</sup> Grade Basketball - Girls	\$500
8 <sup>th</sup> Grade Basketball – Girls	\$500
7 <sup>th</sup> /8 <sup>th</sup> Gr COED Basketball, DVL	\$1,500
Boys Baseball	\$2,000
Girls Softball	\$2,000
Varsity Volleyball - Girls	\$2,000
JV Volleyball – Girls	\$1,500
Track	\$2,000
Tennis	\$1,500
Cheerleading Advisor-per season, max 2 season per year	\$2,000
Golf	\$1,500
Cross Country	\$500
Physical Fitness Coordinator District-wide	\$500
Soccer	\$2,000
Ski Team	TBD



# SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

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Doc:Personnel/Extra Duty Posting SPTA\_2021-2022\_BOARD\_April 2021

Please refer to the agenda packet for March 09, 2021 for the previous batch of policies to be reviewed here along with the new batch of policies for April 13, 2021.

## CSBA POLICY GUIDE SHEET - April 2021

Note: Descriptions below identify revisions made to CSBA's sample board policies, administrative regulations, board bylaws, and/or exhibits. Editorial changes have also been made. Districts and county offices of education should review the sample materials and modify their own policies accordingly.

### **Board Policy 0420.42 - Charter School Renewal**

Policy updated to reflect **NEW LAW (SB 98, 2020)** which amends the criteria for renewal when the two consecutive years immediately preceding the renewal include the 2019-20 school year (i.e., renewals submitted in 2020-21 and 2021-22). Policy adds the requirement that the determination of a charter school's academic progress be based on all the state indicators in the California School Dashboard for which it receives performance levels, provided that the charter school has schoolwide performance levels on at least two measurements of academic performance per year and for at least two student subgroups. Policy also reflects action taken by the State Board of Education (SBE) in November 2020 to approve a list of valid and reliable indicators of academic progress and postsecondary outcomes that may be used to demonstrate a charter school's academic performance.

### **Board Policy 3110 - Transfer of Funds**

Policy updated to reflect **NEW LAW (SB 98, 2020)** which authorizes, for the 2020-21 and 2021-22 fiscal years if the state defers any payments owed to districts, the temporary transfer of up to 85 percent of the maximum amount held in any fund or account for the payment of obligations. Item #4 revised to clarify requirements for transfers from special reserve funds for capital outlay or other purposes into the general fund for general operating purposes of the district.

### **Board Policy 3230 - Federal Grant Funds**

Policy updated to reflect **NEW FEDERAL REGULATIONS (85 Fed. Reg. 49506)**, effective November 12, 2020, which clarify and renumber requirements for the use and accounting of federal grant funds pursuant to the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (commonly called the "Uniform Guidance"). Policy reflects an amendment to the Uniform Guidance which extends the timeframe for submitting the final performance report from 90 to 120 calendar days after the ending date of the grant.

### **Administrative Regulation 3230 - Federal Grant Funds**

Regulation updated to reflect **NEW FEDERAL REGULATIONS (85 Fed. Reg. 49506)**, effective November 12, 2020, which clarify and renumber requirements for the use and accounting of federal grant funds pursuant to the Uniform Guidance. Regulation reflects amendments to the Uniform Guidance which (1) extend the timeframe for paying all obligations of federal funds from 90 to 120 calendar days after the end of the funding period; (2) require districts to give a preference to the purchase, acquisition, or use of goods, products, or materials from the United States as practicable; and (3) increase the threshold for "micro-purchases" and "small purchases" that qualify for simplified procurement procedures. Regulation also adds the requirement to provide for disciplinary actions to be applied when officers, employees, or representatives of the district violate conflict of interest standards. Section on "Personnel" revised to (1) add the district's responsibility to check employee records and ensure that the charges are accurate, allowable, and properly allocated and (2) clarify the documentation requirements for employees whose salary is paid with state or local funds but is used to meet a cost-sharing or matching requirement of the federal grant.

### **Administrative Regulation 3311.2 - Lease-Leaseback Contracts**

Regulation updated to (1) include the maximum term for the lease-leaseback contract as specified in law, (2) reflect the requirement for site and plan approval prior to entering into an agreement, (3) add optional language for a board resolution declaring the intent to enter into a lease-leaseback contract, and (4) move evaluation criteria into the list of items that must be included in the request for sealed proposals. Regulation also reflects **NEW LAW (AB 2311, 2020)** which requires districts to include in all bid documents and construction contracts a notice that the project is subject to state "skilled and trained workforce" requirements.

### **Administrative Regulation 3311.3 - Design-Build Contracts**

Regulation updated to reflect **NEW LAW (AB 2311, 2020)** which requires districts to include in all bid documents and construction contracts a notice that the project is subject to state "skilled and trained workforce" requirements. Regulation also adds a definition of "skilled and trained workforce," and describes the district's responsibilities if the contractor fails to demonstrate compliance with these requirements.

# Sierra County/Sierra-Plumas Joint USD

## Board Policy

### Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0420.42

#### CHARTER SCHOOL RENEWAL

Note: When the term of a charter granted by the Governing Board pursuant to Education Code 47605 is due to expire, the charter school must submit a petition for renewal to the Board in accordance with Education Code 47607.

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

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

*(cf. 0420.4 - Charter School Authorization)*

*(cf. 0420.41 - Charter School Oversight)*

*(cf. 0420.43 - Charter School Revocation)*

*(cf. 0500 - Accountability)*

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

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

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

The Board recommends that a charter school submit its petition for renewal to the Board sufficiently early before the expiration of the term of the charter to allow the Board's deliberations

and decision on the renewal petition to be completed with minimal disruption to the charter school's educational program in the renewal year.

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

### Criteria for Granting or Denying Renewal

Note: Education Code 47607 and 47607.2 authorize different lengths of renewals for high-performing, middle-performing, and low-performing charter schools.

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

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

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

Note: Pursuant to Education Code 47607.2, the review of the charter school's academic performance must be based on "verified data" from assessments and other indicators approved by SBE. In November 2020, SBE approved a list of valid and reliable indicators of academic progress and postsecondary outcomes that may be used to demonstrate a charter school's academic performance. Such indicators are available on CDE's web site.

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

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

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

#### 1. Renewal of Five to Seven Years

~~A renewal shall be granted for a period of five to seven years to aa.A~~ charter school that is not eligible for technical assistance pursuant to Education Code 47607.3 ~~and that shall be granted renewal for a period of five to seven years when, for two consecutive years immediately preceding the renewal, or for two of the three years immediately preceding the renewal for any renewal submitted in the 2020-21 or 2021-22 school year, the charter school~~ achieved either of the following: (Education Code 47607)

- ~~a.~~(1) Received the two highest performance levels schoolwide on all the state indicators included in the Dashboard for which the charter school receives performance levels, provided the charter school has schoolwide performance levels on at least two measurements of academic performance per year in each of the two years
- ~~b.~~(2) For all measurements of academic performance, received performance levels schoolwide that are the same or higher than the state average and, for a majority of numerically significant student subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average, provided that the charter school has performance levels on at least two measurements of academic performance for at least two subgroups

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

## 2. Renewal of Five Years

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

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

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

- a. The Board shall generally not renew a charter if, for two consecutive years immediately preceding the renewal decision, or for two of the three years immediately preceding the renewal for any renewal submitted in the 2020-21 or 2021-22 school year, either of the following applies: (Education Code 47607.2)
- (1) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the Dashboard for which it receives performance levels, provided the charter school has schoolwide performance levels on at least two measurements of academic performance per year in each of the two years
  - (2) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or lower than the state average and, for a majority of numerically significant student subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average, provided that the charter school has performance levels on at least two measurements of academic performance for at least two subgroups
- b. However, the Board may grant a two-year renewal to any such charter school if the Board makes written factual findings, setting forth specific facts to support the findings, that: (Education Code 47607.2)
- (1) The charter school is taking meaningful steps to address the underlying cause(s) of low performance, and those steps are reflected, or will be reflected, in a written plan adopted by the governing body of the charter school.
  - (2) There is clear and convincing evidence, demonstrated by verified data, showing achievement of the criteria specified in item #2a above

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



Note: Charter schools that serve high-risk students may qualify for the state's Dashboard Alternative School Status (DASS) program, which uses modified methods of measurement for accountability indicators when appropriate. Charter schools that participate in the DASS are subject to the following criteria specified in Education Code 47607.

A charter school that ~~is eligible~~qualifies for the state's Dashboard Alternative School Status shall not be subject to any of the above criteria. Instead, in determining whether to grant a charter renewal for such a charter school, the Board shall consider, in addition to the charter school's performance on the state and local indicators included in the Dashboard, the charter school's performance on alternative metrics applicable to the charter school based on the student population served. The Board shall meet with the charter school during the first year of the charter school's term to mutually agree to discuss alternative metrics to be considered and shall notify the charter school of the alternative metrics to be used within 30 days of this meeting. The Board may deny a charter renewal only upon making written findings, setting forth specific facts to support the findings, that the closure of the charter school is in the best interest of students. (Education Code 47607)

### **Timelines for Board Action**

Note: State law does not expressly provide a timeline for a public hearing on the renewal petition or for the Board's final decision on the renewal. However, pursuant to Education Code 47607, renewals are generally subject to the same standards and criteria applicable to initial charter authorizations, as specified in Education Code 47605. The following section reflects the timelines established for initial charter authorizations.

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

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

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

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

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

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

### School Closure

If a charter is not renewed and the charter school ceases operation, the ~~Board and/or the charter school shall implement the~~ school closure procedures specified in the charter in accordance with Education Code 47605 and 5 CCR 11962: shall be implemented. (Education Code ~~4760347604.32, 47605~~)

#### Legal Reference:

##### EDUCATION CODE

47600-47616.7 Charter Schools Act of 1992

52052 Definition of numerically significant student subgroup

56145-56146 Special education services in charter schools

60600-60649 Assessment of academic achievement

##### CODE OF REGULATIONS, TITLE 5

#### ~~11960-11969 Charter schools~~

~~11962-11962.1 Definitions~~

~~11966.4 Submission of charter renewal petition~~

~~11966.5 Charter petitions that have not been renewed; submission to county board of education~~

##### UNITED STATES CODE, TITLE 20

7223-7225 Charter schools

#### Management Resources:

##### CSBA PUBLICATIONS

The Role of the Charter School Authorizer, Online Course

Charter Schools: A Guide for Governance Teams, rev. 2016

##### WEB SITES

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

California Charter Authorizing Professionals: <https://calauthorizers.org>

California Charter Schools Association: ~~http~~<https://www.ealchartersccsa.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/esch>

National Association of Charter School Authorizers: ~~http~~

<https://www.charterauthorizersqualitycharters.org>

U.S. Department of Education: <http://www.ed.gov>

SIERRA COUNTY OFFICE OF EDUCATION  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

Policy adopted: April 14, 2020

revised: April 13, 2020

# Sierra County/Sierra-Plumas Joint USD

## Board Policy

### Business and Noninstructional Operations

#### BP 3110

#### **TRANSFER OF FUNDS**

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

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

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

*(cf. 3100 - Budget)*

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

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

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

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

1. At any time, adopt a written resolution providing for transfers from the designated fund balance or the unappropriated fund balance to any expenditure classification or between classifications. The resolution shall be filed with the County Superintendent of Schools and the ~~county auditor~~ County Auditor. (Education Code 42600)  
*(cf. 9323.2 - Actions by the Board)*
2. Direct the temporary transfer of monies held in any district fund or account to another fund or account as necessary for the payment of obligations. Such borrowing shall occur only when the fund or account receiving the money will earn sufficient income during the current fiscal year to repay the amount transferred. No more than 75 percent of the maximum amount held in any fund or account during the current fiscal year may be transferred. Amounts transferred shall be repaid in the same fiscal year, or in the following fiscal year if the transfer takes place within the final 120 calendar days of a fiscal year. (Education Code 42603)

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

For the 2020-21 and 2021-22 fiscal years only, if the state defers any payments owed to districts, the Board may direct the temporary transfer of up to 85 percent of the maximum amount held in any fund or account during the current fiscal year for the payment of

obligations. Such borrowing shall occur only when the fund or account receiving the money will earn sufficient income during the current fiscal year to repay the amount transferred. Prior to exercising this authority, the Board shall hold a public hearing and adopt a resolution authorizing such transfer. (Education Code 42603.1)

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

3. At the close of a school year, request that the County Superintendent make transfers between the designated fund balance or the unappropriated fund balance and any expenditure classification(s), or balance any expenditure classifications of the district budget as necessary for the payment of obligations incurred during that school year. (Education Code 42601)
4. ~~Specify amounts to be transferred by the county auditor and treasurer from the district's general fund to the special reserve fund during the fiscal year.~~ If any special reserve funds that are maintained for ~~purposes other than~~ capital outlay or ~~if monies in the special reserve fund~~ other purposes pursuant to Education Code 42842 are not actually encumbered for ongoing expenses, ~~the Board may~~ transfer those monies into the general fund for the general operating purposes of the district. If any monies remain in the special reserve fund at the conclusion of a project, the Board may, by submit a written request to the County Superintendent, ~~auditor~~ Auditor, and ~~treasurer~~ Treasurer to discontinue the special reserve fund and transfer those monies to the district's general fund. (Education Code 42841-42843)
5. Transfer monies between other funds or accounts when authorized by law.

*Legal Reference:*

EDUCATION CODE

78 Definition, governing board

5200 Districts governed by boards of education

16095 Transfer of district funds to district state school building fund

41010 California School Accounting Manual

41301 Section A state school fund allocation schedule

42125 Designated and unappropriated fund balances

42238-42251 Apportionments to districts, especially:

42238.01-42238.07 Local control funding formula

42600 District budget limitation on expenditure

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

42603 Temporary Transfer of monies held in any fund or account to another fund; repayment

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

42840-42843 Special reserve fund

52616.4 Expenditures from adult education fund

*Management Resources:*

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

*California School Accounting Manual*

*WEB SITES*

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

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

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

SIERRA COUNTY OFFICE OF EDUCATION  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

Policy adopted: April 10, 2007

revised: March 13, 2012

revised: November 12, 2013

revised: April 13, 2021



# Sierra County/Sierra-Plumas Joint USD

## Board Policy

### Business and Noninstructional Operations

#### BP 3230

#### FEDERAL GRANT FUNDS

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

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

The Governing Board recognizes the district's responsibility to maintain fiscal integrity and transparency in the use of all funds awarded through federal grants. The district shall comply with all requirements detailed in any grant agreement with an awarding agency and with the federal Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards specified in 72 CFR 200.0-200.521 and any stricter state laws and district policy.

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

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

1. Identification in district accounts of each federal award received and expended and the federal program under which it was received  
(*cf. 3100 - Budget*)
2. Accurate, current, and complete disclosure of the financial ~~and performance~~ results of each federal award or program in accordance with the reporting requirements of 2 CFR 200.~~327328~~ and 200.~~328329~~  
(*cf. 3460 - Financial Reports and Accountability*)
3. Records and supporting documentation that adequately identify the source and application of funds for federally funded activities, including information pertaining to federal awards, authorizations, financial obligations, unobligated balances, assets, expenditures, income, and interest  
(*cf. 1340 - Access to District Records*)  
(*cf. 3580 - District Records*)
4. Effective ~~controls~~control over and accountability for all funds, property, and other assets and assurance that all assets are used solely for authorized purposes

5. Comparison of actual expenditures with budgeted amounts for each federal award
6. Written procedures to implement provisions governing payments as specified in 2 CFR 200.305
7. Written procedures for determining the allowability of costs in accordance with 2 CFR 200.400-200.475 and the terms and conditions of the federal grant award  
(*cf. 3400 - Management of District Assets/Accounts*)

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

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

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

(*cf. 3440 - Inventories*)

(*cf. 3512 - Equipment*)

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

(*cf. 4131 - Staff Development*)

(*cf. 4231 - Staff Development*)

(*cf. 4331 - Staff Development*)

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

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

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

(*cf. 0500 - Accountability*)

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



*Legal Reference:*EDUCATION CODE

42122-42129 Budget requirements

64001 School plan for student achievement, consolidated application programsCODE OF FEDERAL REGULATIONS, TITLE 2

180.220 Amount of contract subject to suspension and debarment rules

200.0-200.521 Federal uniform grant guidance, especially:

200.1-200.99 Definitions

200.100-200.113 General provisions

200.317-200.326 Procurement standards

200.327-200.329 Monitoring and reporting

200.333-200.337 Record retention

200.400-200.475 Cost principles

200.500-200.521 Audit requirements

CODE OF FEDERAL REGULATIONS, TITLE 34

76.730-76.731 Records related to federal grant programs

CODE OF FEDERAL REGULATIONS, TITLE 48

2.101 Federal acquisition regulation; definitions

*Management Resources:*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONSCalifornia Department of Education Audit GuideCalifornia School Accounting ManualEDUCATION AUDIT APPEALS PANEL PUBLICATIONSGuide for Annual Audits of K-12 Local Education Agencies and State Compliance ReportingU.S. DEPARTMENT OF EDUCATION PUBLICATIONSQuestions and Answers Regarding 2 CFR Part 200, March 17, 2016WEB SITESCalifornia Department of Education: <http://www.cde.ca.gov>Education Audit Appeals Panel: <http://www.eaap.ca.gov>Office of Management and Budget, Uniform Guidance: [https://www.whitehouse.gov/omb/grants\\_does](https://www.whitehouse.gov/omb/grants_does)State Controller's Office: <http://www.sco.ca.gov>System for Award Management (SAM): <http://www.sam.gov/portal/SAM/###11>U.S. Department of Education: <http://www.ed.gov>U.S. Government Accountability Office: <http://www.gao.gov>SIERRA COUNTY OFFICE OF EDUCATION  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

Regulation approved: October 11, 2016

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# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

### Business and Noninstructional Operations

#### AR 3230

#### FEDERAL GRANT FUNDS

Note: The following administrative regulation reflects the major requirements of the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (commonly called "Uniform Guidance"), as specified in 2 CFR 200.0-200.521 and Appendices I-XII, as amended by 85 Fed. Reg. 49506. The Uniform Guidance governs the use of all grants awarded by the federal government, including formula grants (e.g., Title I funding, Part B of the Individuals with Disabilities Education Act) and discretionary grants. Pursuant to 2 CFR 200.302, 200.318, and 200.319, the district is mandated to adopt written procedures related to procurement, conflict of interest, cash management, payments, and allowable costs. Pursuant to Public Contract Code 20111, districts participating in a federally funded child nutrition program, such as the National School Lunch and/or Breakfast Program, must comply with the federal procurement standards of 2 CFR 200.318-200.326.

The requirements of the Uniform Guidance are extensive and are not fully covered in the following administrative regulation. It is recommended that the district expand the following regulation and/or maintain a comprehensive procedures manual which contains internal controls and grant management standards used by the district to ensure the lawful expenditure of federal funds, including, but not limited to, procedures and protocols for cash management, procurement, inventory management, allowability of expenditures, "time and effort" reporting by personnel, and record retention.

To ensure the lawful expenditure of any federal formula or discretionary grant funds awarded to the district, the Superintendent or designee shall comply with the requirements of the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (the "Uniform Guidance"), as contained in 2 CFR 200.0-200.521 and Appendices I-XII.

#### **Allowable Costs**

Note: 2 CFR 200.302 mandates that districts develop written procedures for determining the allowability of costs in accordance with 2 CFR 200.400-200.475 and the terms and conditions of the federal grant award. Districts may revise this section or their detailed procedures manual to reflect those requirements.

Prior to obligating or spending any federal grant funds, the Superintendent or designee shall determine whether a proposed purchase is an allowable expenditure in accordance with 2 CFR 200.400-200.475 and the terms and conditions of the award. ~~He/she~~ The Superintendent or designee shall also determine whether the expense is a direct or indirect cost as defined in 2 CFR 200.413 and 200.414 and, if the purchase will benefit other programs not included in the grant award, the appropriate share to be allocated to the federal grant.

*(cf. 3350 - Travel Expenses)*

Note: Pursuant to Education Code 42126, which requires the Superintendent of Public Instruction to prescribe a uniform format for district budgets, districts are required to use the Standardized Account Code Structure (SACS). SACS ensures that districts meet state and federal reporting guidelines and comply with generally accepted accounting principles prescribed by the Governmental Accounting Standards Board. The California Department

of Education's California School Accounting Manual provides guidance regarding coding of revenues and expenditures and reflects the Uniform Guidance.

The Superintendent or designee shall review and approve all transactions involving federal grant funds and shall ensure the proper coding of expenditures consistent with the California School Accounting Manual.

*(cf. 3300 - Expenditures and Purchases)*

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

## Period of Performance

Note: Pursuant to 2 CFR 200.344, any federal funds that are not obligated or paid within the appropriate timeframes must be returned to the awarding agency. Thus, districts should closely monitor spending throughout the grant cycle.

As amended by 85 Fed. Reg. 49506, 2 CFR 200.344 increases the number of days for districts to liquidate all financial obligations from 90 days to 120 days.

All obligations of federal funds shall occur on or between the beginning and ending dates of the grant project and shall be paid no later than 90/120 calendar days after the end of the funding period, unless specifically authorized by the grant award to be carried over beyond the initial term of the grant. (2 CFR 200.77, 200.308, 200.309, 200.~~343~~344)

## Procurement

Note: Districts are required to comply with the procurement standards specified in 2 CFR 200.317-200.327 as well as state laws pertaining to bidding and procurement.

2 CFR 200.322, as added by 85 Fed. Reg. 49506, requires districts, to the extent practicable under a federal award, to give preference to the purchase, acquisition, or use of goods, products, or materials from the United States.

When procuring goods and services with a federal grant, the Superintendent or designee shall comply with the standards contained in 2 CFR 200.317-200.~~326~~327 and Appendix II of Part 200, ~~or~~and with any applicable state bidding or procurement law or district policy that is more restrictive.

As appropriate to encourage greater economy and efficiency, the Superintendent or designee shall avoid acquisition of unnecessary or duplicative items, give consideration to consolidating or breaking out procurements, analyze lease versus purchase alternatives, consider entering into an interagency agreement for procurement of common or shared goods and services, and/or use federal excess or surplus property. (2 CFR 200.318)

Note: 2 CFR 200.318 mandates that districts have written procedures that address all applicable laws regarding the use of federal grant funds in procurement transactions. The U.S. Department of Education's (USDOE) Questions and Answers Regarding 2 CFR Part 200 clarifies that such procedures must address issues related to the bid process (e.g., source evaluation, protests, and claims).

The following list reflects major requirements contained in the Uniform Guidance. Districts may revise the following list or the district's comprehensive procedures manual to include additional detail, such as a description of the documents that will be used (e.g., purchase order, requisition), staff responsibilities, and the process for soliciting and receiving bids.

The procurement of goods or services with federal funds shall be conducted in a manner that provides full and open competition in accordance with state laws and district regulations and the following requirements:

Note: 2 CFR 200.67 and 200.320 permit districts to establish simplified procurement procedures for "micro-purchases," as described in item #1 below. Pursuant to 2 CFR 200.320, districts are responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and district procurement procedures. Pursuant to 2 CFR 200.320, as amended by 85 Fed. Reg. 49506, and 48 CFR 2.101, the threshold for such purchases cannot exceed \$10,000 except as otherwise specified, and will be periodically adjusted for inflation. However, pursuant to 2 CFR 200.320, as amended, a district may be eligible to establish a micro-purchase threshold up to \$50,000 on an annual basis if the district is able to self-certify that it may do so, with documentation of one of the following criteria: (1) the district's qualification as a low-risk auditee in accordance with 2 CFR 200.520; (2) an annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or (3) a higher threshold consistent with state law. Districts may establish a threshold higher than \$50,000 with approval of the appropriate federal agency. Item #1 may be revised to reflect the threshold established by the district.

Use of the simplified procedures requires that the district determine the price to be "reasonable." According to the USDOE's Questions and Answers Regarding 2 CFR Part 200, a documented review of web sites would meet this requirement.

As amended, 2 CFR 200.320 increases the "small purchases" limit under the Uniform Guidance (item #2 below) to \$250,000 in accordance with 48 CFR 2.101. However, the more restrictive California bid limits in Public Contract Code 20111 and district procurement policies must be applied to define the "small purchase" requirements.

Any purchases above the California bid limits must follow California law. See BP/AR 3311 - Bids for more information regarding bids and bid limits.

1. Any purchase of supplies or services that does not exceed the "micro-purchase" threshold ~~specified in~~ established by the district in accordance with 48 CFR 2.101 may be awarded without soliciting competitive quotes, provided that the district considers the price to be reasonable and maintains written evidence of this reasonableness in the record of all micro-purchases. (2 CFR 200.67, 200.320)
2. For any purchase that exceeds the micro-purchase threshold but is less than the bid limit required by Public Contract Code 20111, the Superintendent or designee shall utilize "small-purchase" procedures that include obtaining price or rate quotes from an adequate number of qualified sources. (2 CFR 200.320)
3. Contracts for goods or services over the bid limits required by Public Contract Code 20111 shall be awarded pursuant to California law and AR 3311 - Bids, unless exempt from bidding under the law.  
(*cf.* 3311 - Bids)
4. If a purchase is exempt from bidding and the district's solicitation is by a request for proposals, the award may be made by either a fixed-price or cost-reimbursement type contract awarded to the entity whose proposal is most advantageous to the program, with price and other factors considered. (2 CFR 200.320)  
(*cf.* 3312 - Contracts)
5. Procurement by noncompetitive proposals (sole sourcing) may be used only when the item is available exclusively from a single source, the need or emergency will not permit a delay resulting from competitive solicitation, the awarding agency expressly authorizes sole

sourcing in response to the district's request, and/or competition is determined inadequate after solicitation of a number of sources. (2 CFR 200.320)

6. Time and materials type contracts may be used only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. *Time and materials type contract* means a contract for which the cost is the sum of the actual cost of materials and direct labor hours charged at fixed hourly rates that reflect wages, general administrative expenses, and profit. (2 CFR 200.328318)

Note: 2 CFR 200.214 restricts districts from procuring goods or services from entities that have been debarred, suspended, or otherwise excluded from participation in federal assistance programs or activities. Districts may require certification of eligibility from the vendor or use the federal System for Award Management website to determine whether a particular entity has been excluded.

For any purchase of \$25,000 or more, the Superintendent or designee shall verify that any vendor which is used to procure goods or services is not excluded or disqualified by the federal government. (2 CFR 180.220, 200.213)214)

Note: 2 CFR 200.319 mandates that districts have written procedures for procurement transactions that include the following components.

All solicitations shall incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description shall avoid detailed product specifications to the extent possible, but may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. When it is impractical or not economical to make a clear and accurate description of the technical requirements, a brand name or equivalent description may be used to define the performance or other salient requirements of procurement, clearly stating the specific features of the named brand which must be met by offers. In addition, every solicitation shall identify all requirements which the offer must fulfill and any other factors to be used in evaluating bids or proposals. (2 CFR 200.319)

The Superintendent or designee shall maintain sufficient records to document the procurement, including, but not limited to, the rationale for the method of procurement, selection of the contract type, contractor selection or rejection, and the basis for the contract price. (2 CFR 200.318)

The Superintendent or designee shall ensure that all contracts for purchases using federal grant funds contain the applicable contract provisions described in Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards. (2 CFR 200.326327)

### Capital Expenditures

Note: 2 CFR 200.313 and 200.439 require a district receiving federal grant funds to obtain prior written approval from the awarding agency before incurring the cost of a capital expenditure, as defined in 2 CFR 200.12 and 200.13. See AR 3512 - Equipment for further information about requirements related to equipment purchased with federal funds, including labeling, maintenance, and inventory of the equipment and continued use of the equipment after the program ceases to be supported by federal funds.

The Superintendent or designee shall obtain prior written approval from the awarding agency before using federal funds to make capital expenditures, including the acquisition of land, facilities, equipment, and intellectual property and expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life. (~~2 CFR 200.12, 200.13, 200.20, 200.33, 200.48, 200.58, 200.89,~~(2 CFR 200.313, 200.439)

## Conflict of Interest

Note: 2 CFR 200.318 mandates that districts maintain written standards of conduct covering conflicts of interest and the actions of employees engaged in the selection, award, and administration of contracts. The district's standards of conduct must also provide for disciplinary actions to be applied when officers, employees, or representatives of the district violate conflict of interest standards. The district should revise this section or its detailed procedures manual to reflect district practice.

Governing Board members, district employees, and other district representatives shall not participate in the selection, award, or administration of a contract supported by federal funds if he/she has they have a real or apparent conflict of interest, such as when he/shethey or a member of his/hertheir immediate family, his/hertheir partner, or an organization which employs or is about to employ any of them has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. Such persons are prohibited from soliciting or accepting gratuities, favors, or anything of monetary value from contractors or subcontractors unless the gift is an unsolicited item of nominal value. (2 CFR 200.318)

Employees engaged in the selection, award, and administration of contracts shall also comply with BB 9270 - Conflict of Interest.

*(cf. 9270 - Conflict of Interest)*

Persons involved in the selection, award, or administration of a contract supported by federal funds shall be subject to discipline for any violation of conflict of interest standards. (2 CFR 200.318)

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

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

*(cf. 4218.1 - Dismissal/Suspension/Disciplinary Action (Merit System))*

## Cash Management

Note: Pursuant to 2 CFR 200.302, districts are mandated to develop written procedures to implement the requirements of 2 CFR 200.305.

The Superintendent or designee shall ensure the district's compliance with 2 CFR 200.305 pertaining to payments and cash management, including compliance with applicable methods and procedures that minimize the time elapsing between the transfer of funds to the district and the district's disbursement of funds. (2 CFR 200.305)

Note: Pursuant to 2 CFR 200.305, a district may be paid in advance by the awarding agency if it maintains written procedures that minimize the time elapsing between the transfer of funds and disbursement by the district as well as financial management systems that meet the standards for fund control and accountability as established in the Uniform Guidance.

When authorized by law, the district may receive advance payments of federal grant funds, limited to the minimum amounts needed and timed in accordance with the actual immediate cash

requirements of the district for carrying out the purpose of the program or project.

Except under specified conditions, the district shall maintain the advance payments in an interest-bearing account. The district shall remit interest earned on the advanced payment to the awarding agency on an annual basis, but may retain interest amounts specified in 2 CFR 200.305 for administrative expenses. (2 CFR 200.305)

When required by the awarding agency, the district shall instead submit a request for reimbursement of actual expenses incurred. The district may also request reimbursement as an alternative to receiving advance payments. (2 CFR 200.305)

The Superintendent or designee shall maintain source documentation supporting the expenditure of federal funds, such as invoices, time sheets, payroll stubs, or other appropriate documentation.

## Personnel

Note: In order to charge staff compensation as an allowable expense of federal grant funds pursuant to 2 CFR 200.430, employees must document the amount of time they spend on grant activities supported by federal funds. These documents, known as "time and effort" records, are used to charge the costs of personnel compensation to federal grants. It is recommended that the district's administrative regulation reflect district practice for documenting time and effort, such as the type of documentation maintained, signature requirements, how often certifications will be completed, and review of the records by a supervisor.

All district employees who are paid in full or in part with federal funds, including shall document the amount of time they spend on grant activities. Such records shall be incorporated into the official records of the district and shall be subject to a system of internal controls which provides reasonable assurance that the charges are accurate, allowable, and properly allocated in accordance with 2 CFR 200.430. (2 CFR 200.430)

Salaries and wages of employees whose salary is paid with state or local funds but ~~is~~ are used to meet a ~~required match~~ cost-sharing or ~~in-kind contribution to a federal program~~, shall document the amount of time they spend on grant activities. ~~matching requirement of the federal grant shall be documented in the same manner as salaries and wages claimed for reimbursement under a federal grant.~~ (2 CFR 200.430)

## Records

Except as otherwise provided in 2 CFR 200.~~333334~~, or where state law or district policy requires a longer retention period, financial records, supporting documents, statistical records, and all other district records related to a federal award shall be retained for a period of three years from the date of submission of the final expenditure report or, for a federal award that is renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report. (2 CFR 200.~~333334~~)

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

*(cf. 3580 - District Records)*

## Audits

Note: Pursuant to 2 CFR 200.501, districts that expend \$750,000 or more in federal grant funds during a fiscal year must have a single audit conducted in accordance with 2 CFR 200.514, unless it chooses to have a program-specific audit conducted in accordance with 2 CFR 200.507. Districts that expend more than \$50 million in federal



funds are subject to the requirements specified in 2 CFR 200.513. District audits are also subject to the requirements in Education Code 41020, the state Education Audit Appeal Panel's Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting, and the California Department of Education Audit Guide. See BP/AR 3460 - Financial Reports and Accountability for further information about audit requirements.

Pursuant to 2 CFR 200.501, districts that expend less than \$750,000 in federal grant funds per fiscal year are exempt from federal audit requirements but must make records available for review or audit by the awarding agency, the pass-through entity, and U.S. Government Accountability Office. Such districts may delete the following section.

Whenever the district expends \$750,000 or more in federal grant funds during a fiscal year, it shall arrange for either a single audit or a program-specific audit in accordance with 2 CFR 200.507 or 200.514. (2 CFR 200.501)

The Superintendent or designee shall ensure that the audit meets the requirements specified in 2 CFR 200.500-200.521.

Specified records pertaining to the audit of federal funds expended by the district shall be transmitted to the clearinghouse designated by the federal Office of Management and Budget and shall be made available for public inspection. Such records shall be transmitted within 30 days after receipt of the auditor's report or within nine months after the end of the audit period, whichever is sooner, unless a longer period is agreed to in advance by the federal agency or a different period is specified in a program-specific audit guide. (2 CFR 200.512)

In the event that the audit identifies any deficiency, the Superintendent or designee shall promptly act to either correct the identified deficiency, produce recommended improvements, or demonstrate that the audit finding is invalid or does not warrant action. (2 CFR 200.26, 200.508, 200.511)

SIERRA COUNTY OFFICE OF EDUCATION  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
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# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

### Business and Noninstructional Operations

#### AR 3311.2

#### **LEASE-LEASEBACK CONTRACTS**

Note: The following administrative regulation addresses construction financing contracts that are commonly described as "lease-leaseback" contracts. Education Code 17406 mandates that any district choosing to award a lease-leaseback contract adopt and publish procedures and guidelines for evaluating the qualifications of proposers that ensure the fair and impartial selection of the "best value" for the district. In addition, for any project that will involve the use of preconstruction services, the request for sealed proposals must require proposers to include the fee to perform the preconstruction services as part of their sealed proposal to the district. Such procedures and guidelines must include, at a minimum, the provisions specified in Education Code 17406 as reflected in the following regulation.

The lease-leaseback financing method should only be used in coordination with competent technical consultants and legal counsel to ensure all legal requirements are met.

The district may lease currently owned district property to any person, firm, or corporation for a minimum of \$1 per year for a term not to exceed 99 years, as long as the lease requires the person, firm, or corporation to construct a building or buildings on the property for the district's use during the lease and the property and building(s) will vest in the district at the expiration of the lease ("lease-leaseback"). (Education Code 17403, 17406)

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

*(cf. 3312 - Contracts)*

Before the district enters into such a lease or agreement, it shall have available a site upon which a building may be constructed for use by the district, shall have complied with requirements related to the selection and approval of sites, and shall have prepared and adopted plans and specifications for the building that have been approved in accordance with Education Code 17280-17316. (Education Code 17402)

*(cf. 7150 - Site Selection and Development)*

#### **Procedures for Awarding the Contract**

Note: The following optional paragraph may be revised to reflect district practice. Pursuant to Education Code 17417, the Governing Board must adopt a resolution of intent to enter into a lease or agreement related to real property and buildings to be used by the district. However, pursuant to Education Code 17406, Education Code 17417 is not applicable to lease-leaseback agreements. As a best practice, the Board may choose to adopt such a resolution for lease-leaseback contracts in order to inform the public and prospective proposers of the available site and the procedures for awarding the contract.

The district's intent to enter into a lease-leaseback contract may be described in a resolution adopted by the Governing Board which includes, but is not be limited to, a description of the available site and the building to be constructed, the amount and term of the lease, and where to obtain information about the procedures for submitting a proposal.

Any lease-leaseback contract shall be awarded through a competitive "best value" procurement process whereby a person, firm, or corporation is selected on the basis of objective criteria for

evaluating the qualifications of proposers, with the resulting selection representing the best combination of price and qualifications. ~~To make this determination, the district shall use the following procedures:~~ (Education Code 17400, 17406)

To make this determination, the district shall use the following procedures: (Education Code 17406; Public Contract Code 2600)

1. **Request for Sealed Proposals:** The Superintendent or designee shall prepare a request for sealed proposals which shall include:
  - a. An estimate of the project's price
  - b. A clear, precise description of any preconstruction services that may be required and the facilities to be constructed
  - c. The key elements of the contract to be awarded
  - d. A description of the format that proposals shall follow and the elements they shall contain
  - e. The standards the district will use in evaluating proposals and the qualifications of the proposers, including:
    - (1) Relevant experience
    - (2) Safety record
    - (3) Price proposal, including, at the district's discretion, either a lump-sum price for the contract to be awarded or the proposer's proposed fee to perform the services requested, including the proposer's proposed fee to perform preconstruction services or any other work related to the facilities to be constructed, as requested by the district
    - (4) Whether each criterion will be evaluated on a pass-fail basis or will be scored as part of the "best value" score, and whether proposers must achieve any minimum qualification score for award of the contract
    - (5) For each scored criterion, the methodology and rating or weighting system that will be used by the district in evaluating the criterion, including the weight assigned to the criterion and any minimum acceptable score
    - (6) Other factors established by the district
  - f. The date on which proposals are due
  - g. The timetable the district will follow in reviewing and evaluating proposals

Note: Public Contract Code 2600, as amended by AB 2311 (Ch. 347, Statutes of 2020), adds a requirement to include in all bid documents and construction contracts, when applicable, a notice that the project is subject to the skilled and trained workforce requirements specified in Public Contract Code 2600-2603. Pursuant to Education Code 17407.5, lease-leaseback contracts are subject to such requirements. See the section "Skilled and Trained Workforce" below for additional requirements.

h. A statement that the project is subject to the skilled and trained workforce requirements specified in Public Contract Code 2600-2603

2. **Notice:** At least 10 days before the date for receipt of the proposals, the Superintendent or designee shall give notice of the request for sealed proposals using both of the following methods:
- a. Providing notice at least once a week for two weeks in a local newspaper of general circulation pursuant to Public Contract Code 20112
  - b. Providing notice in a trade paper of general circulation published in the county where the project is located

Note: The following paragraph is optional and may be revised to reflect district practice.

The Superintendent or designee also may post the notice on the district's web site or through an electronic portal.

Note: Pursuant to Education Code 17406, the prequalification requirements for contracts that meet the criteria specified in Public Contract Code 20111.6 are also applicable to lease-leaseback contracts. Education Code 17406 requires prequalification for such projects irrespective of whether or not they are funded locally or through state sources.

3. **Prequalification:** A proposer shall be prequalified in accordance with Public Contract Code 20111.6(b)-(m) in order to submit a proposal. Any electrical, mechanical, and plumbing subcontractors shall be subject to the same prequalification requirements.  
(*cf. 3311 - Bids*)

~~4. Evaluation Criteria: The request for sealed proposals shall identify all criteria that the district will consider in evaluating the proposals and qualifications of the proposers, including relevant experience, safety record, price proposal, and other factors specified by the district. The price proposal shall include, at the district's discretion, either a lump-sum price for the contract to be awarded or the proposer's proposed fee to perform the services requested, including the proposer's proposed fee to perform preconstruction services or any other work related to the facilities to be constructed, as requested by the district.~~

~~The request for sealed proposals shall specify whether each criterion will be evaluated on a pass-fail basis or will be scored as part of the "best value" score, and whether proposers must achieve any minimum qualification score for award of the contract. For each scored criterion, the district shall identify the methodology and rating or weighting system that will be used by the district in evaluating the criterion, including the weight assigned to the criterion and any minimum acceptable score.~~

**4. Evaluation of Proposals:** All proposals received shall be reviewed to determine whether they meet the format requirements and the standards specified in the request for sealed proposals. The district shall evaluate the qualifications of the proposers based solely upon the criteria and evaluation methodology set forth in the request for sealed proposals, and shall assign a best value score to each proposal. Once the evaluation is complete, all responsive proposals shall be ranked from the highest best value to the lowest best value to the district.

**65. Award of Contract:** The award of the contract shall be made by the Board ~~of Education~~ to the responsive proposer whose proposal is determined, in writing by the Board, to be the best value to the district.

If the selected proposer refuses or fails to execute the tendered contract, the Board may award the contract to the proposer with the second highest best value score, if deemed in the best interest of the district. If that proposer then refuses or fails to execute the tendered contract, the Board may award the contract to the proposer with the third highest best value score.

Upon issuance of a contract award, the district shall publicly announce its award, identifying the entity to which the award is made, along with a statement regarding the basis of the award. The statement regarding the contract award and the contract file shall provide sufficient information to satisfy an external audit.

**76. Rejection of Proposals:** At its discretion, the Board may reject all proposals and request new proposals.

~~Prior to entering into a lease-leaseback agreement, the Superintendent or designee shall have on file the contractor's enforceable commitment that the contractor and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades. (Education Code 17407.5)~~

Any lease-leaseback agreement shall be reviewed by the district's legal counsel to ensure that all required terms, including a lease term that provides for the district's occupancy of the building or improved property during the lease and an appropriate financing component, are included in the agreement.

### **Skilled and Trained Workforce**

Note: Education Code 17407.5 requires the district to obtain an enforcement commitment that the contractor will comply with the requirements to use a skilled and trained workforce, as defined, in accordance with Public Contract Code 2600-2603. Pursuant to Public Contract Code 2600.5, as added by AB 2311, failure to provide the notice described in item #1h above does not excuse the district from the requirement to obtain an enforceable commitment that a contractor or other entity will use a skilled and trained workforce to complete a contract or project.

Prior to entering into a lease-leaseback agreement, the Superintendent or designee shall have on file the contractor's enforceable commitment that the contractor and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades. The entity may demonstrate such commitment through a project labor agreement, by becoming a party to the district's project labor agreement, or through an agreement with the district to provide evidence of

compliance on a monthly basis during the performance of the project or contract. (Education Code 17407.5; Public Contract Code 2602)

Skilled and trained workforce means that all the workers performing the work are either skilled journeypersons or apprentices registered in a state-approved apprenticeship program. At least 60 percent of the skilled journeypersons employed to perform the work shall be graduates of an apprenticeship program for the applicable occupation or at least 60 percent of the hours worked by skilled journeypersons shall be performed by graduates of an apprenticeship program, with the exception of certain occupations specified in Public Contract Code 2601 which are subject to a 30 percent threshold. (Public Contract Code 2601)

If the contractor fails to provide the monthly report demonstrating compliance with the skilled and trained workforce requirements or provides an incomplete report, the district shall withhold further payments until a complete report is provided. If a report does not demonstrate compliance with the skilled and trained workforce requirements, the district shall withhold further payments until the contractor provides a sufficient plan to achieve substantial compliance with respect to the relevant apprenticeable occupation, prior to completion of the contract or project. In addition, the district shall forward to the Labor Commissioner a copy of the monthly report, any plan to achieve compliance, and the district's response to that plan. (Public Contract Code 2602)  
(cf. 9124 - Attorney)

*Legal Reference:*

EDUCATION CODE

17280-17316 Construction of school buildings; approvals

17400-17429 Leasing property, especially:

17400 Definitions

17403 Term of lease or agreement

17406 Lease-leaseback contract

17407.5 Use of a skilled and trained workforce

PUBLIC CONTRACT CODE

2600-2603 Skilled and trained workforce requirements

20111.6 Prequalification procedures

20112 Notices

COURT DECISIONS

McGee v. Balfour Beatty Construction, LLC, et al. (4/12/16, No. B262850)(2016) 247 Cal. App. 4th 235

Davis v. Fresno Unified School District, (2015) 237 Cal.App.4th 261

*Management Resources:*

WEB SITES

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

SIERRA COUNTY OFFICE OF EDUCATION  
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT  
Regulation approved: March 14, 2017  
revised: April 13, 2021





# Sierra County/Sierra-Plumas Joint USD

## Administrative Regulation

### Business and Noninstructional Operations

#### AR 3311.3

#### **DESIGN-BUILD CONTRACTS**

Note: As an alternative to the more traditional design-bid-build process (see BP/AR 3311 - Bids) or a lease-leaseback process (see AR 3311.2 - Lease-Leaseback Contracts), the district may enter into a design-build contract for a public works project in excess of \$1 million pursuant to Education Code 17250.10-17250.55. As defined by Education Code 17250.15, "design-build" means a project delivery process in which both the design and construction of a project are procured from a single entity. Education Code 17250.15 and 17250.25 provide that such contracts may be awarded to either the low bid or best value, as defined.

**The Governing Board** may approve a contract with a single entity for both design and construction of any school facility in excess of \$1,000,000, awarding the contract to either the low bid or the best value as determined by evaluation of objective criteria. (Education Code 17250.20)

*(cf. 3311 - Bids)*

*(cf. 3312 - Contracts)*

*(cf. 7110 - Facilities Master Plan)*

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

Design-build documents shall not include provisions for long-term project operations, but may include operations during a training or transition period. (Education Code 17250.25)

#### **Procedures for Awarding the Contract**

The procurement process for design-build projects shall be as follows: (Education Code 17250.25, 17250.35; **Public Contract Code 2600**)

1. **Performance Specifications:** The district shall prepare a set of documents setting forth the scope and estimated price of the project. The documents may include, but are not limited to:
  - a. The size, type, and desired design character of the project
  - b. Performance specifications that cover the quality of materials, equipment, and workmanship
  - c. Preliminary plans or building layouts
  - d. Any other information deemed necessary to describe adequately the district's needs

The performance specifications and any plans shall be prepared by a design professional who is duly licensed and registered in California.

2. **Prequalification:** The district shall prepare and issue a request for qualifications in order to prequalify, or develop a short list of, the design-build entities whose proposals shall be

evaluated for final selection. The request for qualifications shall include, but is not limited to, all of the following elements:

- a. Identification of the basic scope and needs of the project or contract, the expected cost range, the methodology that will be used by the district to evaluate proposals, the procedure for final selection of the design-build entity, and any other information deemed necessary by the district to inform interested parties of the contracting opportunity
- b. Significant factors that the district reasonably expects to consider in evaluating qualifications, including technical design and construction expertise, acceptable safety record, and all other non-price-related factors
- c. A standard template request for statements of qualifications prepared by the district, which shall contain all of the information required pursuant to Education Code 17250.25

Note: Public Contract Code 2600, as amended by AB 2311 (Ch. 347, Statutes of 2020), adds a requirement to include in all bid documents and construction contracts, when applicable, a notice that the project is subject to the skilled and trained workforce requirements specified in Public Contract Code 2600-2603. Pursuant to Education Code 17250.25, design-build contracts are subject to such requirements.

- d. A notice that the project is subject to the skilled and trained workforce requirements specified in Public Contract Code 2600-2603

The district also may identify specific types of subcontractors that must be included in the statement of qualifications and proposal.

~~A design-build entity shall not be prequalified or short-listed unless the entity provides an enforceable commitment to the district that the entity and its subcontractors at every tier will use a skilled and trained workforce, as defined in Education Code 17250.25, to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades.~~

~~**3.Request for Proposals:** The entity may demonstrate such commitment through a project labor agreement, by becoming a party to the district's project labor agreement, or through an agreement with the district to provide evidence of compliance on a monthly basis during the performance of the project or contract.~~

~~3.~~ The district shall prepare a request for proposals (RFP) that invites prequalified or short-listed entities to submit competitive sealed proposals in a manner prescribed by the district. The RFP shall include the information identified in items #2a, 2b, and 2b2d above and the relative importance or weight assigned to each of the factors. If the district uses a best value selection method for a project, the district may reserve the right to request proposal revisions and hold discussions and negotiations with responsive proposers, in which case the district shall so specify in the request for proposals and shall publish separately or incorporate into the request for proposals applicable procedures to be observed by the district to ensure that any discussions or negotiations are conducted in good faith.

4. Selection Based on Low Bid: For those projects utilizing low bid as the final selection method, the bidding process shall result in lump-sum bids by the prequalified or short-

listed design-build entities, and the contract shall be awarded to the lowest responsible bidder.

5. **Selection Based on Best Value:** For those projects utilizing best value as a selection method, the following procedures shall be used:
- a. Competitive proposals shall be evaluated using only the criteria and selection procedures specifically identified in the request for proposals. Criteria shall be weighted as deemed appropriate by the district and shall, at a minimum, include price, unless a stipulated sum is specified; technical design and construction experience; and life-cycle costs over 15 or more years.
  - b. Following any discussions or negotiations with responsive proposers and completion of the evaluation process, the responsive proposers shall be ranked on a determination of value provided, provided that no more than three proposers are required to be ranked.
  - c. The contract shall be awarded to the responsible entity whose proposal is determined by the district to have offered the best value to the public.
  - d. The district shall publicly announce the contract award, identifying the entity to which the award is made and the basis of the award. This statement and the contract file shall provide sufficient information to satisfy an external audit.

### **Skilled and Trained Workforce**

Note: Education Code 17250.25 requires the district to obtain an enforceable commitment that the contractor will comply with the requirements to use a skilled and trained workforce, as defined, in accordance with Public Contract Code 2600-2603. Pursuant to Public Contract Code 2600.5, as added by AB 2311, failure to provide the notice described in items #2d and 3 above does not excuse the district from the requirement to obtain an enforceable commitment that a contractor or other entity will use a skilled and trained workforce to complete a contract or project.

A design-build entity shall not be prequalified or short-listed unless the entity provides an enforceable commitment to the district that the entity and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades. The entity may demonstrate such commitment through a project labor agreement, by becoming a party to the district's project labor agreement, or through an agreement with the district to provide evidence of compliance on a monthly basis during the performance of the project or contract. (Education Code 17250.25; Public Contract Code 2602)

Skilled and trained workforce means that all the workers performing the work are either skilled journeypersons or apprentices registered in a state-approved apprenticeship program. At least 60 percent of the skilled journeypersons employed to perform the work shall be graduates of an apprenticeship program for the applicable occupation or at least 60 percent of the hours worked by skilled journeypersons shall be performed by graduates of an apprenticeship program, with the exception of certain occupations specified in Public Contract Code 2601 which are subject to a 30 percent threshold. (Public Contract Code 2601)

If the contractor fails to provide the monthly report demonstrating compliance with the skilled and trained workforce requirements or provides an incomplete report, the district shall withhold further payments until a complete report is provided. If a report does not demonstrate compliance with the skilled and trained workforce requirements, the district shall withhold further payments until the contractor provides a sufficient plan to achieve substantial compliance with respect to the relevant apprenticeable occupation, prior to completion of the contract or project. In addition, the district shall forward to the Labor Commissioner a copy of the monthly report, any plan to achieve compliance, and the district's response to that plan. (Public Contract Code 2602)

*Legal Reference:*

EDUCATION CODE

*17250.10-17250.55 Design-build contracts*

PUBLIC CONTRACT CODE

*2600-2603 Skilled and trained workforce requirements*

*Management Resources:*

WEB SITES

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

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

*California Department of Education, Facilities: <http://www.cde.ca.gov/lis/fa>*

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