

AGENDA FOR THE REGULAR MEETING OF THE
SIERRA COUNTY BOARD OF EDUCATION
February 14, 2012
6:00 pm
Downieville School, Downieville, California

This meeting will be available for videoconferencing at Loyalton Middle School, CA.
In the case of a technological difficulty at either school site, videoconferencing will not be available.

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 Board of Education, 305 S. Lincoln Street, Sierraville, CA 96126 and, when feasible, attached to the County's online agenda at <http://www.sierracountyofficeofeducation.org> (Government Code 54957.5)

- A. CALL TO ORDER
- B. ROLL CALL
- C. FLAG SALUTE
- D. APPROVAL OF THE AGENDA
- E. INFORMATION/DISCUSSION ITEMS
 - 1. Correspondence
 - 2. Superintendent's Report
 - a. Brown Act Webinar
 - b. Secure Rural Schools
 - 3. Business Report
 - a. Board Report-Expenditures by Object 07/01/11 to 1/31/12**
 - 4. Staff Reports (5 minutes)
 - 5. SPTA Report (5 minutes)
 - 6. Board Members' Report (5 minutes)
 - 7. 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. Five minutes may be allotted to each speaker and a maximum of twenty minutes to each subject matter. (Education Code 35145.5; Bylaw 9322; Government Code 54954.3)
 - a. Current location
 - b. Videoconference location
- F. CONSENT CALENDAR
 - 1. Approval of minutes of the Regular Board meeting held January 10, 2012**

2. Approval of bill warrants for month of January 2012**
3. Authorization to submit the Consolidated Application, Part II, 2011-2012

G. ACTION ITEMS

1. New Business

- a. Approval of Completion of Bargaining, 2011-2012 school year, Sierra-Plumas Classified Employees Association**
- b. Approval of Completion of Bargaining, 2011-2012 school year, Confidential Employees**
- c. Approval of revised 2012 Board of Education Meeting Calendar (reflecting relocation of Loyalton meetings)**
- d. Acceptance of Retiree Health Benefits Liabilities Report, Alternative Measure Method**
- e. Acceptance of the evaluation criteria for the Superintendent Evaluation**

BOARD POLICIES AND ADMINISTRATIVE REGULATIONS

- f. Approval of Board Policy 2121, Superintendent's Contract, revision**
- g. Approval to DELETE Board Policy 3513.1, Cell Phone Reimbursement**
- h. Approval of Administrative Regulation 3513.1, Cellular Phone Reimbursement, revision**
- i. Approval of Board Policies 4140, 4240, 4340, Bargaining Units, revision**
- j. Approval of 4217.3 Layoff/Rehire, revision**
- k. Approval of Board Policy 6145.2, Athletic Competition, revision**
- l. Approval of Board Policy 6145.2, Athletic Competition, revision**
- m. Approval of Board Policy 6161.1, Selection and Evaluation of Instructional Materials, revision**
- n. Approval of Administrative Regulation 6161.1, Selection and Evaluation of Instructional Materials, revision**
- o. Approval of Exhibit 6161.1, Selection and Evaluation of Instructional Materials, revision**

- p. Approval of Board Bylaw 9223, Filling Vacancies, revision**
- q. Approval of Board Bylaw 9320, Meetings and Notices, revision**

H. ADVANCED PLANNING

- 1. Next Regular Board Meeting will be held on March 13, 2012, at Loyalton Middle School, Room 4, Loyalton, California, at 6:00 pm.
- 2. Suggested Agenda Items
 - a. Second Interim
 - b. _____
 - c. _____

I. ADJOURNMENT


Stanford J. Hardeman, Superintendent

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

Balances through January						Fiscal Year 2011/12
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
Fund 01 - Gen Fund						
1100	Teachers Salaries	211,852.00	238,784.00	103,641.35	102,565.38	32,577.27
1120	Certificated Substitutes				1,900.00	1,900.00-
1200	Certificated Pupil Support Ser	71,063.00	82,745.00	29,428.60	29,428.60	23,887.80
1300	Certificated Supervisor Admini	40,428.00	47,787.00	18,915.70	26,880.20	1,991.10
	Total for Object 1000	323,343.00	369,316.00	151,985.65	160,774.18	56,556.17
2100	Instructional Aides' Salaries	100,148.00	94,376.00	44,564.83	45,599.18	4,211.99
2200	Classified Support Salaries	4,888.00	9,888.00	2,578.82	2,907.81	4,401.37
2300	Classified Supervisors' Admini	96,038.00	96,248.00	39,640.00	55,871.00	737.00
2400	Clerical Technical Office Staf	107,771.00	113,456.00	48,179.81	65,248.49	27.70
2900	Other Classified Salaries	6,144.00	5,760.00		1,892.00	3,868.00
	Total for Object 2000	314,989.00	319,728.00	134,963.46	171,518.48	13,246.06
3101	STRS Certificated Positions	26,733.00	30,699.00	12,538.80	13,027.10	5,133.10
3102	STRS Classified Positions	300.00	300.00	150.00	149.98	.02
3201	PERS Certificated Positions	143.00	143.00		207.54	64.54-
3202	PERS Classified Positions	44,369.00	45,067.00	18,856.50	25,096.48	1,114.02
3301	OASDI Certificated Positions	187.00	592.00		124.63	467.37
3302	OASDI Classified Positions	18,614.00	18,307.00	7,932.17	10,088.49	286.34
3311	Medicare Certificated Position	4,636.00	5,606.00	2,170.45	2,527.51	908.04
3312	Medicare Classified Positions	4,716.00	4,646.00	1,880.43	2,387.88	377.69
3401	Health & Welfare Benefits Cert	76,725.00	88,913.00	36,547.30	36,547.27	15,818.43
3402	Health & Welfare Benefits Clas	83,711.00	83,581.00	36,093.25	47,618.30	130.55-
3501	SUI Certificated	5,154.00	6,140.00	2,446.90	2,850.26	842.84
3502	SUI Classified	5,347.00	5,334.00	2,172.94	2,724.95	436.11
3601	Workers' Compensation Certific	8,966.00	10,564.00	4,364.35	4,608.02	1,591.63
3602	Workers' Compensation Classifi	8,368.00	9,277.00	3,786.60	4,808.98	681.42
3701	OPEB, Allocated Certificated	21,054.00	42,109.00		16,265.79	25,843.21
3801	PERS Reduction Recapture	48.00	48.00		39.84	8.16
3802	PERS Reduction Recapture	5,855.00	5,848.00	2,467.85	3,187.13	193.02
	Total for Object 3000	314,926.00	357,174.00	131,407.54	172,260.15	53,506.31
4100	Approved Textbooks Core Curric	313.00	638.00		113.27	524.73
4200	Library and Reference Material	1,613.00	4,563.00		5,250.00	687.00-
4300	Materials and Supplies	15,757.00	15,963.00	2,284.42	4,652.70	9,025.88
4320	Custodial Supplies	1,600.00	1,600.00		550.91	1,049.09
4330	Office Supplies	6,000.00	6,000.00		486.13	5,513.87
4350	Vehicle Upkeep	7,000.00	7,000.00	1,077.44	199.95	5,722.61
4399	Mat & Sup Undesignated Bal		55,521.00			55,521.00

Selection Filtered by User Permissions, (Org = 1, Online/Offline = N, Fiscal Year = 2012, Period = 7, Unposted JEs? = N, Assets and Liabilities? = N, Restricted Accts? = Y, Fund = 01, Object = 1-7, SACS Fund? = N, Fund Page Break? = N, Obj Digits = 1, Page Break? = N)

ESCAPE ONLINE

Balances through January						Fiscal Year 2011/12
Object	Description	Adopted Budget	Revised Budget	Encumbered	Expenditure	Account Balance
Fund 01 - Gen Fund (continued)						
4400	Noncapitalized Equipment	8,940.00	8,940.00	1,952.03		6,987.97
	Total for Object 4000	41,223.00	100,225.00	5,313.89	11,252.96	83,658.15
5100	Subagreements for Services	50,000.00	50,000.00			50,000.00
5200	Travel and Conference	26,774.00	28,634.00	5,328.68	14,102.78	9,202.54
5300	Dues and Membership	16,321.00	16,321.00	1,575.00	7,694.00	7,052.00
5400	Insurance	10,702.00	10,702.00		8,968.00	1,734.00
5500	Operation Housekeeping Service	10,000.00	10,000.00	939.97	1,534.08	7,525.95
5600	Rentals, Leases, Repairs, Nonc	8,603.00	8,103.00	361.93	277.95	7,463.12
5800	Professional Consulting	6,000.00	6,000.00	3,500.00	6,600.00	4,100.00
5801	Legal Services	40,386.00	40,386.00	20,000.00	1,500.00	21,886.00
5803	Legal Publications	500.00	500.00	175.00	50.00	375.00
5805	Personnel Expense	700.00	700.00	116.00	154.00	430.00
5806	Negotiations	2,000.00	2,000.00			2,000.00
5808	Other Services & Fees	1,500.00	1,500.00	575.55	654.45	270.00
5810	Contracted Services	247,903.00	273,351.00	114,962.55	108,097.07	50,291.38
5899	SPJUSD to Reimburse			1,838.99	1,119.28	2,958.27
5900	Communications	4,000.00	4,000.00	257.00	676.40	3,066.60
	Total for Object 5000	425,389.00	452,197.00	149,630.67	148,328.01	154,238.32
6400	Equipment		34,728.00		28,941.31	5,786.69
7110	County Tuition Inter Dist Agre	105,780.00	139,705.00	145,000.00	4,855.71	439.29
7141	Tuition, excess cost etc betwe	139,780.00	96,511.00	61,900.49	16,471.51	18,139.00
7310	Direct Support/Indirect Costs					.00
	Total for Object 7000	245,560.00	236,216.00	206,900.49	11,615.80	17,699.71
	Total for Expense accounts	1,665,430.00	1,869,584.00	780,201.70	704,690.89	384,691.41
	Total for Fund 01 and Expense accounts	1,665,430.00	1,869,584.00	780,201.70	704,690.89	384,691.41
	Total for Org 001, Fund 01 and Expense accounts	1,665,430.00	1,869,584.00	780,201.70	704,690.89	384,691.41

UNAPPROVED MINUTES OF THE REGULAR MEEETING OF THE
SIERRA COUNTY BOARD OF EDUCATION
January 10, 2012
Loyalton Elementary School, Loyalton, California
This meeting was videoconferenced to Downieville School, Downieville, CA.

A. CALL TO ORDER

President ALLEN WRIGHT called the meeting to order at 6:01 pm.

B. ROLL CALL

PRESENT: Mr. Allen Wright, President
Ms. Sharon Dryden, Vice President
Mr. Jeff Bosworth, Clerk
Mr. Mike Moore, Member
Mr. Todd York, Member

ABSENT: None

VACANT: None

STAFF: Mr. Stan Hardeman, Superintendent
Ms. Rose Asquith, Business Manager
Ms. Hannah Tomatis, Administrative Assistant
Ms. Marla Stock, Site Administrator
Mr. Derek Cooper, Site Administrator
Ms. Marlene Mongolo/Testing/SELPA Director

C. FLAG SALUTE

D. APPROVAL OF THE AGENDA

MSCU/MOORE/YORK

E. INFORMATION/DISCUSSION ITEMS

1. CORRESPONDENCE-None

2. SUPERINTENDENT'S REPORT

- a. Employee Recognition – Joanne Nunes
- b. Presentation by Clay Singleton of Haws, Theobald and Auman, PC, gave the audit report for Sierra County Office of Education and the Sierra-Plumas Joint Unified School District.
- c. Unpaid leave of absence was granted to Anne Reugebrink, instructional aide
- d. Secure Rural Schools proposal is in committee at the Senate level. Revisions to the bill will be made before sending it to the House. A few votes were gained from senators who were previously opposed to the bill.

3. BUSINESS REPORT

Ms. Asquith presented the Board Report-Expenditures by Object 07/01/11 to 12/31/11. There were no comments or questions.

4. STAFF REPORT

Marlene Mongolo, SELPA Director:

'Self Review' continues. A positive parent meeting was held and feedback received from the recently issued survey. A Downieville parent meeting is scheduled for Wednesday.

5. SPTA REPORT – None

6. BOARD MEMBER'S REPORT- Todd York: Annie MaddelenaTipton , former student teacher at Loylton Elementary School, will be teaching fourth grade in Chico, CA.

7. PUBLIC COMMENT

President WRIGHT opened the meeting for public comment at 6:36 pm.

- a. Current location - None
- b. Videoconference location - None

President WRIGHT closed the meeting for public comment at 6:37 pm.

F. CONSENT CALENDAR

The following items were included in the consent calendar:

1. Approval of the minutes of the Regular Board meeting held December 13, 2011**
2. Approval of the bill warrants for the month of December 2011**
3. Authorization to submit Consolidated Application, Part II, 2011-2012
4. Approval of Quarterly Report on Williams Uniform Complaints for quarter ending December 31, 2011. 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.* 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 December 31, 2011.
MSCU/YORK/DRYDEN

G. ACTION ITEMS

1. NEW BUSINESS

- a. Accept 2010-2011 Financial Audit
MSCU/YORK/MOORE
- b. Approval of Board Policy 6170.1, Transitional Kindergarten
MOORE/YORK

Mr. Hardeman informed the Board that the necessary mandate for Transitional Kindergarten has been suspended but may appear at a later time. The Board decided to vote on this item considering it was before the assembly.

BOSWORTH: NO

DRYDEN: NO

MOORE: NO

WRIGHT: NO

YORK: NO

- c. Approval of the Kindergarten Common Core Academic Standards for use in Transitional Kindergarten
Motion: To lay on the table
MSCU/MOORE/YORK
- d. Review and Approval of Administrative Regulation and Board Policy 6145 per Ed Code §35160.5
MSCU/YORK/MOORE
- e. Discussion and possible approval of location change for the Loyalton area meetings of the Sierra County Board of Education to Loyalton Middle School, Room 4, 111 Beckwith Street, Loyalton, CA.
YORK motioned to approve relocation of the Loyalton board meetings to the Loyalton Middle School, Room 4, Loyalton, CA, effective the next Loyalton board meeting (March 2012).
BOSWORTH seconded. Motion Passed Unanimously

H. ADVANCED PLANNING

The next regular meeting of the Board will be held on Tuesday, February 14, 2012, at Downieville School, Downieville, California at 6:00 pm.

Suggested Agenda Items

1. Post Employment Benefit Report
 2. Secure Rural Schools Update
- There were no suggested agenda items.

I. ADJOURNMENT

MSCU/YORK/DRYDEN
Adjourned at 6:45 pm.

Jeff Bosworth, Clerk

Stanford J. Hardeman, Superintendent

Checks Dated 01/01/2012 through 01/31/2012

Check Number	Check Date	Pay to the Order of	Fund Object	Expensed Amount	Check Amount
00013382	01/05/2012	GE MONEY BANK/AMAZON	01-4300		76.00
00013383	01/05/2012	CCSESA	01-5200		300.00
00013384	01/05/2012	STATE OF CALIFORNIA DEPARTMENT OF JUSTICE	01-5805		32.00
00013385	01/05/2012	HANDWRITING WITHOUT TEARS	01-4300		135.27
00013386	01/05/2012	LIBERTY ENERGY	01-5500		163.86
00013387	01/05/2012	BARBARA MCKURTIS	01-5810		2,000.00
00013388	01/05/2012	MIKE MOORE	01-5200		27.75
00013389	01/05/2012	TRI COUNTY SCHOOLS GROUP	01-9535	1,861.00	
			76-9576	13,689.00	15,550.00
00013390	01/05/2012	ALLEN WRIGHT	01-5200		6.66
00013391	01/18/2012	CAROCP ATTN: SUNNY LEE	01-5300		375.00
00013392	01/18/2012	CDW GOVERNMENT, INC.	01-4300		47.06
00013393	01/18/2012	HILLARY LOZANO	01-5200		44.40
00013394	01/18/2012	MARIN COUNTY OFFICE OF ED. DAWSON	01-5200	285.00	
			01-5899	285.00	570.00
00013395	01/18/2012	BARBARA MCKURTIS	01-5810		2,000.00
00013396	01/18/2012	PITNEY BOWES, INC.	01-5600	60.51	
			01-5899	181.54	242.05
00013397	01/18/2012	SACRAMENTO COUNTY OFFICE OF EDUCATION	01-5200		70.00
00013398	01/18/2012	SIERRA COUNTY OFFICE OF EDUCATION	01-5808		85.00
00013399	01/18/2012	STAPLES, INC.	01-4300		178.03
00013400	01/18/2012	SUSAN VANDRUFF, OTR	01-5810		245.00
00013401	01/18/2012	VOYAGER	01-4350	119.87	
			01-5200	33.08	
			01-5899	126.78	279.73
Total Number of Checks				20	22,427.81

Fund Summary

Fund	Description	Check Count	Expensed Amount
01	County School Service Fund	20	8,738.81
76	Payroll Clearing	1	13,689.00
Total Number of Checks		20	22,427.81
Less Unpaid Sales Tax Liability			.00
Net (Check Amount)			22,427.81

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

Page 1 of 1

CLASSIFIED EMPLOYEES

COMPLETION OF BARGAINING 2011-2012

The SIERRA-PLUMAS CLASSIFIED EMPLOYEES' ASSOCIATION (S-PCEA) voluntarily waives and relinquishes the right to meet and negotiate re-openers for school year 2011-2012, and agree that the Employer shall not be obligated to meet and negotiate with respect to any additional subject or matter. Nothing shall preclude the parties from meeting and negotiating by mutual consent.

For the Classified Employees:

For the Employer:



Mike Hale, Representative
Sierra-Plumas/Sierra County
Classified Employees (S-PCEA)

Stanford J. Hardeman, Superintendent
Sierra-Plumas Joint Unified School District
Sierra County Office of Education

Michael Moore, President
Sierra-Plumas Joint Unified School
District Governing Board

Allen Wright, President
Sierra County Board of Education

Presented to the Governing Board(s): February 14, 2012

Passed by Governing Board(s): _____


CONFIDENTIAL EMPLOYEES

COMPLETION OF BARGAINING 2011-2012

The SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT AND SIERRA COUNTY OFFICE OF EDUCATION Confidential Employees voluntarily waives and relinquishes the right to meet and negotiate re-openers for school year 2011-2012, and agree that the Employer shall not be obligated to meet and negotiate with respect to any additional subject or matter. Nothing shall preclude the parties from meeting and negotiating by mutual consent.

For the Confidential Employees:

For the Employer:



Rose Asquith, Representative
Sierra-Plumas/Sierra County
Confidential Employees

Stanford J. Hardeman, Superintendent
Sierra-Plumas Joint Unified School District
Sierra County Office of Education

Michael Moore, President
Sierra-Plumas Joint Unified School
District Governing Board

Allen Wright, President
Sierra County Board of Education

Presented to the Governing Board(s): February 14, 2012

Passed by Governing Board(s): _____

SIERRA COUNTY OFFICE OF EDUCATION
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
GOVERNING BOARD MEETING SCHEDULE
YEAR 2012

JANUARY 10, 2012	LOYALTON ELEMENTARY
FEBRUARY 14, 2012	DOWNIEVILLE SCHOOL
MARCH 13, 2012	LOYALTON ELEMENTARY MIDDLE SCHOOL
APRIL 10, 2012	DOWNIEVILLE SCHOOL
MAY 8, 2012	LOYALTON ELEMENTARY MIDDLE SCHOOL
JUNE 12, 2012	DOWNIEVILLE SCHOOL
JULY 10, 2012	LOYALTON ELEMENTARY MIDDLE SCHOOL
AUGUST 14, 2012	DOWNIEVILLE SCHOOL
SEPTEMBER 11, 2012	LOYALTON ELEMENTARY MIDDLE SCHOOL
OCTOBER 9, 2012	DOWNIEVILLE SCHOOL
NOVEMBER 13, 2012	LOYALTON ELEMENTARY MIDDLE SCHOOL
DECEMBER 11, 2012	DOWNIEVILLE SCHOOL

The **Sierra County Board of Education** meetings will begin at 6:00 p.m.

The **Sierra-Plumas Joint Unified School District Governing Board** regular meetings are scheduled to begin immediately following the meeting of the Sierra County Board of Education.

**Sierra County Office of Education
Retiree Health Benefits Liabilities
Alternative Measurement Method
July 1, 2011**



James Marta & Company
Certified Public Accountants

Accounting, Auditing, Consulting, and Tax

January 26, 2012

Rose Asquith
Sierra County Office of Education
P.O. Box 157
Sierraville, California 96126

Alternative Measurement Method Report

Dear Ms. Asquith,

Thank you for using James Marta & Company's services. This report contains the results using the Alternative Measurement Method to calculate your Other Postemployment Benefits liability in Accordance with GASB Statement No. 45 *Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions*. It also contains a detailed explanation of the calculation. All data and assumptions provided by you are included.

The exhibit below provides the specific results of the calculation, which may be used in the preparation of your financial statements. A description of the results and how they were derived are described in the contents of the report.

Specific Results

Valuation Date: July 1, 2011

Annual Required Contribution (ARC)	Normal Cost	Amortization Amount	Actuarial Value of Assets	Actuarial Accrued Liability (AAL)	Unfunded Actuarially Accrued Liability (UAAL)
\$27,730	\$19,952	\$7,778	\$0	\$181,654	\$181,654

The specific results in the table above were calculated using the Entry Age Cost Method with Level Percentage of Payroll Normal Costs and UAAL Amortized as Level Percentage of Payroll.

If you should have any questions regarding the methods and assumptions used, please do not hesitate to call.

Sincerely,

James Marta & Company
Certified Public Accountants

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James Marta & Company

Certified Public Accountants

Accounting, Auditing, Consulting, and Tax

Independent Accountant's Report on Applying Agreed-Upon Procedures

To the Board and Management
Sierra County Office of Education

We have performed the procedures enumerated below, which were agreed to by the Board and management of Sierra County Office of Education (*the "County Office"*), solely to assist you in calculating the liability for Retiree Health Benefits of the County Office as of June 30, 2012 in accordance with the Alternative Measurement Method as provided in Governmental Accounting Standards Board (GASB) Statement No. 45, *Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions*, and to provide information necessary to comply with the requirements of said statement. The County Office's management is responsible for the underlying assumptions, methods, participant data and benefits information used in determining the Retiree Health Benefits liability and related disclosures. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

Procedures Performed

1. We obtained from management of the County Office:
 - A. A copy of the retiree health benefits plan offered to employees of the County Office as of July 1, 2011.
 - B. A list of employees and retirees as of July 1, 2011, which included their employment status, gender, number of years employed, and current age.
 - C. A schedule of medical premiums, as of July 1, 2011, for single and married retirees under the different plans.
 - D. The minimum years of service required for employees to qualify for Retiree Health Benefits.

2. We used the following trend information:
 - A. Healthcare cost trend rates were selected based on a combination of national and state trend surveys as well as professional judgment.
 - B. Expected long-term inflation rate from the United States Social Security Administration.
 - C. Estimated turnover rates from GASB Statement No. 45, paragraph 35b.
 - D. Life expectancy data from the National Center for Health Statistics.

3. We calculated the following:
 - A. Projected future benefit payments for all employees and retirees in accordance with GASB Statement No. 45.
 - B. Normal cost, actuarial accrued liability and annual required contribution using the Entry Age Level Percentage of Payroll Actuarial Cost Method as provided in GASB Statement No. 45 using the Alternative Measurement Method.

4. We prepared the footnote disclosure information required by GASB Statement No. 45.

Management of the County Office provided certain assumptions necessary to calculate the estimated Retiree Health Benefits liability as of July 1, 2011. Those assumptions include:

- a) estimated retirement age of employees of 60,
- b) estimated long-term discount rate of 2% and
- c) the actuarial cost method used which is the Entry Age Cost Method with Level Percentage of Payroll Normal Costs and UAAL Amortized as Level Percentage of Payroll.

Findings

The total estimated actuarial accrued liability as of July 1, 2011 is \$181,654 and the annual required contribution is \$27,730. For a complete summary of results, assumptions and disclosure information, see appendix A.

We were not engaged to and did not conduct an examination, the objective of which would be the expression of an opinion on the accompanying Retiree Health Benefits Liability of Sierra County Office of Education as of July 1, 2011. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the Board and management of the County Office, and is not intended to be and should not be used by anyone other than these specified parties.

James Marta & Company

James Marta & Company
Certified Public Accountants
December 30, 2011

EXECUTIVE SUMMARY

This purpose of this report is to provide information needed to comply with Governmental Accounting Standards Board Statement Nos. 43 and 45 related to Other Postemployment Benefits (OPEB). Sierra County Office of Education should not use this report for any other purpose without discussing with James Marta & Company.

Key Assumptions

The following key assumptions were provided by management and used in our calculation of the liability for retiree benefits using the Alternative Measurement Method for employers in plans with fewer than 100 plan members:

Actuarial Cost Method – Entry Age

Amortization Method – Level percentage of payroll over a 27 year period

Discount Rate – 2.00%

Healthcare Cost Trend – Healthcare cost trend rates were selected based on a combination of national and state trend surveys as well as professional judgment. The ultimate trend rate was 5.0%.

Payroll Growth Rate – 1.0%

Asset Valuation – There were no assets placed in an irrevocable trust.

OPEB Liabilities

Present Value of Total Projected Benefits - \$478,588

Unfunded Actuarially Accrued Liability (UAAL) - \$181,654

Normal Cost - \$19,952

Amortized UAAL - \$7,778

Annual Required Contribution - \$27,730 (Normal Cost + Amortized UAAL)

Pay-As-You-Go Cost - \$12,991

DESCRIPTION OF RETIREE BENEFITS PLAN

The County Office of Education provides certain postretirement healthcare benefits, as established by board policy, to eligible employees who retire from the District on or after attaining age 55 with at least 5 years of service.

Confidential and classified employees with a minimum of 25 years of experience, five (5) years within the County Office, who have reached the age of 55, may elect in writing to take advantage of their choice of one (1) of the following offers:

- A. One (1) year of retiree Health and Welfare Benefits (at the Tiered Rate as required by TCSIG) for Medical, Dental and Vision Plans for the retiree, spouse and family, or
- B. \$12,064.50 (taxable) for the term of one (1) year.

Certificated employees with a minimum of 25 years of experience including five (5) years with the County, who have reached the age of 55, may take advantage of their choice of one (1) of the following offers:

- A. Three (3) years of retiree health and welfare benefits (at the tiered rate as required by health care provider) for medical, dental and vision plans for the retiree, spouse and family, capped at the employer dollar contribution in the year of the unit member's final year of service.
- B. A lump sum dollar amount per year (taxable) for the term of three (3) years set at the dollar contribution per paragraph "a" above made by the employer in the year of the unit member's final year of service.

All contracts with County Office employees will be renegotiated periodically in the future, thus costs and benefits are subject to change. Benefits and contribution requirements for the Other Post Employment Benefits (OPEB) plan are established by various labor agreements.

OTHER POSTEMPLOYMENT BENEFITS AND COSTS

We calculated the present value of projected benefits based on the Alternative Measurement Method for employers in plans with fewer than 100 plan members as allowed by GASB Statement No. 45.

The actuarial assumptions used for this calculation are summarized in Appendix B.

Present Value of Total Projected Benefits

Active:	Pre-65	\$ 439,471
	Post-65	-
Subtotal		\$ 439,471
Retiree:	Pre-65	\$ 39,117
	Post-65	-
Subtotal		\$ 39,117
Subtotal	Pre-65	\$ 478,588
Subtotal	Post-65	-
Grand Total		\$ 478,588

The present value of total projected benefits (PVTPB) should be accrued over the working lifetime of employees. The PVTPB is used to develop expense and liability amounts. The PVTPB is divided into two parts 1) amounts attributable to service rendered prior to the valuation date (past service liability) and 2) amounts attributable to service after the valuation date but prior to retirement (future service liability).

Normal Cost

No. of Active Employees		10
Per Capital Normal Cost		
	Pre-65	\$ 1,995
	Post-65	-
First Year Normal Cost		
	Pre-65	\$19,952
	Post-65	-
Total		\$ 19,952

The average age of active, eligible employees is 48. The assumed retirement age is 60. To accrue the liability by retirement, they would accrue the retiree liability over a period of about 12 years.

**OTHER POSTEMPLOYMENT BENEFITS AND COSTS
(Continued)**

Actuarial Accrued Liability (AAL)

Active:	Pre-65	\$ 142,537
	Post-65	-
Subtotal		<u>\$ 142,537</u>
Retiree:	Pre-65	\$ 39,117
	Post-65	-
Subtotal		<u>\$ 39,117</u>
Subtotal	Pre-65	\$ 181,654
Subtotal	Post-65	-
Grand Total		<u>\$ 181,654</u>
Funded at July 1, 2011		-
Unfunded AAL		<u>\$ 181,654</u>
1st Year UAAL Amortization		<u>\$7,778</u>

The actuarial accrued liability is the amount attributed to an employee's past service. The County Office can amortize the Unfunded AAL over a period of up to 30 years. The table above shows the amount necessary to amortize the UAAL over a period of 27 years at an interest rate of 2%.

For the year ended June 30, 2012

Annual Required Contribution (ARC)

Normal Cost	\$ 19,952
UAAL Amortization	7,778
ARC	<u>\$ 27,730</u>
Estimated Pay-As-You-Go Cost	<u>12,991</u>
Added Cost of GASB 45	<u>\$ 14,739</u>

The Annual Required Contribution (ARC) is the sum of normal cost and the UAAL amortization cost. The ARC payments would continue for 27 years, after which time UAAL amortization payments would end. The normal cost remains as long as there are qualified active employees.

OTHER POSTEMPLOYMENT BENEFITS AND COSTS
(Continued)

The projected annual OPEB cost and net OPEB obligation for fiscal years June 30, 2012, 2013 and 2014 is as follows.

	Fiscal year ending June 30:		
	2012	2013	2014
Annual required Contribution	\$ 27,730	\$ 27,730	\$ 27,730
Interest on net OPEB obligation	672	594	876
Adjustment to annual required contribution	<u>(626)</u>	<u>(1,247)</u>	<u>(1,838)</u>
Annual OPEB cost (expense)	27,776	27,077	26,768
Estimated contributions	<u>12,991</u>	<u>12,991</u>	<u>12,991</u>
Increase in net OPEB obligation	14,785	14,086	13,777
Net OPEB obligation - beginning of year	<u>14,925</u>	<u>29,710</u>	<u>43,796</u>
Net OPEB obligation - end of year	<u><u>\$ 29,710</u></u>	<u><u>\$ 43,796</u></u>	<u><u>\$ 57,573</u></u>

APPENDIX A REQUIRED FOOTNOTE DISCLOSURE

Plan Description

The County Office of Education provides certain postretirement healthcare benefits, as established by board policy, to eligible employees who retire from the County Office on or after attaining age 55 with at least 5 years of service.

Confidential and classified employees with a minimum of 25 years of experience, five (5) years within the County Office, who have reached the age of 55, may elect in writing to take advantage of their choice of one (1) of the following offers:

- A. One (1) year of retiree Health and Welfare Benefits (at the Tiered Rate as required by TCSIG) for Medical, Dental and Vision Plans for the retiree, spouse and family, or
- B. \$12,064.50 (taxable) for the term of one (1) year.

Certificated employees with a minimum of 25 years of experience including five (5) years with the County, who have reached the age of 55, may take advantage of their choice of one (1) of the following offers:

- A. Three (3) years of retiree health and welfare benefits (at the tiered rate as required by health care provider) for medical, dental and vision plans for the retiree, spouse and family, capped at the employer dollar contribution in the year of the unit member's final year of service.
- B. A lump sum dollar amount per year (taxable) for the term of three (3) years set at the dollar contribution per paragraph "a" above made by the employer in the year of the unit member's final year of service

All contracts with Office of Education employees will be renegotiated periodically in the future, thus costs and benefits are subject to change. Benefits and contribution requirements for the Other Post Employment Benefits (OPEB) plan are established by various labor agreements.

Funding Policy

The County Office's Board of Directors will not be funding the plan in the current year. The Board will review the funding requirements and policy annually.

**APPENDIX A
REQUIRED FOOTNOTE DISCLOSURE
(Continued)**

Annual OPEB Cost and Net OPEB Obligation

The County Office's annual other postemployment benefit (OPEB) cost (expense) is calculated based on the annual required contribution of the employer (ARC). The County Office has elected to calculate the ARC and related information using the alternative measurement method permitted by GASB Statement No. 45 for employers in plans with fewer than one hundred total plan members. The ARC represents a level of funding that, if paid on an ongoing basis, is projected to cover normal cost each year and to amortize any unfunded actuarial liabilities (or funding excess) over the remaining period of 27 years. The following table shows the components of the County Office's annual OPEB cost for the year, the amount actually contributed to the plan, and changes in its net OPEB obligation to the Retiree Health Plan:

Annual required Contribution	\$ 27,730
Interest on net OPEB obligation	672
Adjustment to annual required contribution	<u>(626)</u>
Annual OPEB cost (expense)	27,776
Estimated contributions	<u>12,991</u>
Increase in net OPEB obligation	14,785
Net OPEB obligation - beginning of year	<u>14,925</u>
Net OPEB obligation - end of year	<u><u>\$ 29,710</u></u>

**APPENDIX A
REQUIRED FOOTNOTE DISCLOSURE
(Continued)**

The County Office's annual OPEB cost, the percentage of annual OPEB cost contributed to the plan and the net OPEB obligation for the current fiscal year is as follows:

Fiscal Year Ended	Annual OPEB Cost	Contribution	Percentage of Annual OPEB Cost Contributed	Net OPEB Obligation
June 30, 2010	\$ 21,054	\$ 12,065	57%	\$ 8,989
June 30, 2011	\$ 21,054	\$ 12,065	57%	\$ 14,925
June 30, 2012	\$ 27,776	\$ 12,991	47%	\$ 29,710

Funding Status and Funding Progress

As of July 1, 2011, the actuarial accrued liability (AAL) for benefits was \$181,654, all of which is unfunded.

The projection of future benefit payments for an ongoing plan involves estimates of the value of reported amounts and assumptions about the probability of occurrences of events far into the future. Examples include assumptions about future employment, mortality and healthcare cost trends. Amounts determined regarding the funded status of the plan and the annual required contributions of the employer as subject to continual revision as actual results are compared with past expectations and new estimates are made about the future. The schedule of funding progress presents multiyear trend information about whether the actuarial value of plan assets are increasing or decreasing over time relative to the actuarial accrued liabilities for benefits.

Methods and Assumptions

Projections of benefits for financial reporting purposes are based on the substantive plan (the plan as understood by the employer and plan members) and include the types of benefits provided at the time of each valuation and the historical pattern of sharing of benefit costs between the employer and plan members to that point. The methods and assumptions used include techniques that are designed to reduce the effects of short term volatility in actuarial accrued liabilities and the actuarial value of assets, consistent with the long-term prospective of the calculations.

The following simplifying assumptions were made:

Retirement age for active employees – Based on the historical average retirement age for the covered group, active plan members were assumed to retire at age 60, or at the first subsequent year in which the member would qualify for benefits.

Mortality – Life expectancies at the calculation date are based on the most recent mortality tables published by the National Center for Health Statistics website (www.cdc.gov). The calculation of OPEB liability for each year is based on the assumption that all participants will live until their expected age as displayed in the mortality tables.

Turnover – The probability that an employee will remain employed until the assumed retirement age was determined using non-group-specific age-based turnover data provided in Table 1 in paragraph 35 of GASB Statement No. 45. In addition the expected future working lifetimes of employees were determined using Table 2 in paragraph 35c of GASB Statement No. 45.

Healthcare cost trend rate – Healthcare cost trend rates were selected based on a combination of national and state trend surveys as well as professional judgment. The ultimate trend rate was 5.0%.

Health insurance premiums – 2010-11 health insurance premiums for retirees were used as a basis for calculation of the present value of total benefits to be paid. An employee is assumed to continue with the same medical plan upon retirement. If an employee waived medical coverage, then such waiver is assumed to continue into retirement.

Medicare Coordination – Medicare was assumed as the primary payer for current and future retirees at age 65.

Payroll increase – Changes in the payroll for current employees are expected to increase at a rate of approximately 1.0% annually.

Discount rate – The calculation uses an annual discount rate of 2%. This is based on the assumed long-term return on plan assets or employer assets.

Actuarial cost method – The entry age actuarial cost method was used. The unfunded actuarial accrued liability is being amortized as a level percentage of projected payroll on a closed basis. The remaining amortization period at July 1, 2011 was twenty-seven years.

**APPENDIX A
REQUIRED FOOTNOTE DISCLOSURE
(Continued)**

Plan for Funding

On an ongoing basis, the County Office will be reviewing its assumptions, comparing them against actual experience and recalculating the needed funding with the goal of paying for postemployment benefits out of interest earned on designated funds.

Required Supplementary Information: Schedule of Funding Progress

Actuarial Valuation Date	Actuarial Accrued Liability (AAL) Entry Age (a)	Actuarial Value of Assets (b)	Unfunded Liability (UAAL) (a-b)	Funded Status (b/a)	Annual Covered Payroll (c)	UAAL as a % of payroll ([a-b]/c)
7/1/2009	\$161,436	\$0	\$ 161,436	0%	\$ 630,633	25.6%
7/1/2011	\$181,654	\$0	\$ 181,654	0%	\$ 623,903	29.1%

APPENDIX B EMPLOYEE DATA

The employee data listed below was provided by the management of the County Office for those that may be eligible to receive future benefits.

As of July 1, 2011, there were 10 active employees and 1 retiree. The average age of active employees was 47.5 years and the average years of service was 10.5 years.

APPENDIX C GLOSSARY OF TERMS

Actuarial Accrued Liability, Actuarial Liability, Accrued Liability, or Actuarial Reserve—The portion of the actuarial present value of projected benefits (and expenses, if applicable), as determined under a particular actuarial cost method, which is not provided for by future normal costs. Under certain actuarial cost methods, the actuarial accrued liability is dependent upon the actuarial value of assets.

Actuarial Assumptions—Assumptions as to the occurrence of future events affecting benefits costs, such as mortality, withdrawal, disablement and retirement; changes in compensation, rates of investment earnings and asset appreciation or depreciation; procedures used to determine the actuarial value of assets; characteristics of future entrants for open group actuarial cost methods; and other relevant items.

Actuarial Cost Method or Funding Method—[1] A procedure for allocating the actuarial present value of projected benefits (and expenses, if applicable) to time periods, usually in the form of a normal cost and an actuarial accrued liability (sometimes referred to as a *funding method*). [2] A procedure for allocating the actuarial present value of future plan costs over time periods.

Actuarial Present Value of Projected Benefits—The actuarial present value of benefits that are expected to be paid in the future, taking into account the effect of such items as future service, advancement in age, and anticipated future compensation (sometimes referred to as the *present value of future benefits*).

Actuarial Value of Assets or Valuation Assets—[1] The value of cash, investments, and other property belonging to a benefit plan, as used by the actuary for the purpose of an actuarial valuation. [2] The value of benefit plan investments and other property, used by the actuary for the purpose of an actuarial valuation (sometimes referred to as *valuation assets* or *market-related value of assets*).

Amortization Method—A method under a contribution or cost allocation procedure for determining the amount, timing, and pattern of recognition of the difference between the actuarial accrued liability and the actuarial value of assets.

Discount Rate—The rate used to discount projected earnings to determine the present value used in an appraisal.

APPENDIX C
GLOSSARY OF TERMS
(Continued)

Entry Age Actuarial Cost Method—A method under which the excess of the actuarial present value of projected benefits of the group included in an actuarial valuation, over the sum of the actuarial value of assets plus the unfunded frozen actuarial accrued liability, is allocated on a level basis over the earnings or service of the group between the valuation date and assumed exit. This allocation is performed for the group as a whole, not as a sum of individual allocations. The actuarial accrued liability is determined using the entry age actuarial cost method. The portion of this actuarial present value allocated to a valuation year is called the *normal cost*.

Normal Cost—The portion of the actuarial present value of projected benefits (and expenses, if applicable) that is allocated to a period, typically twelve months, under the actuarial cost method. Under certain actuarial cost methods, the normal cost is dependent upon the actuarial value of assets.

Open Amortization Period—A period that begins again or is recalculated at each actuarial valuation date. Within a maximum number of years specified by law or policy (for example, thirty years), the period may increase, decrease, or remain stable. With this method, the liability would still be reduced over time, but it would take many times longer to amortize it fully because the amortization period would start over after every valuation. In contrast, a closed amortization period is a specific number of years that is counted from one date and, therefore, declines to zero with the passage of time. For example, if the amortization period initially is thirty years on a closed basis, twenty-nine years remain after the first year, twenty-eight years after the second year, and so forth. With this method, the entire liability would be fully amortized at the end of thirty years.

Pay-as-You-Go—A method of financing a benefit plan under which the contributions to the plan are generally made at about the same time and in about the same amount as benefit payments and expenses becoming due.

Unfunded Actuarial Accrued Liability, Unfunded Actuarial Liability, Unfunded Accrued Liability, or Unfunded Actuarial Reserve—The excess of the actuarial accrued liability over the actuarial value of assets.

Valuation Date—[1] The date as of which the liabilities are determined. [2] The date as of which the values of the assets and liabilities of the plan are determined. [3] The date through which transactions are included in the data used in the unpaid claim estimate analysis.

For each Standard, number each Performance Indicator from 1 – 5 (1 = unsatisfactory; 5 = satisfactory.) There are seven Standards altogether.

PART I - Job Responsibilities

STANDARD #1: A superintendent is an educational leader who promotes the success of all students facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community.

Performance Indicators:

- ___ Sets priorities in the context of improving student achievement.
- ___ Articulates and promotes high expectations for teaching and student learning.
- ___ Develops, communicates, and implements a collective vision of comprehensive school improvement.
- ___ Formulates comprehensive school improvement plans (CSIP), goals, and change efforts with staff and community.
- ___ Formulates procedures for gathering, analyzing and using district data for decision-making.

Supporting Evidence: _____ _____ _____ _____ _____ _____	Summary Rating Satisfactory Unsatisfactory
--	---

Total for Standard #1

SUM OF ABOVE SCORES: _____ ÷ 5 = _____.

STANDARD #2: A superintendent is an educational leader who promotes the success of all students by advocating, nurturing and sustaining a school culture and instructional program conducive to student learning and staff professional development.

Performance Indicators:

- ___ Provides leadership for annually assessing and setting priorities on student and district needs.
- ___ Evaluates and provides direction for improving school district programs.
- ___ Examines student achievement data, disaggregates data and creates improvement plans.
- ___ Provides leadership for assessing, developing and improving school environment and culture.
- ___ Provides leadership encouragement, opportunities, and structure for all staff to continually design more effective teaching and learning experiences for all students.
- ___ Evaluates and provides direction for improving instructional strategies.
- ___ Develops and offers opportunities that respond to staffs' needs for professional development.
- ___ Encourages and facilitates the use of technology to improve teaching and learning.
- ___ Encourages and supports personal and professional development among staff.
- ___ Demonstrates awareness of professional issues and developments in education.
- ___ Develops and revises as needed his/her own professional development plan for continued improved performance.

<p>Supporting Evidence: _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>Summary Rating</p> <p>Satisfactory</p> <p>Unsatisfactory</p>
---	--

Total for Standard #2

SUM OF ABOVE SCORES: _____ ÷ 11 = _____.

STANDARD #3: A superintendent is an educational leader who promotes the success of all students by ensuring management of the organization, operations, and resources for a safe, efficient, and effective learning environment.

Performance Indicators:

- ___ Analyzes and reports on student achievement, attendance, and graduation rate.
- ___ Monitors distribution of district resources based on the district’s school improvement plan.
- ___ Provides direction and support for periodic review of curriculum and school policies and procedures.
- ___ Evaluates performance of staff and takes appropriate follow-up action.
- ___ Complies with district personnel policies and rules.
- ___ Demonstrates the ability to improve performance of staff members.
- ___ Monitors recruitment and selection of district personnel and holds staff accountable for performance.
- ___ Demonstrates knowledge and keeps well informed of funding sources.
- ___ Effectively manages both revenues and expenditures of the district budget.
- ___ Facilities are maintained and upgraded according to a district-developed plan.
- ___ Effectively and consistently applies the legal requirements for personnel selection, retention, and dismissal.
- ___ Ensures that policies and rules are uniformly observed and enforced.
- ___ Implements a collaborative approach to policy development on student discipline.
- ___ Formulates and implements plans for internal staff communications.

Supporting Evidence: _____	Summary Rating Satisfactory Unsatisfactory

Total for Standard #3

SUM OF ABOVE SCORES: _____ ÷ 14 = _____.

STANDARD #4: A superintendent is an educational leader who promotes the success of all students by collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources.

Performance Indicators:

___ Provides leadership for improving parent/student/community involvement in the schools.

___ Promotes, demonstrates, and supports clear two-way communication at all levels of the community and school district.

___ Formulates and implements plans for external communication, including communication of the school district priorities to the community and media.

___ Provides community service and leadership for developing a positive rapport between the schools and the community.

Supporting Evidence: _____ _____ _____ _____ _____ _____	Summary Rating Satisfactory Unsatisfactory
--	---

Total for Standard #4

SUM OF ABOVE SCORES: _____ ÷ 4 = _____.

STANDARD #5: A superintendent is an educational leader who promotes the success of all students by acting with integrity, fairness, and in an ethical manner.

Performance Indicators:

- ___ Conducts oneself in an ethical, trustworthy and professional manner in the school environment, board and community.
- ___ Demonstrates awareness of professional issues and developments in education.
- ___ Treats everyone with fairness.
- ___ Demonstrates integrity in all actions.
- ___ Establishes practices to promote personal, physical, and emotional health.

Supporting Evidence: _____ _____ _____ _____ _____ _____	Summary Rating Satisfactory Unsatisfactory
--	---

Total for Standard #5

SUM OF ABOVE SCORES: _____ ÷ 5 = _____.

STANDARD #6: A superintendent is an educational leader who promotes the success of all students by understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context.

Performance Indicators:

- ___ Serves as an articulate spokesperson for the welfare of all members of the learning community.
- ___ Demonstrates respect for diversity in students, staff, and programs.
- ___ Advocates in the political environment for issues beneficial to improving teaching and learning.
- ___ Communicates clearly and substantively to the community about district issues and performance.
- ___ Provides leadership with the board for defining superintendent and board roles, mutual expectations, procedures for working together, and formulating district policies.
- ___ Recommends district policy in consideration of state and federal requirements and local expectations.
- ___ Knows and supports the district school improvement plan and accurately reports progress on goals.

Supporting Evidence: _____ _____ _____ _____ _____ _____	Summary Rating Satisfactory Unsatisfactory
--	---

Total for Standard #6

SUM OF ABOVE SCORES: _____ ÷ 7 = _____.

STANDARD #7: A superintendent is an educational leader who promotes the success of all students by facilitating the development of a communicative, professional relationship with the Board of Trustees.

Performance Indicators:

___ Interprets & executes Board Policy.

___ Offers professional advice to the Board on items requiring Board action, with appropriate recommendations based on thorough study and analysis.

___ Advice to Board and recommendation of actions.

___ Preparation of agenda and attendance at Board meetings.

___ Formulates and presents District policy proposals.

___ Strives to create a trusting relationship.

___ Keeps Board informed on issues, needs, and operation of the school system.

___ Recommends employment of all staff.

___ Makes personnel assignments, reassignments for best interests of the District.

___ Communicates status of projects in progress on a regular basis.

___ Accepts responsibility for maintaining liaison between the Board and personnel.

___ Responsible for collective bargaining process and maintaining close working relationship with SPTA.

___ Purports and maintains position based on Board Policy concerning controversial education matters, while actively seeking clarification or interpretation from the Board/Counsel.

___ Secures legal interpretations whenever necessary.

<p>Supporting Evidence: _____</p>	<p>Summary Rating</p>
<p>_____</p>	<p>Satisfactory</p>
<p>_____</p>	<p>Unsatisfactory</p>
<p>_____</p>	
<p>_____</p>	
<p>_____</p>	

Total for Standard #7

SUM OF ABOVE SCORES: _____ ÷ 14 = _____.

PART II - Summary - for compilation purposes only

Standards Score Summary

	INDIVIDUAL SCORE	CUMULATIVE SCORE
Standard 1		
Standard 2		
Standard 3		
Standard 4		
Standard 5		
Standard 6		
Standard 7		
TOTAL	÷ 7	=

Supporting Evidence Summary

Significant Achievements:

Areas for Growth:

Superintendent Comments:

Board Comments:

Superintendent's Signature: _____ Date: _____

Board President's Signature: _____ Date: _____

Proposed

Stan ✓
Rose ✓
Sue ✓

Administration

BP 2121(a)

SUPERINTENDENT'S CONTRACT

Note: The following optional policy should be modified to reflect district practice.

Keep ?
New

The Governing Board believes that the Superintendent's employment contract should outline the framework through which the Board and Superintendent are to work together to achieve district goals and objectives. [When approving the Superintendent's employment contract, the Board shall consider the need for stability in district administration and shall ensure the best use of district resources.]

In current policy - succinctly revised
The Board shall designate a representative to negotiate with the Superintendent on its behalf.
(cf. 2120 - Superintendent Recruitment and Selection)
(cf. 4312.1 - Contracts)
(cf. 9000 - Role of the Board)

✗ The contract shall be reviewed by the district's legal counsel and shall, at a minimum, include the following:

✗ 1. The general duties and responsibilities of the position

(cf. 2110 - Superintendent Responsibilities and Duties)

✓ 2. The duration of the contract, which shall be for no more than four years pursuant to Education Code 35031

✗ 3. The salary, benefits, and other compensation for the position

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

✗ 4. The criteria, process, and procedure for ^{annual} evaluation and the conditions for reemployment

(cf. 2140 - Evaluation of the Superintendent)

✗ 5. The conditions for termination of the contract including the maximum cash settlement that the Superintendent may receive upon termination of the contract

Note: Pursuant to Government Code 54957, personnel matters related to the appointment or employment of an employee may appropriately be discussed in closed session. However, pursuant to Government Code 54956, as amended by AB 1344 (Ch. 692, Statutes of 2011), the Governing Board is prohibited from deliberating on the salary or other compensation of the Superintendent at a special meeting. See BB 9320 - Meetings and Notices and BB 9321 - Closed Session Purposes and Agendas.

New
Cases

✓ The Board shall deliberate in the closed session of a regular meeting about the terms of the contract. (Government Code 54956, 54957)

(cf. 9320 - Meetings and Notices)
(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)

SUPERINTENDENT'S CONTRACT (continued)

- ✓ Terms of the contract shall remain confidential until the ratification process commences.

(cf. 9011 - Disclosure of Confidential/Privileged Information)

- ✓ The Board shall ratify the Superintendent's contract in an open meeting, which shall be reflected in the Board's minutes. Copies of the contract shall be available to the public upon request. (Government Code 53262)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

Note: The following **optional** paragraph provides that any extension of the contract be based on Board action rather than automatic "rollover" or "evergreen" provisions. Government Code 3511.2, as added by AB 1344 (Ch. 692, Statutes of 2011), prohibits the automatic renewal of a contract with a provision for automatic increase that exceeds the cost of living adjustment.

- ✓ During an existing contract, the Board may reemploy the Superintendent on mutually agreed upon terms and conditions. However, the Superintendent's contract shall be extended only by Board action subsequent to a satisfactory evaluation of the Superintendent's performance and in accordance with Government Code 3511.2.

Decision not to Reemploy

Note: Pursuant to Education Code 35031, the Board must notify the Superintendent, as specified in the following **optional** paragraph, if it decides to not reemploy him/her. If the Board fails to provide the required prior written notice, the Superintendent shall be deemed reemployed for a term of the same length as the one completed, under the same terms and conditions, and with the same compensation.

- ✓ If the Board determines to not reemploy the Superintendent at the expiration of his/her contract, the Board shall provide written notice to him/her at least 45 days in advance of the expiration of the term of the contract. (Education Code 35031)

Termination of Contract

Note: Pursuant to Government Code 53260, every employee contract must include a provision limiting the maximum cash settlement the employee may receive upon termination of the contract to an amount equal to his/her monthly salary multiplied by the number of months left on the contract. If the unexpired term is greater than 18 months, this maximum is equal to the monthly salary multiplied by 18. Cash settlements may be less than these maximums. The district must make termination agreements available to the public upon request. See AR 4117.5/4217.5/4317.5 - Termination Agreements.

SUPERINTENDENT'S CONTRACT (continued)

X The Board may terminate the Superintendent's contract of employment in accordance with law and applicable contract provisions. If the unexpired term of the contract is more than 18 months, the maximum cash settlement shall be no greater than the Superintendent's monthly salary multiplied by 18. The cash settlement shall not include any noncash items other than health benefits, which may be continued for the unexpired term of the contract up to 18 months or until the Superintendent finds other employment, whichever occurs first. (Government Code 53260, 53261)

(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

✓ However, when the termination of the Superintendent's contract is based upon the Board's belief and subsequent confirmation through an independent audit that the Superintendent has engaged in fraud, misappropriation of funds, or other illegal fiscal practices, the maximum settlement shall be as determined by an administrative law judge but no greater than the Superintendent's monthly salary multiplied by six. (Government Code 53260)

Note: Pursuant to Government Code 53243-53243.4, as added by AB 1344 (Ch. 692, Statutes of 2011), effective January 1, 2012, any Superintendent contract to be executed or renewed by the Board must contain a provision requiring the Superintendent to reimburse the district in circumstances specified below. ← *Rogel*
Sue

New In addition, if the Superintendent is convicted of a crime involving an abuse of his/her office or position, he/she shall reimburse the district for payments he/she receives as paid leave salary pending investigation or as cash settlement upon his/her termination, and for any funds expended by the district in his/her defense against a crime involving his/her office or position. (Government Code 53243-53243.4, 53260)

Legal Reference: (see next page)

SUPERINTENDENT'S CONTRACT (continued)

Legal Reference:

EDUCATION CODE

35031 *Term of employment*

41325-41329.3 *Conditions of emergency apportionment*

GOVERNMENT CODE

3511.1-3511.2 *Local agency executives*

53243-53243.4 *Abuse of office*

53260-53264 *Employment contracts*

54954 *Time and place of regular meetings*

54957 *Closed session personnel matters*

54957.1 *Closed session, public report of action taken*

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: Superintendent Evaluation, 2006

Maximizing School Board Governance: Superintendent Selection and Employment, 2004

WEB SITES

CSBA, Governance Consulting Services: <http://www.csba.org>

Association of California School Administrators: <http://www.acsa.org>

Policy
adopted: 4/2007
2/2012

Rose ✓

Proposed Board Policy

Transfer Of Funds

Do not currently have a "BP"

BP3110

Business and Noninstructional Operations

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also see BP 2210 - Administrative Discretion Regarding Board Policy.

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

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

- (cf. 3100 - Budget)
- (cf. 3400 - Management of District Assets/Accounts)
- (cf. 3460 - Financial Reports and Accountability)

***Note: Education Code 42600 specifies that the total amount budgeted by the district for each major classification of expenditures, as listed in the California Department of Education's (CDE) budget forms, shall be the maximum amount which the district may expend for that classification for the school year. However, the Governing Board may adopt a resolution authorizing (1) a transfer from the designated fund balance or the unappropriated fund balance to any expenditure classification or between classifications (Education Code 42600); (2) a temporary loan between funds (Education Code 42603); or (3) an end-of-year transfer to allow the payment of obligations (Education Code 42601). In some cases, the transfer must be approved by the County Superintendent of Schools. ***

***Note: The Board may also adopt a resolution to authorize the permanent transfer of monies between certain funds, including to the special reserve fund from the general fund (Education Code 42841), to the general fund from the special reserve fund (Education Code 42842-42843), to the deferred maintenance fund from the general fund (Education Code 17582-17592), and to the state school building lease-purchase fund from all other district funds (Education Code

16095). ***

***Note: However, pursuant to Education Code 52616.4, districts that receive adult education funds are authorized to use them only for direct instructional charges and direct support charges related to adult education programs, and any transfer of such funds must be in accordance with specific methods. ***

The Board may transfer funds during or at the end of the fiscal year in accordance with law as necessary to meet district needs or to permit the payment of district obligations. (Education Code 16095, 17582-17592, 42600-42603, 42605, 42841-42843, 52616.4)

Tier 3 Categorical Flexibility

***Note: Education Code 42605, as amended by SB 70 (Ch. 7, Statutes of 2011), grants districts flexibility to use funds received for 39 "Tier 3" categorical programs for any "educational purpose" for the 2008-09 through 2014-15 fiscal years. To receive categorical program funds pursuant to Education Code 42605, the Board must hold a public hearing to (1) take testimony from the public and to discuss and approve or disapprove the proposed use of the funding and (2) make explicit for each budget item the purposes for which the funds will be used. ***

***Note: For further information about the public hearing and the categorical programs affected, as well as a sample resolution, see CSBA's Budget Advisory, Flexibility Provisions in the 2008 and 2009 State Budget: Policy Considerations for Governance Teams. ***

***Note: The following section is optional and should be modified to reflect district practice. Districts that have not accepted this flexibility should delete this section. ***

The Board has determined that it is in the best interest of the district to utilize the flexibility authorized for the use of categorical program funds under Education Code 42605. Funds received by the district for any program identified by law as a Tier 3 categorical program may be expended for any educational purpose.

(cf. 2210 - Administrative Discretion Regarding Board Policy)

Before expending any Tier 3 categorical program funds for another educational purpose, the Board shall hold a public hearing to take testimony from the public, to discuss and approve or disapprove the proposed use of the funding, and to make explicit for each of the categorical programs the purposes for which the funds will be used. (Education Code 42605)

***Note: Education Code 42605, as amended by AB 189 (Ch. 606, Statutes of 2011), has clarified timing for the required public hearing and added a special requirement for any situation that might involve the elimination of a program. ***

Any such public hearing shall be held prior to and independent of the Board's regular budget-adoption meeting. Whenever the proposed use of the funding will result in the

elimination of a program, the notice of the public hearing shall identify the program to be eliminated. (Education Code 42605)

***Note: The following paragraph is optional. Education Code 42605 specifies that districts accepting flexibility shall be deemed in compliance with the program and funding requirements contained in state law or regulation for each of the Tier 3 categorical programs. Therefore, aside from the exceptions specified in Education Code 42605(e), the funds are unrestricted and districts have discretion whether to follow legal requirements for those programs during the period of flexibility. According to the CDE, restrictions associated with the funding (e.g., expenditure reports or compliance reviews) no longer exist. See CSBA's Budget Advisory for further information regarding the programs affected and exceptions. ***

***Note: Education Code 42605 requires any district using the flexibility to report expenditure of the funds to the CDE using the Standardized Account Code Structure. In addition, the Board should continue to monitor the use of the flexibility to ensure that it is achieving the desired results. See CSBA's Budget Advisory for policy considerations involved when using the Tier 3 categorical program flexibility. ***

The Superintendent or designee shall regularly report to the Board regarding how the district is exercising the flexibility and whether the desired results are being achieved. He/she shall also complete any necessary reports required by the California Department of Education.

(cf. 0420 - School Plans/Site Councils)
(cf. 0420.1 - School-Based Program Coordination)
(cf. 0440 - District Technology Plan)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 3111 - Deferred Maintenance Funds)
(cf. 3530 - Risk Management/Insurance)
(cf. 4111 - Recruitment and Selection)
(cf. 4112.2 - Certification)
(cf. 4112.21 - Interns)
(cf. 4113 - Assignment)
(cf. 4131 - Staff Development)
(cf. 4131.1 - Beginning Teacher Support/Induction)
(cf. 4138 - Mentor Teachers)
(cf. 4139 - Peer Assistance and Review)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 5136 - Gangs)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5145.6 - Parental Notifications)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 5147 - Dropout Prevention)
(cf. 5148.1 - Child Care Services for Parenting Students)

(cf. 5149 - At-Risk Students)
(cf. 6141.5 - Advanced Placement)
(cf. 6142.6 - Visual and Performing Arts Education)
(cf. 6142.91 - Reading/Language Arts Instruction)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6151 - Class Size)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6162.52 - High School Exit Examination)
(cf. 6163.1 - Library Media Centers)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6172 - Gifted and Talented Student Program)
(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer School)
(cf. 6178 - Career Technical Education)
(cf. 6178.2 - Regional Occupational Center/Program)
(cf. 6179 - Supplemental Instruction)
(cf. 6184 - Continuation Education)
(cf. 6185 - Community Day School)
(cf. 6200 - Adult Education)
(cf. 9323.2 - Actions by the Board)

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
17582 Deferred maintenance fund; establishment; purpose
17583 Deferred maintenance fund; transfer
17584 Budgeting certification deferred maintenance fund; apportionment
17585 Applications for deferred maintenance funding
41301 Section A state school fund allocation schedule
42125 Designated and unappropriated fund balances
42600 District budget limitation on expenditure
42601 Transfers between funds to permit payment of obligations at close of year
42603 Transfer of monies held in any fund or account to another fund; repayment
42605 Tier 3 categorical flexibility
42840-42843 Special reserve fund
52616.4 Expenditures from adult education fund

Management Resources:

CSBA PUBLICATIONS

Flexibility Provisions in the 2008 and 2009 State Budget: Policy Considerations for Governance Teams, Budget Advisory, March 2009

CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE

Fiscal Issues Relating to Budget Reductions and Flexibility Provisions, April 2009

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>

Bylaw 10
adopted: April, 2007
revised: February 14, 2012

SIERRA COUNTY OFFICE OF EDUCATION
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
Sierraville, California



Sierra County/Sierra-Plumas Joint USD | 3000 | BP 3513.1 Business and Noninstructional Operations

Cellular Phone Reimbursement

REMOVE
POLICY (BP)

The Board of Education understands that cellular phones and other mobile communications devices are an efficient and important method of conducting district business and can help to ensure the safety and security of staff, students, and others, as well as helping to protect district property.

The Superintendent or designee shall determine, in accordance with administrative regulation, whether an employee needs a cell phone and/or other mobile communications device in order to perform his/her job responsibilities.

Legal Reference:

on AR
OK PC

EDUCATION CODE

35213 Reimbursement for loss or damage of personal property

44032 Travel expense payment

48901.5 Electronic signaling devices

VEHICLE CODE

23123 Wireless telephones in vehicles

23125 Wireless telephones in school buses

CODE OF FEDERAL REGULATIONS, TITLE 26

1.132-5 Working conditions fringe benefit

Management Resources:

WEB SITES

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

Policy SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

adopted: July, 2007 Sierraville, California

revised: June 10, 2008

Proposed

Rose

CSBA Sample | 3000 | AR 3513.1 Business and Noninstructional Operations

Cellular Phone Reimbursement

Note: The following optional administrative regulation is applicable to any district that provides cell phones or other mobile communications devices to its employees and may be revised to reflect district practice. Pursuant to 26 USC 280F, as amended by the Small Business Jobs Act of 2010 (P.L.111-240) cell phones have been removed from U.S. Internal Revenue Service's definition of listed property, [thereby eliminating the extensive documentation and substantiation requirements placed on employers that provide cell phones for their employees' business use] For language relative to the appropriate use of cell phones by employees or students, see BP/AR 4040 - Employee Use of Technology and BP 5131 - Conduct.

Note: Items #1-3 below list criteria for determining whether an employee should be provided with an allowance or a district-owned cell phone or mobile communications device and may be modified to reflect district practice.

When a district employee's position requires frequent use of a cell phone, the Superintendent or designee shall provide either a cell phone for the employee's use or an allowance to the employee for the business use of his/her personally owned cell phone, whichever is the most cost-effective. In determining whether an employee's position requires frequent use of a cell phone, the factors to be considered shall include, but not be limited to, whether the job responsibilities require:

- ✓ 1. An ability to communicate frequently but access to a district landline is not readily available
- ✓ 2. An ability to communicate immediately to ensure the safety of district staff and students or the security of district property
- ✓ 3. A level of accessibility which is impossible because of the employee's frequent job-related absence from the worksite

(cf. 3542 - School Bus Drivers)

(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)

New When an employee is paid an allowance for the use of his/her personally owned cell phone for district business, the Superintendent or designee shall, from time to time, verify that the employee's cell phone contract is active.

✓ The Superintendent or designee shall develop a system for reviewing employees' use of district-owned cell phones and the reimbursement of costs for employees' business-related use of their personal cell phones. Employees shall be responsible for fees and charges associated with any misuse or overuse not attributable to district business.

✓ If the Superintendent or designee determines that an employee no longer needs a cell phone or other mobile communications device to perform his/her job responsibilities, any fees or charges associated with cancellation of the service contract shall be the responsibility of the district.

Note: The following paragraph provides a method for reimbursing employees for one-time

or occasional use of personally owned cell phones.

✓ Any employee who is not provided an allowance or a district-owned cell phone may be reimbursed for the actual expenses of business-related calls made on his/her personally owned cell phone, in accordance with the district's expense reimbursement procedures.

Legal Reference:

EDUCATION CODE

35213 Reimbursement for loss or damage of personal property

44032 Travel expense payment

48901.5 Electronic signaling devices

VEHICLE CODE

23123 Wireless telephones in vehicles

23125 Wireless telephones in school buses

UNITED STATES CODE, TITLE 26

280F Limitation on depreciation for luxury automobiles, etc.

CODE OF FEDERAL REGULATIONS, TITLE 26

1.132-5 Working conditions fringe benefit

Management Resources:

WEB SITES

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

~~(7/07) 11/11~~ 6/10/08

Proposed

Sue ✓
Rose ✓

Personnel

BP 4140(a)

4240

BARGAINING UNITS

4340

Note: Pursuant to Government Code 3544, an employee organization may become the employees' exclusive representative for negotiations by filing a request with the district providing proof that a majority of the employees in an appropriate unit wish to be represented by that organization. Notice of such request must be immediately posted conspicuously on all employee bulletin boards in each district facility in which members of the unit are employed. Government Code 3544.1 requires the district to grant the request for recognition unless (1) the district doubts the appropriateness of the unit, (2) another employee organization files a challenge to the appropriateness of the unit or submits a competing claim of representation within 15 work days of the posting of notice of the written request, or (3) the district currently has a lawful written agreement with another employee organization representing the same employees.

AB 501 (Ch. 674, Statutes of 2011) amended Government Code 3540.1 to expand the definition of "exclusive representative" to include representation of "all public school employees" other than management and confidential employees, as defined. Thus, employees who are neither certificated nor classified employees (e.g., noon-time duty aides) now have the right to be represented.

In addition, AB 501 amended Government Code 3540.1 to expand the definition of "public school employer" to include a joint powers agency (JPA) provided that the JPA is a separate entity with its own employees and meets one of the following criteria: (1) it provides educational services primarily performed by school districts, county boards of education, or county superintendents of schools; (2) a school district, county board of education, or county superintendent of schools is designated as a party to the joint powers agreement pursuant to Government Code 6503.5; or (3) the JPA is comprised solely of educational agencies.

Education Code 3543 provides that public school employees have the right to represent themselves individually in their employment relations with the district except that, once an exclusive representative has been recognized, an employee in that unit is prohibited from meeting and negotiating with the district.

(formerly "public school employees")

✓ The Governing Board recognizes the right of district employees to form bargaining units, select an employee organization as their exclusive representative, and be represented by that organization in their employment relationship with the district. The Board is committed to negotiating in good faith with recognized employee organizations and respecting the rights of employees and employee organizations.

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4143/4243 - Negotiations/Consultation)

(cf. 9000 - Role of the Board)

New

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

Similar ✓

Neither the district nor the employee organization shall impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3543.6)

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

The rest of this
policy is New

BP 4140(b)
4240
4340

BARGAINING UNITS (continued)

Formation of Bargaining Units

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

The district may recognize a bargaining unit of supervisory employees if: (Government Code 3545)

1. The bargaining unit includes all supervisory employees.
2. The supervisors are not represented by the same organization that represents employees whom the supervisory employees supervise.

(cf. 4300 - Administrative and Supervisory Personnel)
(cf. 4301 - Administrative Staff Organization)
(cf. 4312.1 - Contracts)

For this purpose, *supervisory employee* means any employee, regardless of job description, having the authority, in the interest of the district, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, discipline, assign work, direct, adjust grievance of other employees, or effectively recommend that action. The exercise of this authority shall not be merely routine or clerical in nature, but shall require the use of independent judgment. (Government Code 3540.1)

Note: Pursuant to Government Code 3540.1, management and confidential employees, as defined, are excluded from the right to be represented in negotiations by an employee organization. The Public Employment Relations Board ultimately determines, based upon the duties of the position, which positions qualify as "management" or "confidential" and thus are excluded from bargaining, as detailed below.

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. Such employees may represent themselves individually or may be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions, but that organization shall not meet and negotiate with the district. For this purpose: (Government Code 3540.1, 3543.4)

1. *Management employee* means any employee who has significant responsibilities for formulating district policies or administering district programs, and whose position is designated as a management position by the Board.
2. *Confidential employee* means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions.

BARGAINING UNITS (continued)

Payment of Dues or Service Fee

Upon the written request of a recognized employee organization, the Superintendent or designee ~~shall~~ ^{may} deduct the amount of organization dues or the fair share service fee, determined in accordance with Government Code 3546, from the wages and salary of each employee represented by that employee organization and shall pay that amount to the employee organization. (Education Code 45060, 45168; Government Code 3546)

Any employee who is a member of a religious body whose traditional tenets or teachings include objections to joining or financially supporting employee organizations shall not be required to join, maintain membership in, or financially support any employee organization as a condition of employment. However, such an employee may be required to pay an amount equal to the service fee to a designated charitable fund. (Government Code 3546.3)

Each employee organization shall, within 60 days after the end of its fiscal year, provide the Board and the employees who are members of the organization with a detailed financial report consisting of a balance sheet and an operating statement. If the employee organization fails to provide the financial report, the Board may issue an order compelling the organization to provide the financial report or any employee within the organization may petition the Board for such an order. (Government Code 3546.5)

(cf. 3460 - Financial Reports and Accountability)

Note: Government Code 6254.3 authorizes disclosure of an employee's home address and home telephone number to an employee organization unless the district receives a written request by the employee to not disclose the information. The appeals court in County of Los Angeles v. Service Employees International Union, Local 721 clarified that nonmembers or agency fee payers have a reasonable expectation of privacy and thus are entitled to notice and an opportunity to object before the disclosure of their personal information. This case has been appealed to the California Supreme Court.

The Superintendent or designee may provide an employee organization with the home address and home telephone number of employees, except any employees performing law enforcement-related functions and any employees who provide written request that the information not be disclosed for this purpose. (Government Code 6254.3)

(cf. 1340 - Access to District Records)

Legal Reference: (see next page)

IT MAY BE
OPTIONAL
BY
MEMBER ?

BARGAINING UNITS (continued)

Legal Reference:

EDUCATION CODE

- 45060-45061.5 Deduction of fees from salary or wage payment, certificated employees
- 45100.5 Senior management positions
- 45104.5 Abolishment of senior classified management positions
- 45108.5 Definitions of senior classified management employees
- 45108.7 Waiver of provisions of 45108.5
- 45168 Deduction of fees from salary or wage payment, classified employees
- 45220-45320 Merit system, classified employees

GOVERNMENT CODE

- 3540-3549.3 Educational Employment Relations Act, especially:
 - 3540.1 Definitions
 - 3543.4 Management position; representation
 - 3545 Appropriateness of unit; basis
- 6254.3 Disclosure of employee contact information to employee organization
- 6503.5 Joint powers agencies
- 53260-53264 Employment contracts

CODE OF REGULATIONS, TITLE 8

- 33015-33490 Recognition of exclusive representative; proceedings
- 33700-33710 Severance of established unit
- 34020 Petition to rescind organizational security arrangement
- 34055 Reinstatement of organizational security arrangement

COURT DECISIONS

County of Los Angeles v. Service Employees International Union, Local 721, (2011), 192 Cal.App.4th 1409

Management Resources:

CSBA PUBLICATIONS

- Collective Bargaining DVD-ROM*
- Before the Strike: Planning Ahead in Difficult Negotiations, 1996*

WEB SITES

- CSBA: <http://www.csba.org>
- Association of California School Administrators: <http://www.acsa.org>
- California Federation of Teachers: <http://www.cft.org>
- California School Employees Association: <http://www.csea.com>
- California Teachers Association: <http://www.cta.org>
- Public Employment Relations Board: <http://www.perb.ca.gov>

Policy adopted: 4/2007
Rev. 2/2012

Sue Rose
SM

Proposed

Classified Personnel

AR 4217.3(a)

LAYOFF/REHIRE

Note: The following **optional** regulation is subject to collective bargaining and may be deleted by those districts whose agreements fully cover the provisions specified below.

✓ Classified employees shall be subject to layoff for lack of work or lack of funds. (Education Code 45114, 45308)

✓ A classified employee shall not be laid off if a short-term employee who is employed for more than 45 days is retained to render a service that the classified employee is qualified to render. (Education Code 45117)

(cf. 4121 - Temporary/Substitute Personnel)

Order of Layoff Within a Classification/Determination of Seniority

✓ Within each class, the order of layoff shall be determined by length of service. (Education Code 45114, 45308)

Note: For any district whose average daily attendance (ADA) is under 400,000, Education Code 45308 defines "length of service" as employees' hours in paid status as described in Option 1 below. However, such a district may instead choose to enter into an agreement with the exclusive representative of classified employees to determine "length of service" based on an employee's date of hire. Districts that have entered into such an agreement and districts with 400,000 ADA or more should select Option 2 below.

See - has
wording has
changed
slightly. DK?
✓

OPTION 1: "Length of service" means all hours in paid status, whether during the school year, a holiday, recess, or during any period that school is in session or closed. However, length of service shall not include hours compensated solely on an overtime basis, as provided in Education Code 45128, and shall not include hours for any service performed prior to entering into probationary or permanent status, except for service in a restricted position pursuant to Education Code 45105. The employee who has been employed the shortest time in the class, plus higher classes, shall be laid off first. (Education Code 45308)

~~**OPTION 2:** Length of service shall be determined by the date of hire. The employee who has been employed the shortest time by the district shall be laid off first.~~

Note: The remainder of this section applies to both options 1 and 2. Pursuant to Education Code 45105 and 45259, persons employed in "restricted positions" are classified employees. However, they do not acquire permanent status or seniority credits unless they satisfy the conditions specified below.

See
on current
policy -
different

For an employee in a "restricted position" under Education Code 45105 or 45259, the original date of employment in the restricted position shall be used to determine his/her length of service, provided he/she has completed six months of satisfactory service and has successfully passed the qualifying examination required for service in the class.

(cf. 4200 - Classified Personnel)

LAYOFF/REHIRE (continued)

✓ Length of service credit shall be granted for military leave of absence, including voluntary and involuntary active duty during a period of national emergency or war, as a member of the Military Reserve or the National Guard. (Education Code 45297, 45308)

(cf. 4161.5/4261.5/4361.5 - Military Leave)

✓ Length of service credit may be granted for time spent on unpaid illness or maternity leave, unpaid family care leave, or unpaid industrial accident leave. Length of service credit shall not be granted for other types of unpaid leaves. (Education Code 45308)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

(cf. 4261.11 - Industrial Accident/Illness Leave)

Notice of Layoff

✓ Whenever a classified employee is to be laid off for lack of work or lack of funds, notice shall be given to the employee, informing him/her of his/her displacement rights, if any, and reemployment right. The notice shall be given: (Education Code 45117)

1. ✓ At least 45 days prior to the effective date of the layoff, if the layoff is for lack of work resulting from a bona fide reduction or elimination of service being performed.
2. ✓ In writing, no later than April 29, if the layoff is for lack of funds due to the expiration of a specially funded program at the end of any school year. However, if the termination date of the specially funded program is other than June 30, the employee shall be given notice at least 45 days from the effective date of the layoff.

✓ The district is not bound to provide 45-day notice in the event of an actual and existing financial inability to pay the salaries of classified employees or if the layoff is due to a lack of work resulting from conditions not foreseeable or preventable by the district. (Education Code 45117)

✓ The district also is not bound to provide 45-day notice to any person hired as a short-term employee for a period not exceeding 45 days. (Education Code 45117)

Reemployment

Note: The following **optional** section specifies the rights of employees who are laid off or who take voluntary demotion or reduction in assigned time in lieu of layoff. Pursuant to Education Code 45308, as amended by AB 1269 (Ch. 116, Statutes of 2011), laid-off classified employees have reemployment rights which are enforced in order of seniority rather than reverse order of layoff. In addition, recent court decisions have further clarified the rights of laid-off classified employees. In California School Employees Association v. The Governing Board of East Side Union High School District, the court held that the

LAYOFF/REHIRE (continued)

permanent status of a laid-off classified employee is not retained when the employee is reemployed in a different class. In Tucker v. Grossmont Union High School District, a California appellate court ruled that a laid-off employee's reemployment right entitled him to preference over any new applicant to available positions for which he is qualified.

Classified employees laid off because of lack of work or lack of funds shall be eligible for reemployment for a period of 39 months and shall be reemployed in preference to new applicants. Reemployment shall be in order of seniority. Persons so laid off also have the right to apply and establish their qualification for vacant promotional positions within the district during the 39-month period. When an employee is reemployed in a class that is different from the one in which he/she had permanent status, the employee shall be required to serve the probationary period for the new position. (Education Code 45114, 45298, 45308)

Note: Pursuant to San Mateo City School District v. Public Employment Relations, school districts may adopt procedures which implement Education Code 45113 and 45114 as long as such procedures do not replace or set aside mandatory Education Code provisions. These procedures may be adopted pursuant to Board policy and/or collective bargaining agreement.

The following **optional** paragraph should be **deleted** by districts with a collective bargaining agreement that contains reemployment procedures. - *Language is absent in the agreement*

When a vacancy occurs, the district shall give the employee with the most seniority an opportunity to accept or reject the position, by notifying him/her of the vacancy at his/her last known address by the fastest means available. The employee shall advise the district of his/her decision no later than 10 calendar days following notification. If the employee accepts, he/she shall report to work no later than two calendar weeks from the vacancy notification date or on a later date specified by the district.

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

In order to be reemployed, an employee must be capable of performing the essential duties of the job. When an otherwise eligible employee is unable to perform the essential duties of the job, he/she shall be kept on the reemployment list until another opportunity becomes available or the period of reemployment eligibility expires, whichever occurs first.

(cf. 4032 - Reasonable Accommodation)

Note: An argument can be made that, absent a collective bargaining provision to the contrary, once a district has offered a laid-off classified employee a position pursuant to the employee's reemployment rights under Education Code 45298 and that employee has refused the position, the district has discharged its duty to that employee. Whether or not such action conflicts with an employee's statutory right to reemployment is unclear. The following two **optional** paragraphs should be used only with the approval of the district's legal counsel; the number of refusals that will trigger the removal of the employee's name from the district's list should be modified accordingly.

LAYOFF/REHIRE (continued)

✓ Upon rejecting two offers of reemployment, the employee's name shall be removed from the reemployment list and he/she will forfeit all reemployment rights to which he/she would otherwise be entitled.

✓ When an employee is notified of a vacancy and fails to respond or report to work within time limits specified by district procedures, his/her name shall be removed from the reemployment list and all reemployment rights to which he/she would otherwise be entitled shall be forfeited.

Reinstatement of Benefits

Note: The following **optional** section should be **deleted** by districts that do not reinstate laid-off employee benefits upon reemployment and those whose collective bargaining agreements address the issue.

✓ When a laid-off employee is reemployed, all accumulated sick leave credit shall be restored. *no language in unit*

✓ A laid-off permanent employee shall be reemployed with all rights and benefits accorded to him/her at the time of layoff. A laid-off probationary employee shall be reemployed as a probationary employee, and the time served toward the completion of the required probationary period shall be counted. He/she shall also be reemployed with all rights and benefits accorded to him/her at the time of layoff.

✓ A laid-off employee, when reemployed, shall be placed on the salary step held at the time of layoff. An employee who was bumped into a lower class shall, when reinstated to the previous class, be placed on the salary step to which he/she would have progressed had he/she remained there. An adjusted anniversary date shall be established for step increment purposes so as to reflect the actual amount of time served in the district.

Voluntary Demotion or Reduction of Hours

★ *22* ✓ Classified employees who take voluntary demotion or voluntary reduction in assigned time in lieu of layoff, or in order to remain in their present position rather than be reclassified or reassigned, shall be granted the same rights as employees who are laid off. In addition, such employees shall retain eligibility to be considered for reemployment in their previously held class or position with increased assigned time, for an additional period of time up to 24 months as determined by the Governing Board on a class-by-class basis, provided that the same test of fitness under which they qualified for appointment to that class shall still apply. (Education Code 45114, 45298)

LAYOFF/REHIRE (continued)

✓ Employees who take voluntary demotion or voluntary reduction in assigned time in lieu of layoff shall have the option of returning to a position in their former class or to positions with increased assigned time as vacancies become available and without limitation of time. If there is a valid reemployment list, they shall be ranked on that list in accordance with their proper seniority. (Education Code 45114, 45298)

*Legal Reference:*EDUCATION CODE

- 45101 Definitions
- 45103 Classified service in districts not incorporating the merit system
- 45105 Positions under various acts not requiring certification qualifications; classification
- 45113 Rules and regulations for classified service in districts not incorporating the merit system
- 45114 Layoff and reemployment procedures; definitions
- 45115 Layoff: Reinstatement from service retirement
- 45117 Notice of layoff
- 45286 Limited term employees
- 45297 Right to take equivalent examination while employee in military service
- 45298 Reemployment and promotional examination preference of persons laid off; voluntary demotions or reductions in time
- 45308 Order of layoff and reemployment; length of service
- 45309 Reinstatement of permanent noncertified employees after resignation

UNITED STATES CODE, TITLE 38

4301-4307 Veterans' Reemployment Rights

COURT DECISIONS

- California School Employees Association v. The Governing Board of East Side Union High School District (2011) 193 Cal.App.4th 540
- Tucker v. Grossmont Union High School District (2008) 168 Cal.App.4th 640
- San Mateo City School District v. Public Employment Relations Board (1983) 33 Cal.3d 850, 866

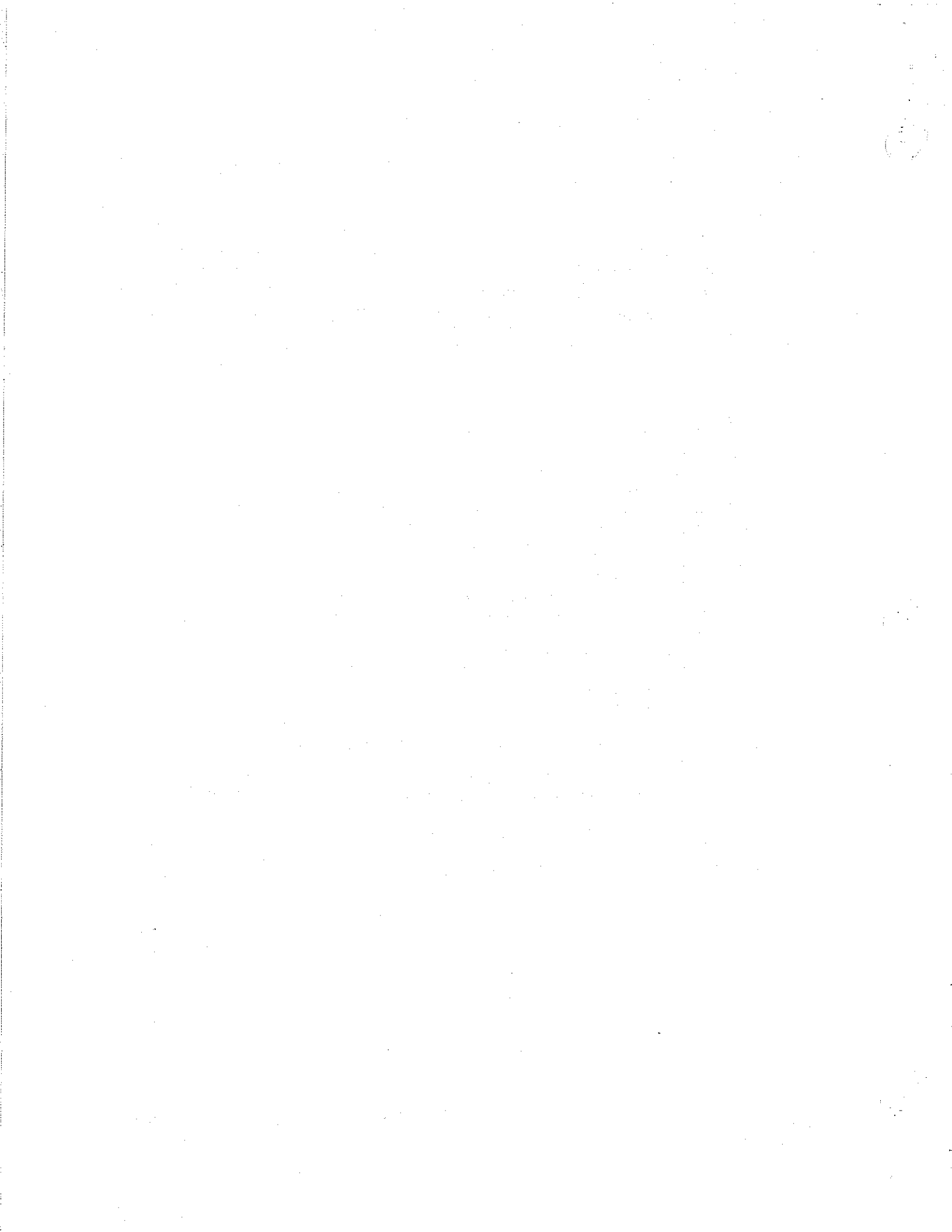
*Management Resources:*WEB SITES

California School Employees Association: <http://www.csea.com>

Regulation
approved:

4/10/07
2/2012

CSBA MANUAL MAINTENANCE SERVICE
November 2011



Proposed

Rose ✓
Megan
Marla
Derek
Jason P.

Instruction

BP 6145.2(a)

ATHLETIC COMPETITION

Note: Pursuant to Education Code 35179, the Governing Board has control of and responsibility for all aspects of district interscholastic athletic policies, programs, and activities.

Pursuant to Education Code 51242, the Board may exempt any high school student engaged in a school-sponsored interscholastic athletic program after regular school hours from the requirement to attend physical education courses; see BP 6142.7 - Physical Education and Activity.

✓ The Governing Board recognizes that the district's athletic program constitutes an integral component of the educational program and helps to build a positive school climate. The athletic program also promotes the physical, social, and emotional well-being and character development of participating students. The athletic program shall be designed to meet students' interests and abilities and shall be varied in scope to attract wide participation.

(cf. 3541.1 - Transportation for School-Related Trips)
(cf. 5030 - Student Wellness)
(cf. 5137 - Positive School Climate)
(cf. 6142.7 - Physical Education and Activity)
(cf. 7110 - Facilities Master Plan)

✓ All athletic teams shall be supervised by qualified coaches to ensure that student athletes receive appropriate instruction and guidance related to safety, health, sports skills, and sportsmanship. Athletic events shall be officiated by qualified personnel.

(previously "training + prep for competition")
(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

New The Board encourages business and community support for district athletic programs, subject to applicable district policies and regulations governing advertisements and donations.

(cf. 1260 - Educational Foundation)
(cf. 1321 - Solicitation of Funds from and by Students)
(cf. 1325 - Advertising and Promotion)
(cf. 1700 - Relations Between Private Industry and the Schools)
(cf. 3290 - Gifts, Grants and Bequests)

Nondiscrimination and Equivalent Opportunities in the Athletic Program

Note: Pursuant to Education Code 35179, the Board is responsible for ensuring that district and interscholastic athletic policies, programs, and activities are in compliance with federal and state law. Gender equity and nondiscrimination in district and interscholastic athletic programs and activities are governed by both federal and state laws (Title IX, 20 USC 1681-1688; Education Code 200-262.4; 5 CCR 4900-4965). See the accompanying administrative regulation for factors that the district must consider in determining whether equivalent opportunities are being provided.

In Mansourian v. Regents of University of California, the Ninth Circuit Court of Appeals ruled that a university receiving federal funds can be held liable for failing to effectively accommodate the athletic interests of both men and women even if the aggrieved women did not first provide the appropriate university officials with notice of their disadvantageous treatment and an opportunity to cure it.

ATHLETIC COMPETITION (continued)

X

The district's athletic program shall be free from discrimination and discriminatory practices prohibited by state and federal law. The Superintendent or designee shall ensure that equivalent athletic opportunities are provided for males and females.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

X

Any complaint regarding the district's athletic program shall be filed in accordance with the district's uniform complaint procedures. BP/AR
1312.3
same

(cf. 1312.3 - Uniform Complaint Procedures)

California Interscholastic Federation

Note: The following optional section is for use by districts that maintain grades 9-12. Pursuant to Education Code 35179, the Board may join an association, such as the California Interscholastic Federation (CIF), for the purpose of providing regional or statewide interscholastic athletic programs and activities. Pursuant to Education Code 33353, CIF is responsible for regulating secondary school athletic programs, including establishing rules for participation, under the general direction of school boards. SB 107 (Ch. 230, Statutes of 2011) amended Education Code 33353 to extend CIF operations until January 1, 2017.

New

The Board maintains membership in the California Interscholastic Federation (CIF) and requires that interscholastic athletic activities be conducted in accordance with Board policy, administrative regulations, and CIF bylaws and rules. The Superintendent or designee shall have responsibility for the district's interscholastic athletic program, while the principal or designee at each participating school shall be responsible for site-level decisions, as appropriate.

New

Upon recommendation of the Superintendent, the Board shall annually designate an employee from each high school to serve as a representative to the local CIF league. Appointees shall represent the district in performing all duties required by the CIF league. In making this selection, the Board shall consider the employee's understanding of the district's goals for student learning and interscholastic and extracurricular activities, knowledge of the athletic programs, awareness of the implications of league decisions for the school and the district, and individual interpersonal communication and leadership skills.

X

The Superintendent or designee shall ensure that the district representatives to CIF report regularly to the Board on league, section, and statewide issues, as well as activities and prospective actions related to athletic programs.

(cf. 0500 - Accountability)

ATHLETIC COMPETITION (continued)

Student Eligibility

Note: The following section applies the same criteria for student eligibility as adopted by the Board for all other extracurricular or cocurricular activities (see BP/AR 6145 - Extracurricular and Cocurricular Activities), including criteria related to academic eligibility and residency, to athletic programs and may be revised to reflect district practice.

Education Code 48850 specifies that, when the residence of a student in foster care changes pursuant to a court order or decision of a child welfare worker, the student shall be deemed to meet all residency requirements for participation in extracurricular activities and interscholastic sports; see BP/AR 6173.1 - Education for Foster Youth.

In addition, Education Code 49700-49701 establish a uniform means of assisting children of "active duty military families" transferred from one state to another, by reducing or eliminating the barriers to their educational success caused by the frequent moves and deployments of their parents/guardians; see BP/AR 6173.2 - Education of Children of Military Families. Among other things, Education Code 49701 requires flexibility of districts' local rules to facilitate eligibility for extracurricular activities of children of military personnel.

- X Eligibility requirements for participation in the district's interscholastic athletic program, including requirements pertaining to academic achievement and residency, shall be the same as those set by the district for participation in extracurricular and cocurricular activities.

(cf. 3530 - Risk Management/Insurance)

(cf. 5111.1 - District Residency)

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

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6162.52 - High School Exit Examination)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.2 - Education of Children of Military Families)

Note: The following **optional** paragraph is for use by districts that participate in CIF. CIF bylaws specify eligibility criteria for participating student athletes, including criteria related to age, grade, attendance, scholastic achievement, residence, transfers, and discipline. In addition, in accordance with CIF bylaws, students in home schooling or home study/independent study programs are not eligible for CIF interscholastic competition unless they are enrolled in a program under the jurisdiction of a CIF member school district (i.e., a program in which the district approves the curriculum, administers the program, and evaluates the student).

- X In addition, the Superintendent or designee shall ensure that students participating in interscholastic athletics governed by CIF satisfy CIF eligibility requirements.

Note: The California Supreme Court in *Hartzell v. Connell* rendered the assessment of fees for extracurricular activities illegal. CSBA's advisory entitled "Student Fees Litigation Update" clarifies that districts must provide, free of charge, all the required supplies which are necessary to fulfill the district's educational program or extracurricular activity. Thus, the district may not charge a fee for student

ATHLETIC COMPETITION (continued)

participation in the athletic program, including the cost of uniforms. However, the district may charge a fee for other students to attend athletic events as spectators since such attendance is not directly related to the educational program. Districts are advised to seek legal counsel before charging for any activity which may be construed as related to the educational program.

Students shall not be charged a fee to participate in an athletic program.

(cf. 3260 - Fees and Charges)

Sportsmanship

Note: CIF has adopted a set of principles entitled Pursuing Victory with Honor to guide participants in interscholastic athletic competitions. Districts that are not affiliated with CIF may delete or modify the following **optional** section to reflect district practice.

Revised
x The Board values the quality and integrity of the athletic program and the character development of student athletes. Student athletes, coaches, parents/guardians, spectators, and others are expected to demonstrate good sportsmanship, ethical conduct, and fair play during all athletic competitions. They shall also abide by the core principles of trustworthiness, respect, responsibility, fairness, caring, and good citizenship and the Codes of Conduct adopted by CIF.

x Students and staff may be subject to disciplinary action for improper conduct.

(cf. 3515.2 - Disruptions)

(cf. 4118 - Suspension/Disciplinary Action)

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

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.4 - Student Disturbances)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

Health and Safety

✓ The Board desires to give student health and safety the highest consideration in planning and conducting athletic activities.

Note: CIF requires students in grades 9-12 to undergo medical examinations before participating in interscholastic competition; see BP 5141.3 - Health Examinations. Pursuant to Education Code 49458, any examination required for participation in an interscholastic athletic program may be conducted by a physician or physician assistant.

ATHLETIC COMPETITION (continued)

✓ Students shall have a medical clearance before participating in interscholastic athletic programs. Care shall be taken to ensure that all athletic trainings and competitions are conducted in a manner that will not overtax the physical capabilities of the participants. When appropriate, protective equipment shall be used to prevent or minimize injuries.

(cf. 5131.61 - Drug Testing)
(cf. 5131.63 - Steroids)
(cf. 5141.3 - Health Examinations)
(cf. 5141.6 - School Health Services)
(cf. 5141.7 - Sun Safety)
(cf. 5143 - Insurance)

✓ *New* → Coaches and appropriate district employees shall take every possible precaution to ensure that athletic equipment is kept in safe and serviceable condition. The Superintendent or designee shall ensure that all athletic equipment is cleaned and inspected for safety before the beginning of each school year.

(cf. 5142 - Safety)

Note: CIF bylaws specify procedures to follow in order to prevent the spread of communicable diseases when handling student injuries, including the use of universal precautions.

In addition, Education Code 49475, as added by AB 25 (Ch. 456, Statutes of 2011), requires that an athlete at any grade level who is suspected of sustaining a concussion be immediately removed from the athletic activity and not returned until a health care provider provides written clearance; see the accompanying administrative regulation.

In the event that an injury occurs, the coach or other appropriate district employee shall observe universal precautions and shall remove the student athlete from the activity and/or seek medical treatment for the student as appropriate.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)
(cf. 5141.22 - Infectious Diseases)

Legal Reference: (see next page)

ATHLETIC COMPETITION (continued)*Legal Reference:*EDUCATION CODE*200-262.4 Prohibition of discrimination**270-271 Athletes' Bill of Rights**17578 Cleaning and sterilizing of football equipment**17580-17581 Football equipment**32221.5 Required insurance for athletic activities**33353-33353.5 California Interscholastic Federation; implementation of policies, insurance program**33354 California Department of Education authority over interscholastic athletics**35160.5 District policies; rules and regulations**35179 Interscholastic athletics**48850 Interscholastic athletics; students in foster care**48900 Grounds for suspension and expulsion**48930-48938 Student organizations**49020-49023 Athletic programs; legislative intent, equal opportunity**49030-49034 Performance-enhancing substances**49458 Health examinations, interscholastic athletic program**49475 Health and safety, concussions and head injuries**49700-49701 Education of children of military families**51242 Exemption from physical education for high school students in interscholastic athletic program*PENAL CODE*245.6 Hazing*CODE OF REGULATIONS, TITLE 5*4900-4965 Nondiscrimination in elementary and secondary education programs, especially:**4920-4922 Nondiscrimination in intramural, interscholastic, and club activities**5531 Supervision of extracurricular activities of students**5590-5596 Employment of noncertificated coaches*UNITED STATES CODE, TITLE 20*1681-1688 Discrimination based on sex or blindness, Title IX*CODE OF FEDERAL REGULATIONS, TITLE 34*106.31 Nondiscrimination on the basis of sex in education programs or activities**106.33 Comparable facilities**106.41 Nondiscrimination in athletic programs*COURT DECISIONS*Mansourian v. Regents of University of California, (2010) 594 F. 3d 1095**Kahn v. East Side Union High School District, (2004) 31 Cal. 4th 990t**McCormick v. School District of Mamaroneck, (2004) 370 F.3d 275**Hartzell v. Connell, (1984) 35 Cal. 3d 899**Management Resources: (see next page)*

ATHLETIC COMPETITION (continued)

Management Resources:

CSBA PUBLICATIONS

Student Fees Litigation Update, Education Legal Alliance Advisory, May 20, 2011

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

CALIFORNIA INTERSCHOLASTIC FEDERATION PUBLICATIONS

California Interscholastic Federation Constitution and Bylaws

A Guide to Equity in Athletics

Acute Concussion Evaluation (ACE) Care Plan, 2006

Pursuing Victory with Honor, 1999

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

Heads Up: Concussion in High School Sports, Tool Kit, June 2010

Heads Up: Concussion in Youth Sports, Tool Kit, July 2007

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

Intercollegiate Athletics Policy Clarification: The Three-Part Test - Part Three, Dear Colleague letter, April 20, 2010

WEB SITES

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

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

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

Centers for Disease Control and Prevention, Concussion Resources: <http://www.cdc.gov/concussion>

National Federation of State High School Associations: <http://www.nfhs.org>

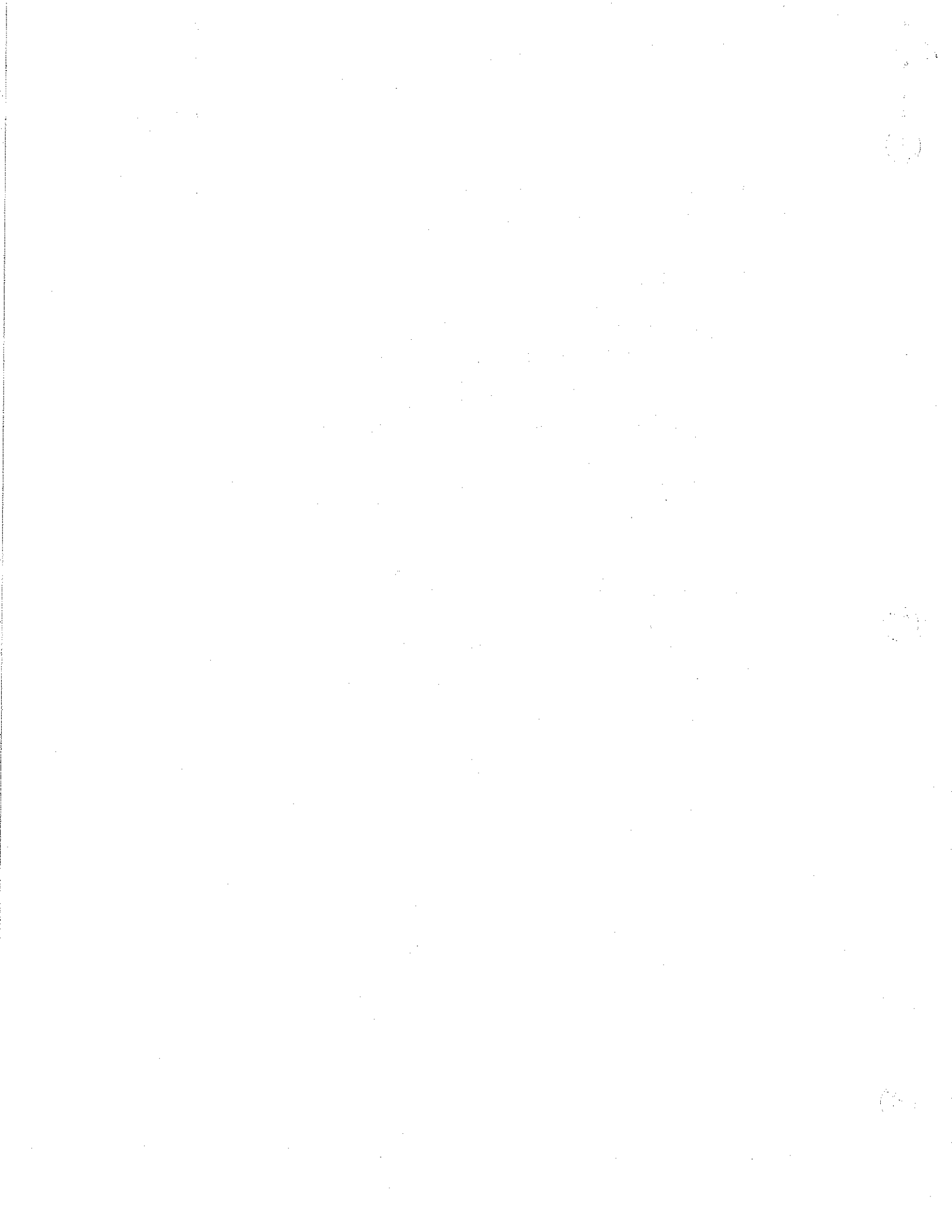
National Operating Committee on Standards for Athletic Equipment: <http://www.nocsa.org>

U.S. Anti-Doping Agency: <http://www.usada.org>

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

Policy
adopted: 4/2007
2/2012

CSBA MANUAL MAINTENANCE SERVICE
November 2011



Proposed

Rose ✓
Megan
Marla
Derek
Jason

Instruction

AR 6145.2(a)

ATHLETIC COMPETITION

✓ OR ✗ means it is currently in our policy
_____ means new/added language

NOTE ON PAGE (c) 1st day Package

Nondiscrimination and Equivalent Opportunities in the Athletic Program

(e) (f)

Note: The following section reflects pertinent provisions of federal and state law regarding nondiscrimination (Title IX, 20 USC 1681-1688; Education Code 200-262.4; 5 CCR 4900-4965). The Office of Civil Rights (OCR) in the U.S. Department of Education oversees complaints regarding violations of Title IX.

✗ No person shall be excluded from participation in, be denied the benefits of, be denied equivalent opportunity in, or otherwise be discriminated against in interscholastic, intramural, or club athletics on the basis of actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, mental or physical disability, or any other basis specified in law. (Education Code 220, 230; 5 CCR 4920; 34 CFR 106.41)

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

Note: 5 CCR 4921 and 34 CFR 106.41 both authorize the establishment of separate teams for males and females where the selection of teams is based on competitive skills. 34 CFR 106.41 also authorizes single-sex teams for contact sports, as defined. Because state regulations do not address single-sex teams for contact sports, districts should consult legal counsel prior to establishing any such single-sex team for a contact sport for which selection is not based on competitive skills.

✗ The Superintendent or designee may provide single-sex teams where selection for the teams is based on competitive skills. (5 CCR 4921; 34 CFR 106.41)

✗ When a school provides only one team in a particular sport for members of one sex, but provides no team in the same sport for members of the other sex, and athletic opportunities in the total program for that sex have been previously limited, members of the excluded sex shall be allowed to try out and compete with the team. The same standards for eligibility shall be applied to every student trying out for a team, regardless of sex, sexual orientation, or other protected group status. (5 CCR 4921; 34 CFR 106.41)

Note: 5 CCR 4922 and 34 CFR 106.41, as reflected in items #1-11 below, list factors that districts must consider when determining whether equivalent opportunities are being provided. The California Interscholastic Federation's (CIF) A Guide to Equity in Athletics provides suggested actions that districts can take for each of the factors to help the district meet its equivalence goals.

✗ When determining whether equivalent opportunities are available to both sexes in athletic programs, the Superintendent or designee shall consider, among other factors: (5 CCR 4922; 34 CFR 106.41)

- ✗ 1. Whether the selection of sports and levels of competition offered effectively accommodate the interests and abilities of both sexes

ATHLETIC COMPETITION (continued)

Note: Education Code 230 provides the following three-part test to determine if a district has effectively accommodated the interests and abilities of both sexes in athletics. This test is the same three-part test that is used by the OCR for helping to determine equivalent opportunities under Title IX.

Revised

The athletic program shall be considered to effectively accommodate the interests and abilities of both sexes if it meets one of the following criteria: (Education Code 230)

Note: CIF's A Guide to Equity in Athletics advises that, in order to meet the criterion specified in item #a below, the ratio of male/female athletes should be within five percent of the ratio of male/female district enrollment.

- ✓ a. The interscholastic-level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments.
- ✓ b. When the members of one sex have been and are underrepresented among interscholastic athletes, the district can show a history and a continuing practice of program expansion that is demonstrably responsive to the developing interests and abilities of the members of that sex.

Note: The OCR issued a letter in April 2010 withdrawing its earlier guidance which relied on a single survey instrument to demonstrate that an institution is accommodating student interests and abilities in compliance with item #c below. Although OCR's letter applies to intercollegiate athletic programs, the OCR's web site clarifies that the general principles also apply to interscholastic and intramural programs at elementary and secondary schools.

In evaluating whether there is an unmet interest in a particular sport and sufficient ability to sustain a team in the sport, the OCR considers (1) whether an institution uses nondiscriminatory methods of assessment when determining the athletic interests and abilities of its students, (2) whether a viable team for the underrepresented sex was recently eliminated, (3) multiple indicators of interest, (4) multiple indicators of ability, and (5) frequency of conducting assessments. Thus, a student survey is one of multiple indicators that may be used. The OCR letter provides information that the district might consider in developing its own survey. In addition, CIF's A Guide to Equity in Athletics provides sample surveys.

- ✓ c. When the members of one sex are currently underrepresented among interscholastic athletes and the district cannot show a history and continuing practice of program expansion as required in item #b above, the district can demonstrate that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program.
- ✓ 2. The provision and maintenance of equipment and supplies
- ✓ 3. Scheduling of games and practice times, selection of the season for a sport, and location of the games and practices

ATHLETIC COMPETITION (continued)

- ✓ 4. Travel and per diem allowances
- ✓ 5. Opportunities to receive coaching and academic tutoring
- ✓ 6. Assignment and compensation of coaches and tutors
- ✓ 7. Provision of locker rooms and practice and competitive facilities
- ✓ 8. Provision of medical and training facilities and services
- ✓ 9. Provision of housing and dining facilities and services
- ✓ 10. Publicity

Note: 5 CCR 4922 clarifies that unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams shall not by itself constitute a failure to provide equivalent opportunities. However, the provision of necessary funding for teams of both sexes is a factor in the determination, as specified below.

New 11. Provision of necessary funds

Health and Safety

Note: AB 25 (Ch. 456, Statutes of 2011) added Education Code 49475 to require districts to distribute information on concussions and head injuries to student athletes and their parents/guardians. The district may use fact sheets developed by the Centers for Disease Control and Prevention, available on CIF's web site, or other resources to develop this information sheet.

The requirements in Education Code 49475 apply to any district that offers an athletic program at any grade level and for any sport. These requirements do not apply to students engaging in an athletic activity during the regular school day or as part of a physical education course.

The Superintendent or designee shall annually distribute to student athletes and their parents/guardians a concussion and head injury information sheet. The student and parent/guardian shall sign and return the information sheet before the student's initiating practice or competition. (Education Code 49475)

Add: 1st day package w/ sec 5145.6 need form
(cf. 5145.6 - Parental Notifications)

Note: Education Code 49475, as added by AB 25 (Ch. 456, Statutes of 2011), requires that an athlete at any grade level who is suspected of sustaining a concussion be immediately removed from the athletic activity and not allowed to return until a health care provider provides written clearance. CIF's web site includes an Acute Concussion Evaluation form which may be used to provide injured students with information about monitoring symptoms and the health care provider's recommendations regarding returning to daily activities, school, and sports.

ATHLETIC COMPETITION (continued)

New If a student athlete is suspected of sustaining a concussion or head injury in an athletic activity, he/she shall be immediately removed from the activity for the remainder of the day. The student shall not be permitted to return to the activity until he/she is evaluated by a licensed health care provider trained in the management of concussions and receives the health care provider's written clearance to return to the activity. (Education Code 49475)

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

New The Superintendent or designee shall notify the student's parent/guardian of the date, time, and extent of any injury suffered by the student and any actions taken to treat the student.

New The Superintendent or designee shall provide training to coaches, athletic trainers, and/or school nurses regarding concussion symptoms, prevention, and appropriate response.

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

Parental Notifications

Note: Education Code 33353 requires CIF to provide information to students and parents/guardians about procedures for discrimination complaints arising from interscholastic athletic activities. Education Code 33354 allows a complainant to file a discrimination complaint directly with the California Department of Education (CDE).

The following **optional** section lists notices that the district may send to parents/guardians of students participating in interscholastic athletics. This section should be revised to reflect district practice.

X Before a student participates in interscholastic athletic activities, the Superintendent or designee shall send a notice to the student's parents/guardians which:

- X*
1. Contains information about the procedures for filing a discrimination complaint that arises out of an interscholastic athletic activity, including the name of the district's Title IX Coordinator

(cf. 1312.3 - *Uniform Complaint Procedures*)

(cf. 5145.3 - *Nondiscrimination/Harassment*)

Note: Education Code 270 requires CDE to post on its web site an "Athletes' Bill of Rights," a list of student rights based on Title IX.

- New*
2. Includes a copy of the Athletes' Bill of Rights pursuant to Education Code 271

*1st day Package
of - info TO
A.D.*

ATHLETIC COMPETITION (continued)

Note: In Kahn v. East Side Union High School District, the California Supreme Court analyzed the liability of a coach for an injury to a member of a high school diving team. The court acknowledged that some risk of injury is inherent in sports and part of a coach's job is to "push" a student athlete to advance his/her skill level and to undertake more difficult tasks. According to the court, a coach could be found liable only when he/she intentionally injures the student or engages in conduct that is so reckless that it is outside of the ordinary activity involved in teaching or coaching the sport.

The district may or may not wish to seek a waiver of liability for accidents or injuries resulting from participation in athletic activities. Whether a liability waiver is legally effective is likely to be determined on a case-by-case basis, and it is questionable whether a student's right to participate in extracurricular activities could be made contingent upon the submission of a waiver. Legal counsel should be consulted when addressing the complex issues related to liability waivers.

- X 3. Explains that there is an element of risk associated with all athletic competitions and that the district cannot guarantee that students will not be injured, despite a commitment to every participant's health and welfare

(cf. 3530 - Risk Management/Insurance)

Note: Education Code 32221.5 requires the district to provide information about insurance protection to each student participating on a school athletic team. For specific language that must be contained in this statement, see AR 5143 - Insurance.

4. Provides information about insurance protection pursuant to Education Code 32221.5

(cf. 5143 - Insurance)

5. Requests parental permission for the student to participate in the program and, if appropriate, be transported by the district to and from competitions

(cf. 3541.1 - Transportation for School-Related Trips)

Note: Pursuant to Education Code 48900, a student may be subject to suspension or expulsion if he/she engages, or attempts to engage, in hazing.

- X 6. States the Governing Board's expectation that students adhere strictly to all safety rules, regulations, and instructions, as well as rules and guidelines related to conduct and sportsmanship

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

- X 7. Includes a copy of the local California Interscholastic Federation (CIF) league rules

New
need to Add to
A.D. INFO
currently
provide
in FD Packet

ATHLETIC COMPETITION (continued)

Note: As required by Education Code 49033, CIF bylaws require any student participating in athletics and his/her parent/guardian to sign a statement that the student will not use steroids or dietary supplements banned by the U.S. Anti-Doping Agency as well as the substance synephrine, unless the student has a written prescription from a licensed health care practitioner to treat a medical condition. See BP/AR/E 5131.63 - Steroids.

8. Includes information about the CIF bylaw and district policy requiring any student athlete and his/her parent/guardian to sign a statement that the student will not use steroids or dietary supplements banned by the U.S. Anti-Doping Agency

*New
A.D. to have*

(cf. 5131.63 - Steroids)

Regulation approved: 4/07
2/2012

Rose ✓

Proposed

Instruction

BP 6161.1(a)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also see BP 2210 - Administrative Discretion Regarding Board Policy.

Note: The Governing Board is responsible for the adoption of textbooks and other instructional materials, as defined in Education Code 60010. For grades K-8, if a district wants to use state instructional materials allowances to purchase those materials, Education Code 60200 requires the Board to select materials from among those approved by the State Board of Education (SBE). For grades 9-12, Education Code 60400 and 60411 authorize the Board to select the district's materials, provided that such materials meet criteria specified in law. See the accompanying administrative regulation for required and optional criteria for the selection of instructional materials. See BP 6161.11 - Supplementary Instructional Materials and BP/AR 6163.1 - Library Media Centers for selection processes regarding supplementary materials.

The Governing Board desires that district instructional materials, as a whole, present a broad spectrum of knowledge and viewpoints, reflect society's diversity, and enhance the use of multiple teaching strategies and technologies. The Board shall adopt instructional materials based on a determination that such materials are an effective learning resource to help students achieve grade-level competency and that the materials meet criteria specified in law. Textbooks, technology-based materials, and other educational materials shall be aligned with state and district content standards and the district's curriculum to ensure that they effectively support the district's adopted courses of study.

(cf. 0440 - District Technology Plan)

(cf. 6000 - Concepts and Roles)

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6161 - Equipment, Books and Materials)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6162.5 - Student Assessment)

(cf. 6163.1 - Library Media Centers)

(cf. 9000 - Role of the Board)

✓ The Superintendent or designee shall establish a process by which instructional materials shall be reviewed for recommendation to the Board.

Note: Pursuant to Education Code 60002, the Board must provide for "substantial" teacher involvement in the selection of instructional materials and must promote the involvement of parents/guardians and other members of the community in the selection of instructional materials. The Education Code does not define "substantial." See the accompanying administrative regulation for a sample selection process.

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

✓ This process shall involve teachers in a substantial manner and shall also encourage the participation of parents/guardians and community members. (Education Code 60002)

✓ Individuals who participate in the selection or review of instructional materials shall not have a conflict of interest, as defined in administrative regulation, in the materials being reviewed.

(cf. 9270 - Conflict of Interest)

✓ All recommended instructional materials shall be available for public inspection at the district office.

(cf. 5020 - Parent Rights and Responsibilities)

Note: Complaints regarding the contents of instructional materials are addressed in BP/AR 1312.2 - Complaints Concerning Instructional Materials. See AR 1312.4 - Williams Uniform Complaint Procedures for language regarding complaints about deficiencies in instructional materials.

✓ Complaints concerning instructional materials shall be handled in accordance with law, Board policy, and administrative regulation.

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Note: The Instructional Materials Funding Realignment Program (IMFRP), Education Code 60420-60424, provides a block grant for instructional materials with a priority on materials that are aligned to state standards in the core courses of reading/language arts, mathematics, science, and history-social science.

Pursuant to Education Code 42605, as amended by SB 70 (Ch. 7, Statutes of 2011), districts that have accepted categorical flexibility may use funds received for the IMFRP from the 2008-09 through 2014-15 fiscal years for "any educational purpose"; see BP 2210 - Administrative Discretion Regarding Board Policy and BP 3110 - Transfer of Funds. Education Code 42605 provides that such districts shall then be deemed in compliance with all statutory and regulatory requirements, except for certain specified requirements including Education Code 60119. Therefore, during this period of flexibility, districts still must comply with the requirements of Education Code 60119, including ensuring that each student is provided with standards-aligned instructional materials and holding a hearing regarding the sufficiency of materials; see section entitled "Public Hearing on Sufficiency of Instructional Materials" below.

The following paragraph may be revised to reflect the grade levels offered by the district.

✓ The Board's priority in the selection of instructional materials is to ensure that all students in grades K-12 are provided with instructional materials that are aligned to state content standards in the core curriculum areas of reading/language arts, mathematics, science, and history-social science. Students in grades K-8 shall be provided with instructional materials adopted by the State Board of Education.

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

Note: SBE Policy on Guidelines for Piloting Textbooks and Instructional Materials provides a sample process for piloting instructional materials that addresses the selection of materials to pilot, a chronology of the process, and additional considerations, such as conflict of interest, contacts with publishers, and consideration of standards maps.

✓ The district may pilot instructional materials, using a representative sample of classrooms for a specified period of time during a school year, in order to determine how well the materials support the district's curricular goals and academic standards. Feedback from teachers piloting the materials shall be made available to the Board before the materials are adopted.

Public Hearing on Sufficiency of Instructional Materials

Note: Education Code 60119 and 5 CCR 9531 require the Board to annually hold a public hearing on the sufficiency of textbooks or instructional materials to determine whether each student in the district has sufficient textbooks or instructional materials in English/language arts, mathematics, science, and history-social science that are aligned to content standards and consistent with the content and cycles of the curriculum framework adopted by the SBE.

Education Code 1240 requires the County Superintendent of Schools to review the textbooks or instructional materials of schools ranked in deciles 1-3 of the Academic Performance Index (API). If the County Superintendent determines that a school does not have sufficient materials, he/she must prepare a report outlining the noncompliance and give the district a chance to remedy the deficiency. If the deficiency is not remedied by the second month of the school year, the County Superintendent may request that the California Department of Education (CDE) purchase textbooks or materials for the district, and the cost must be repaid by the district. The CDE will issue a public statement at an SBE meeting indicating the district's failure to provide instructional materials.

✓ The Board shall annually conduct one or more public hearings on the sufficiency of the district's textbooks and other instructional materials. (Education Code 60119; 5 CCR 9531)

Note: Education Code 60119 specifies that the hearing must be held within eight weeks of the beginning of the school year. Option 1 is for use by districts without any schools on a multitrack year-round calendar. Option 2 is for use by districts with schools on a multitrack year-round calendar.

✓ **OPTION 1:** The hearing shall be held on or before the end of the eighth week from the first day students attend school for that year. (Education Code 60119)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

✓ The Board encourages participation by parents/guardians, teachers, interested community members, and bargaining unit leaders at the hearing. Ten days prior to the hearing and in three public places within the district, the Superintendent or designee shall post a notice containing the time, place, and purpose of the hearing. The hearing shall not take place during or immediately following school hours. (Education Code 60119)

(cf. 9322 - Agenda/Meeting Materials)

Note: Education Code 60119 requires the Board to adopt a resolution indicating whether or not each student in each school has sufficient textbooks or instructional materials. See the accompanying Exhibit for a sample resolution.

Pursuant to Education Code 60119, the determination of the sufficiency of textbooks or instructional materials for mathematics, science, history-social science, and English/language arts is a condition for receipt of state instructional materials funding. The Board must also make a written determination during the hearing as to the sufficiency of textbooks or instructional materials in foreign language and health courses, as well as science laboratory equipment in science laboratory courses, although the provision of the materials or the equipment in these courses is not a condition for receipt of state instructional materials funding.

✓ At the hearing(s), the Board shall determine, through a resolution, whether each student in each school, including each English learner, has sufficient textbooks or instructional materials in each of the following subjects which are aligned to the state content standards adopted pursuant to Education Code 60605 and consistent with the content and cycles of the state's curriculum frameworks: (Education Code 60119)

1. Mathematics

(cf. 6142.92 - Mathematics Instruction)

2. Science

(cf. 6142.93 - Science Instruction)

3. History-social science

(cf. 6142.94 - History-Social Science Instruction)

4. English/language arts, including the English language development component of an adopted program

(cf. 6142.91 - English/Language Arts Instruction)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)*New* 5. Foreign language*(cf. 6142.2 - World/Foreign Language Instruction)**New* 6. Health*(cf. 6142.8 - Comprehensive Health Education)*

Note: The following paragraph is for use by districts that maintain any of grades 9-12.

- ✓ The Board shall also determine the availability of science laboratory equipment, as applicable to science laboratory courses offered in grades 9-12.

✓ In making these determinations, the Board shall consider whether each student has sufficient textbooks and/or instructional materials to use in class and to take home. However, this does not require that each student have two sets of materials. The materials may be in a digital format as long as each student, at a minimum, has and can access the same materials in the class and to take home as all other students in the same class or course in the district and has the ability to use and access them at home. However, the materials shall not be considered sufficient if they are photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage. (Education Code 60119)

Note: Education Code 1240.3 and 42605, as amended by SB 70 (Ch. 7, Statutes of 2011), specify that, for the 2008-09 through 2014-15 fiscal years, "sufficiency" means that all students in the district who are enrolled in the same course have "identical" standards-aligned textbooks and instructional materials from the same adoption cycle. Education Code 1240.3 does not require districts to purchase all of the instructional materials included in an adoption cycle if the materials that are purchased are made available to all the students for whom they are intended in all of the schools within the district.

For example, fourth-grade students at all district schools must have instructional materials from the same SBE science adoption cycle, though fourth-grade students at different schools could be using materials from different publishers within the same adoption cycle. However, the district may use materials from different adoption cycles for grades K-3 and grades 4-8 since those students are not in the same "course."

Removed "For the 2008-09 through 2012-13 fiscal years"

The Board shall also make a determination that all students within the district who are enrolled in the same course have "identical" standards-aligned textbooks or instructional materials from the same adoption cycle, as defined in Education Code 1240.3, 60119, and 60422. (Education Code 1240.3, 42605)

Note: The following paragraph is optional . As amended by SB 509 (Ch. 629, Statutes of 2011), Education Code 1240.3 authorizes the district, until July 1, 2015, to purchase the newest adopted instructional materials for the neediest schools in the district without incurring a duty to purchase these materials for students in other district schools. This provision will be used by the County Superintendent through fiscal year 2014-15 whenever he/she visits schools ranked in deciles 1-3 of the API to determine the status of sufficient instructional materials pursuant to Education Code 1240.
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SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

However, the district may purchase the newest adopted instructional materials for students in district schools ranked in deciles 1-3 of the base Academic Performance Index in any one of the past three school years without necessarily purchasing these materials for use in other district schools. (Education Code 1240.3)

New
(optional)

Note: Pursuant to Education Code 60119, if the Board makes a determination that there are insufficient textbooks and/or instructional materials, the Board must take action to ensure that the materials are provided within two months of the beginning of the school year. According to various state agencies, if the Board takes action at the hearing to provide the textbooks (i.e., directs staff to order the textbooks), then the timelines in law have been satisfied. However, the CDE's "Instructional Materials FAQ" states that, if a district has submitted purchase orders to the publisher to purchase materials to remedy the insufficiency, these materials should be received and made available to students by the end of the second month of the school year. Thus, districts are strongly encouraged to hold the public hearing as early in the school year as possible in order to provide sufficient time to correct any deficiencies.

✓ If the Board determines that there are insufficient textbooks and/or instructional materials, the Board shall provide information to classroom teachers and to the public setting forth, for each school in which an insufficiency exists, the percentage of students who lack sufficient standards-aligned textbooks and/or instructional materials in each subject area and the reasons that each student does not have sufficient textbooks and/or instructional materials. The Board shall take any action, except an action that would require reimbursement by the Commission of State Mandates, to ensure that each student has sufficient materials within two months of the beginning of the school year in which the determination is made. (Education Code 60119)

Legal Reference: (see next page)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

Legal Reference:

EDUCATION CODE

- 220 Prohibition against discrimination
 - 1240 County superintendent, general duties
 - 1240.3 Definition of sufficiency for categorical flexibility
 - 33050-33053 General waiver authority
 - 33126 School accountability report card
 - 35272 Education and athletic materials
 - 42605 Tier 3 categorical flexibility
 - 44805 Enforcement of course of studies; use of textbooks, rules and regulations
 - 49415 Maximum textbook weight
 - 51501 Nondiscriminatory subject matter
 - 60000-60005 Instructional materials, legislative intent
 - 60010 Definitions
 - 60040-60052 Instructional requirements and materials
 - 60060-60062 Requirements for publishers and manufacturers
 - 60070-60076 Prohibited acts (re instructional materials)
 - 60110-60115 Instructional materials on alcohol and drug education
 - 60119 Public hearing on sufficiency of materials
 - 60200-60206 Elementary school materials
 - 60226 Requirements for publishers and manufacturers
 - 60240-60252 State Instructional Materials Fund
 - 60350-60352 Core reading program instructional materials
 - 60400-60411 High school textbooks
 - 60420-60424 Instructional Materials Funding Realignment Program
 - 60510-60511 Donation for sale of obsolete instructional materials
 - 60605 State content standards
 - 60605.8 Common Core Standards
 - 60605.86 Supplemental instructional materials aligned with Common Core Standards
- CODE OF REGULATIONS, TITLE 5
- 9505-9535 Instructional materials, especially:
 - 9531-9532 Instructional Materials Funding Realignment Program

Management Resources:

CSBA PUBLICATIONS

Flexibility Provisions in the 2008 and 2009 State Budget: Policy Considerations for Governance Teams, Budget Advisory, March 2009

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

01-05 Guidelines for Piloting Textbooks and Instructional Materials, September 2001
Standards for Evaluating Instructional Materials for Social Content, 2000

WEB SITES

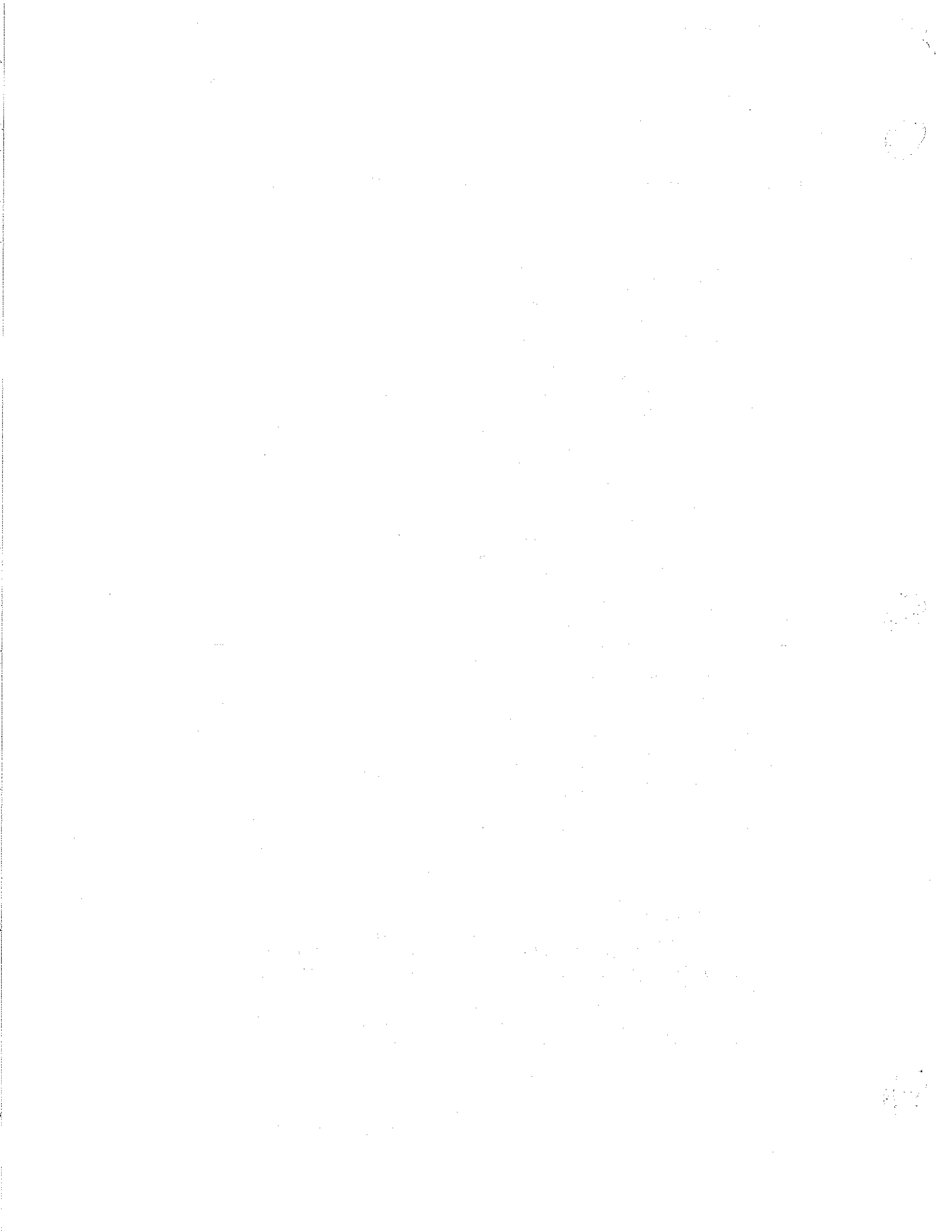
CSBA: <http://www.csba.org>
Association of American Publishers: <http://www.publishers.org>
California Department of Education: <http://www.cde.ca.gov>

Policy

adopted: 4/10/07
10/11/11
2/14/12

CSBA MANUAL MAINTENANCE SERVICE

November 2011



Proposed

Rose ✓
Derek

Changes on pages "b", "c" & "f"

Instruction

AR 6161.1(a)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also see BP 2210 - Administrative Discretion Regarding Board Policy.

Instructional Materials Funding Realignment Program

Note: The following optional section reflects the criteria of the Instructional Materials Funding Realignment Program (IMFRP) (Education Code 60420-60424) and should be modified to reflect the grade levels offered by the district. Funding available under the program must first be used to provide all K-12 students with materials that are aligned to state content standards for specified core curriculum areas. Specific priorities for the use of funds are delineated in 5 CCR 9531.

Education Code 60422.1 authorizes IMFRP funding to be used to purchase standards-aligned materials in either an electronic or hard-bound format as long as the district can ensure, in accordance with Education Code 60119, that each student will be provided a copy of the instructional material to use at school and at home.

✓ The district shall use state funds received under the Instructional Materials Funding Realignment Program to provide each student with standards-aligned textbooks or instructional materials, in an electronic or hard-bound format, in the core curriculum areas of reading/language arts, mathematics, science, and history-social science. (Education Code 60422, 60422.1)

(cf. 6142.91 - English/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

(cf. 6142.93 - Science Instruction)

(cf. 6142.94 - History-Social Science Instruction)

Note: Education Code 60422 requires that students be provided with standards-aligned textbooks or basic instructional materials within 24 months from the adoption date of the materials. For grades K-8, each student is to be provided with materials adopted by the State Board of Education (SBE) and for grades 9-12 each student is to be provided materials adopted by the district's Governing Board.

However, pursuant to Education Code 60049, as amended and renumbered by SB 70 (Ch. 7, Statutes of 2011) and AB 114 (Ch. 43, Statutes of 2011), the Board is not required to provide students with instructional materials within 24 months of the SBE's adoption through the 2014-15 fiscal year. Suspension of this requirement is consistent with Education Code 60200.7, as amended by SB 70 (Ch. 7, Statutes of 2011), which prohibits the SBE from adopting any K-8 instructional materials until the 2015-16 school year.

Pursuant to Education Code 60200(g) and 60421(d), the SBE may authorize a district, through the waiver process pursuant to Education Code 33050, to use its state instructional materials funds to purchase other standards-aligned instructional materials for grades K-8 that have not been adopted by the SBE. In order to

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

receive this authorization, the Board must demonstrate to the SBE that the state-adopted materials do not promote the maximum efficiency of student learning in the district, satisfy the public hearing requirements for a waiver pursuant to Education Code 33050, and provide the certifications and assurances required by the SBE in its IMFRP petition request process. See BP 1431 - Waivers.

Instructional materials for grades K-8 shall be selected from the list of standards-aligned materials adopted by the State Board of Education (SBE). Instructional materials for grades 9-12 shall be adopted by the Governing Board. Standards-aligned materials in each core curriculum area shall be provided to each student at the beginning of the first school term that commences no later than 24 months after those materials are adopted by the SBE or the Board, as applicable. (Education Code 60049, 60422)

(cf. 1431 - Waivers)

(cf. 6011 - Academic Standards)

Note: 5 CCR 9531 no longer requires publishers of grades 9-12 instructional materials to submit standards maps designed to help the district determine whether the materials in the four core courses were aligned to the state content standards. However, Education Code 60422 still requires that the Board certify that the instructional materials purchased for grades 9-12 with IMFRP funds are standards-aligned. One way to make this determination is through a review of standards maps created by the California Department of Education (CDE). A template of the standards map is available on the CDE's web site. The following **optional** paragraph should be modified to reflect district practice.

For grades 9-12, the Superintendent or designee shall review instructional materials in history-social science, mathematics, English/language arts, and science using a standards map in order to determine the extent to which the materials are aligned to the content standards adopted by the SBE.

After the Board has certified that all students have been provided with standards-aligned instructional materials in the core curriculum areas, the district may use any remaining program funds for the purposes specified in Education Code 60242. (Education Code 60119, 60422)

Criteria for Selection and Adoption of Instructional Materials

Instructional materials adopted by the Board shall:

Note: Item #1 below is for use by districts that offer any of grades K-8. Pursuant to Education Code 60200, the SBE is responsible for adopting at least five basic instructional materials for grades K-8 in specified core subjects and any other subject for which the SBE determines the adoption of instructional materials is necessary or desirable. However, Education Code 60200.7, as amended by SB 70 (Ch. 7, Statutes of 2011), prohibits the SBE from adopting any instructional materials until the 2015-16 school year.

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

Because instructional materials adoptions are postponed, Education Code 60605.86, as added by SB 140 (Ch. 623, Statutes of 2011), requires the CDE to prepare, by July 1, 2012, a list of supplemental instructional materials for grades K-8 that are aligned with the Common Core Standards in English/language arts and mathematics as adopted by the SBE pursuant to Education Code 60605.8; see BP 6011 - Academic Standards. Districts may select supplemental materials for English/language arts and mathematics that are not on the list provided that the materials are approved by content review experts selected by the Board in accordance with Education Code 60605.86 and the Board determines that the materials comply with evaluation criteria that will be developed by the CDE.

- ✓ 1. For grades K-8, be selected from among the list of materials approved by the SBE in accordance with law (Education Code 60200)

Note: Item #2 below is for use by districts that offer grades 9-12.

- ✓ 2. For grades 9-12, be provided by publishers who comply with the requirements of Education Code 60040-60048, 60060-60062, and 60226 (Education Code 60400)

Note: Education Code 51501 and 60044 prohibit the Board from adopting instructional materials that adversely reflect upon persons based on specified characteristics, including, as amended by SB 48 (Ch. 81, Statutes of 2011), religion, sexual orientation, or any other characteristic listed in Education Code 220.

- language Added ✓
 3. Not reflect adversely upon persons because of their race or ethnicity, gender, religion, disability, nationality, sexual orientation, occupation, or other characteristic listed in Education Code 220, nor contain any sectarian or denominational doctrine or propaganda contrary to law (Education Code 51501, 60044) *left out "color" "creed" "ancestry"*

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

- ✓ 4. To the satisfaction of the Board, be accurate, objective, current, and suited to the needs and comprehension of students at their respective grade levels (Education Code 60045)

- ✓ 5. With the exception of literature and trade books, use proper grammar and spelling (Education Code 60045)

Note: Education Code 60048 and 60200 require that the Board not adopt basic instructional materials that provide unnecessary exposure to a commercial brand name, product, or corporate or company logo, unless it makes specific findings that the use has an educational purpose or is incidental to the general nature of an illustration, as provided in item #6 below. The SBE publication Standards for Evaluating Instructional Materials for Social Content details standards for the use of brand names and corporate logos in instructional materials.

- ✓ 6. Not expose students to a commercial brand name, product, or corporate or company logo unless the Board makes a specific finding that the use is appropriate based on one of the following: (Education Code 60048, 60200)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

- ✓ a. The commercial brand name, product, or corporate or company logo is used in text for an educational purpose as defined in guidelines or frameworks adopted by the SBE.
- ✓ b. The appearance of a commercial brand name, product, or corporate or company logo in an illustration is incidental to the general nature of the illustration.

(cf. 1325 - Advertising and Promotion)

- ✓ 7. If the materials are technology-based materials, be both available and comparable to other, equivalent instructional materials (Education Code 60052)

Note: Education Code 60040-60043 require that specific subject matter be included in the district's instructional materials. Education Code 60040 requires that instructional materials include accurate portrayals of the cultural and racial diversity of our society as specified, including, as amended by SB 48 (Ch. 81, Statutes of 2011), the role and contributions of lesbian, gay, bisexual, and transgender Americans, persons with disabilities, European Americans, and members of other cultural groups to the development of California and the United States. Education Code 60041 requires (1) accurate portrayal of humanity's place in ecological systems and the need to protect the environment and (2) the effects of tobacco, alcohol, and other drug use on the human system. Education Code 60042 requires the Board to adopt materials as it deems necessary to encourage thrift, fire prevention, and the humane treatment of animals and people. Education Code 60043 requires that the Board, when appropriate to the comprehension of students, adopt textbooks for social science, history, or civics classes that contain the Declaration of Independence and the Constitution of the United States. If desired, the district may expand item #8 below to list these specific requirements.

- ✓ 8. Meet the requirements of Education Code 60040-60043 for specific subject content

Note: Items #9-18 below are **optional** and may be revised to reflect district practice. The district may choose to develop subject-specific criteria as well as general criteria.

- ✓ 9. Support the district's adopted courses of study and curricular goals

(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6143 - Courses of Study)

- ✓ 10. Contribute to a comprehensive, balanced curriculum
- ✓ 11. Demonstrate reliable quality of scholarship as evidenced by:
 - a. Accurate, up-to-date, and well-documented information
 - b. Objective presentation of diverse viewpoints
 - c. Clear, concise writing and appropriate vocabulary

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

- ✓ d. Thorough treatment of subject matter
- ✓ 12. Provide for a wide range of materials at all levels of difficulty, with appeal to students of varied interests, abilities, and developmental levels
- ✓ 13. Include materials that stimulate discussion of contemporary issues and improve students' thinking and decision-making skills
- ✓ 14. Contribute to the proper articulation of instruction through grade levels
- ✓ 15. As appropriate, have corresponding versions available in languages other than English
- ✓ 16. Include high-quality teacher's guides
- ✓ 17. Meet high standards in terms of the quality, durability, and appearance of paper, binding, text, and graphics

Note: 5 CCR 9517.2 sets the following maximum weight standards for each student textbook: three pounds for grades K-4, four pounds for grades 5-8, and five pounds for grades 9-12. 5 CCR 9517.2 requires publishers submitting textbooks to the SBE that exceed those weight standards to provide lighter weight alternatives, such as split volumes or electronic editions, soft cover editions, or other alternate physical formats. For materials for grades 9-12, publishers must disclose the availability of lighter weight alternatives. Item #18 below includes textbook weight as one of the criteria for Board consideration.

- ✓ 18. When available from the publishers, include options for lighter weight materials in order to help minimize any injury to students by the combined weight of instructional materials

Instructional Materials Evaluation Committee

Note: Education Code 60002 requires that the district provide for "substantial" teacher involvement in the selection of instructional materials. The following **optional** section is consistent with Education Code 60002 and may be revised to reflect district practice.

✓ The Superintendent or designee may establish an instructional materials evaluation committee to evaluate and recommend instructional materials for Board approval. This committee shall substantially be composed of teachers and may also include administrators, other staff who have subject-matter expertise, parents/guardians, community members, and students as appropriate.

(cf. 1220 - Citizen Advisory Committees)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

✓ The committee shall review instructional materials using criteria provided above and in law, and shall provide the Board with documentation supporting its recommendations.

Conflict of Interest

Note: The following optional section is for use by districts that choose to require individuals who will participate in the evaluation process to first complete a disclosure statement which provides an opportunity to disclose any conflict of interest or appearance of conflict of interest.

The following conflict of interest rules are not applicable to "public officials" (including Board members and designated staff) who are subject to the district's conflict of interest code pursuant to the Political Reform Act. Such persons who are making decisions concerning instructional materials must comply with the more stringent conflict of interest requirements described in BB 9270 - Conflict of Interest.

To ensure integrity and impartiality in the evaluation and selection of instructional materials, any district employee who is participating in the evaluation of instructional materials and not otherwise designated in the district's conflict of interest code shall sign a disclosure statement indicating that he/she:

Neco requirement

Note: Education Code 60061 requires publishers to provide instructional materials free of charge within California to the same extent that they provide free materials to other states or school districts; see "Price List of Adopted Instructional Materials" on the CDE web site. However, Education Code 60071 forbids publishers from offering "valuable thing(s)" to a school official for the purpose of influencing the purchase of instructional materials. The CDE's "Instructional Materials FAQ" clarifies that, in accordance with the definition of "technology-based materials" in Education Code 60010, districts may accept electronic equipment necessary to make use of technology-based materials provided that such equipment is used by students and teachers as a learning resource, not to replace computers or related equipment in an existing computer lab or to establish a new computer lab.

- 1. Shall not accept any emolument, money, or other valuable thing or inducement to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material (Education Code 60072)

✗

Sample copies of instructional materials are excepted from this prohibition. (Education Code 60075)

(cf. 9270 - Conflict of Interest)

Note: Items # 2-4 below are optional and should be modified to reflect district practice.

Revised Same

- 2. Is not employed by nor receives compensation from the publisher or supplier of the instructional materials, or any person, firm, organization, subsidiary, or controlling entity representing it

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

- # 3. Does not have and will not negotiate a contractual relationship with the publisher or supplier of the instructional materials, or any person, firm, organization, subsidiary, or controlling entity representing it

- ✓ 4. Does not have an interest as a contributor, author, editor, or consultant in any textbook or other instructional material submitted to the district

Regulation
approved: 4/10/07-12
10/11/2011 2-14-12



Proposed

Rose ✓

Instruction

Resolution

E 6161.1(a)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

Resolution on Sufficiency of Instructional Materials

Note: As a condition of receiving state instructional materials funding, Education Code 60119 and 5 CCR 9531 require that the Governing Board hold an annual public hearing regarding the sufficiency of textbooks and/or other instructional materials and determine through a resolution whether each student has sufficient materials; see the accompanying Board policy.

"Sufficient textbooks or instructional materials," as defined in Education Code 60119, means that each student in the district, including each English learner, has a standards-aligned textbook and/or instructional materials, which may include materials in a digital format under specified conditions, to use in class or to take home. This law does not require two sets of textbooks or instructional materials for each student.

The following sample resolution reflects the requirements of Education Code 60119 and updates an earlier resolution developed by the California Department of Education (CDE). This resolution may be used to certify compliance with Education Code 60119 and 5 CCR 9531.

✓ Whereas, the Governing Board of the ^{Add: * Sierra-plumas Joint Unified School District/scoe} (name of school district/county office of education), in order to comply with the requirements of Education Code 60119, held a public hearing on (date), at (time) o'clock, which is on or before the eighth week of school (between the first day that students attend school and the end of the eighth week from that day) and which did not take place during or immediately following school hours, and;

include?
yes okay

✓ Whereas, the Board provided at least 10 days notice of the public hearing by posting it in at least three public places within the district stating the time, place, and purpose of the hearing, and;

✓ Whereas, the Board encouraged participation by parents/guardians, teachers, members of the community, and bargaining unit leaders in the public hearing, and;

✓ Whereas, information provided at the public hearing detailed the extent to which textbooks and instructional materials were provided to all students, including English learners, in the (name of school district/county office of education), and;
SPJUSD/scoe

✓ Whereas, the definition of "sufficient textbooks or instructional materials" means that each student, including each English learner, has a standards-aligned textbook and/or instructional materials to use in class and to take home, which may include materials in a digital format but shall not include photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage, and;

Note: Education Code 1240.3 and 42605, as amended by SB 70 (Ch. 7, Statutes of 2011), specify that, for the 2008-09 through 2014-15 fiscal years, "sufficiency" means that all students in the district who are enrolled in the same "course" have standards-aligned textbooks and instructional materials from the same adoption cycle; see the accompanying Board policy.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DATE 10/10/2001 BY 60322 UCBAW/STP

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DATE 10/10/2001 BY 60322 UCBAW/STP

DATE 10/10/2001 BY 60322 UCBAW/STP

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

New

Whereas, the definition of "sufficient textbooks or instructional materials" also means that all students who are enrolled in the same course within the (name of school district/county office of education), have standards-aligned textbooks or instructional materials from the same adoption cycle, and;

★ Add SP/Score

Finding of Sufficient Textbooks or Instructional Materials

Note: The following section is for use by boards that are making a finding that the district has "sufficient" materials. According to the CDE, *Education Code* 60119 requires documentation of sufficiency of textbooks or instructional materials to be presented at the public hearing. The CDE has developed survey forms, available on its web site, which may be used as a self-study and county office validation tool for grades K-12. These forms include a list of the state-adopted standards-aligned materials for grades K-8. Districts that maintain grades 9-12 may generate a list of their locally adopted standards-aligned instructional materials for purposes of this self-study.

✓ Whereas, sufficient textbooks or instructional materials were provided to each student, including each English learner, that are aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks in the following subjects:

Note: To provide complete information about the basis for the Board's determination of sufficiency, the district may wish to include the names of the textbooks and/or instructional materials provided to students, as well as the applicable state adoption cycle.

- ✓ • Mathematics: *(List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle.)*

- ✓ • Science: *(List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle.)*

- ✓ • History-social science: *(List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle.)*

- ✓ • English/language arts, including the English language development component of an adopted program: *(List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle.)*

List here current so we have in a convenient loc. for us + public (currently Res. 11-2009)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

Note: The Board must also include a written determination for the following subject areas, though these determinations are not a condition for receipt of instructional materials funds.

- ✓ • Foreign language: *(List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle.)*

- ✓ • Health: *(List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle.)*

Note: The following paragraph is for use by districts that maintain grades 9-12. The Board may provide a list of the science laboratory classes offered in grades 9-12 and details on the science laboratory equipment available for these classes.

✓ Whereas, laboratory science equipment was available for science laboratory classes offered in grades 9-12, inclusive;

Therefore, it is resolved that for the _____ school year, the *(name of school district/county office of education)*, has provided each student with sufficient textbooks or instructional materials aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks.

SP/SCOE

Add NOTE: Following section to be used if necessary:
Finding of Insufficient Textbooks or Instructional Materials

Note: The following section is for use by boards that are making a finding of "insufficient" materials. Education Code 60119 requires that the Board's resolution list, for each school for which an insufficiency exists, the percentage of students at each grade level who lack sufficient materials in each of the subject areas listed below. The provision of sufficient foreign language and health materials is not a condition of receipt of instructional materials funds.

Whereas, information provided at the public hearing and to the Board at the public meeting detailed that insufficient textbooks or instructional materials were provided to students in the following subjects and grade levels at district schools: *(For each school, list the percentage of students who lack sufficient standards-aligned textbooks or instructional materials in mathematics, science, history-social science, English/language arts, foreign language, and health.)*

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

Whereas, sufficient textbooks or instructional materials were not provided at each school listed above due to the following reasons: *(For each school at which there is an insufficiency, list the reasons that each student does not have sufficient instructional materials in each subject and grade level listed above.)*

Therefore, it is resolved, that for the _____ school year, the *(name of school district/county office of education)* has not provided each student with sufficient textbooks or instructional materials consistent with the cycles and content of the curriculum framework, and;

Be it further resolved, that the following actions will be taken to ensure that all students have sufficient textbooks or instructional materials in all subjects that are aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks within two months of the beginning of the school year in which this determination is made. *(List actions to be taken to resolve insufficiency. See Education Code 60119(a)(2)(B) for other funds that may be used to ensure sufficient instructional materials.)*

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

AYES: _____

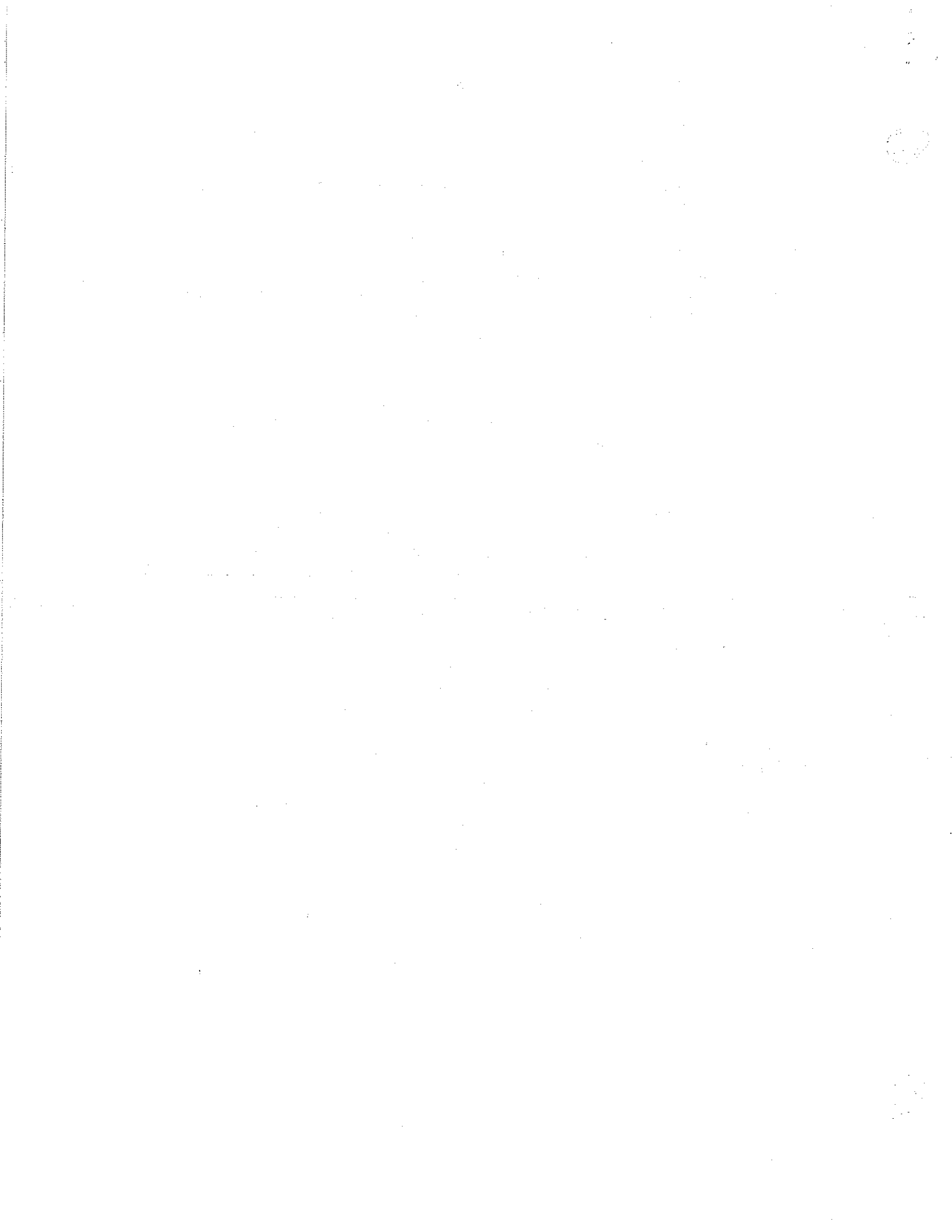
NOES: _____

ABSENT: _____

Attest:

Secretary

President



Proposed

Rose ✓

Board Bylaws

BB 9223(a)

FILLING VACANCIES

Events Causing a Vacancy

A vacancy on the Governing Board may occur for any of the following events:

- ✓ 1. The death of an incumbent (Government Code 1770)
- ✓ 2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term (Government Code 1770)
- ✓ 3. A Board member's resignation (Government Code 1770)

A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. A Board member may not defer the effective date of his/her resignation for more than 60 days after he/she files the resignation with the County Superintendent. Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090, 5091)

- ✓ 4. A Board member's removal from office, including by recall (Elections Code 11384; Government Code 1770)
- ✓ 5. A Board member's ceasing to be a resident of the district (Government Code 1770)

Note: The following paragraph is for use by districts that have established trustee areas.

✓ A vacancy on the Board also occurs when a Board member ceases to inhabit the trustee area which he/she represents on the Board. (58 Ops.Cal.Atty.Gen. 888 (1975))

- ✓ 6. A Board member's absence from the state for more than 60 days, except in the following situations: (Government Code 1064, 1770)
 - ✓ a. Upon district business with the approval of the Board
 - ✓ b. With the consent of the Board for an additional period not to exceed a total absence of 90 days

Note: AB 334 (Ch. 54, Statutes of 2011) amended Government Code 1064 to authorize the Governing Board to extend an out-of-state absence for an unlimited duration when the absence is due to illness or other urgent necessity.

FILLING VACANCIES (continued)

In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board.

- c. For federal military deployment, not to exceed an absence of a total of six months, as a member of the armed forces of the United States or the California National Guard.

If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board to conduct business and discharge its responsibilities. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent Board member or beyond the next regularly scheduled election for that office, whichever occurs first.

New

7. A Board member's ceasing to discharge the duties of his/her office for the period of three consecutive months, except when prevented by illness or when absent from the state with the permission required by law (Government Code 1770)

Note: Board members forfeit office and, in some cases, are disqualified from holding public office upon conviction of designated crimes as specified in the Constitution and various other state laws. Examples of crimes that result in forfeiture of office include, but are not limited to, convictions for felonies, offenses that involve a violation of official duties, bribery, selling appointments, intoxication in the discharge of official duties, misuse of public funds, conflict of interest violations, and a false claim of receipt of any military decoration or medal.

8. A Board member's conviction of a felony or any offense involving a violation of his/her official duties or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770, 3000-3003) *(revised)*
9. A Board member's refusal or neglect to file his/her required oath or bond within the time prescribed (Government Code 1770)

(cf. 9224 - Oath or Affirmation)

10. The decision of a competent tribunal declaring void a Board member's election or appointment (Government Code 1770)

FILLING VACANCIES (continued)

11. ✓ The making of an order vacating a Board member's office or declaring the office vacant when the Board member fails to furnish an additional or supplemental bond (Government Code 1770)
12. ✓ A Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final (Government Code 1770)

Note: Pursuant to Education Code 5090, a vacancy is declared when there has been a "failure to elect," meaning that the County Registrar of Voters has determined that an election will not be held because either no candidate or an insufficient number of candidates have filed to run for a Board seat(s). Education Code 5328 authorizes the Board to make an appointment in such circumstances.

- New*
13. A "failure to elect" in which no candidate or an insufficient number of candidates have filed to run for a Board seat(s) (Education Code 5090, 5326, 5328)

Timelines for Filling a Vacancy

When a vacancy occurs, the Board shall take the following action, as appropriate:

- ✓ 1. When a vacancy occurs within four months of the end of a Board member's term, the Board shall take no action. (Education Code 5093)

Note: Pursuant to Education Code 5091, when a vacancy occurs or when a deferred resignation has been filed four or more months before the end of a Board member's term, the Board shall take action, as specified below. In the event that the Board fails to make a provisional appointment or order an election within 60 days, the County Superintendent of Schools must call an election to fill the vacancy.

- ✓ 2. When a vacancy occurs longer than four months before the end of a Board member's term, the Board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order an election or make a provisional appointment, unless a special election is mandated as described in item #3 below. (Education Code 5091, 5093)
3. When a vacancy occurs from six months to 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which he/she was elected to fill. (Education Code 5093)

FILLING VACANCIES (continued)**Eligibility**

Note: Persons applying or nominated for a Board position must meet the legal qualifications for Board members as detailed in Education Code 35107. Education Code 35107 also provides that a district employee appointed or elected to the Board must resign his/her employment before being sworn in or have his/her employment automatically terminated upon being sworn into office. See BB 9220 - Governing Board Elections.

✓ In order to be appointed or elected to fill a vacancy on the Board, a person must meet the eligibility requirements specified in Education Code 35107.

(cf. 9220 - Governing Board Elections)

Provisional Appointments

Note: The Board is authorized to make a provisional appointment to fill a vacancy pursuant to item #2 in the section above entitled "Timelines for Filling a Vacancy." The law does not specify procedures for making provisional appointments for vacancies caused by reasons other than a failure to elect; however, such procedures must comply with the requirements of the Brown Act (Government Code 54950-54963). Secret ballots are prohibited by Government Code 54953.

The following **optional** paragraph should be modified to reflect district practice. See CSBA's publication Filling a Board Vacancy for additional information about provisional appointments, including sample questions for interviewing and evaluating candidates.

✓ When authorized by law to make a provisional appointment to fill a vacancy on the Board, the Board shall advertise in the local media to solicit candidate applications or nominations. A committee consisting of less than a quorum of the Board shall ensure that applicants are eligible for Board membership and announce the names of the eligible candidates. The Board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

(cf. 9130 - Board Committees)

(cf. 9323.2 - Actions by the Board)

✓ Within 10 days after the appointment is made, the Board shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice shall be published in the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the district. (Education Code 5092)

The notice shall contain: (Education Code 5092)

- ✓ 1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation
- ✓ 2. The full name of the appointee

FILLING VACANCIES (continued)

- ✓ 3. The date of appointment
- ✓ 4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent within 30 days of the provisional appointment, it shall become an effective appointment

✓ The person appointed shall hold office until the next regularly scheduled election for district Board members and shall be afforded all the powers and duties of a Board member upon appointment. (Education Code 5091)

Appointment Due to Failure to Elect

Note: The following procedure applies when an appointment is being made because of a failure to elect pursuant to Education Code 5090, 5326, and 5328 (item #13 in section entitled "Events Causing a Vacancy" above).

When a vacancy occurs because no candidate or an insufficient number of candidates have been nominated (i.e., a failure to elect) and a district election will not be held, the Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the district election. (Education Code 5328)

(cf. 9100 - Organization)

When an appointment is being made because of a failure to elect, the district shall publish a notice once in a newspaper of general circulation published in the district, or if no such newspaper exists, in a newspaper having general circulation within the district. This notice shall state that the Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

The procedure for selecting and interviewing candidates shall be the same as the procedures for "Provisional Appointments," as specified above.

Legal Reference: (see next page)

FILLING VACANCIES (continued)

Legal Reference:

EDUCATION CODE

5000-5033 Elections

5090-5095 Vacancies

5200-5208 Districts governed by boards of education

5300-5304 Elections

5320-5329 Order and call of election

5340-5345 Consolidation of elections

5360-5363 Election notice

5420-5426 Cost of elections

5440-5442 Miscellaneous provisions, elections

35107 Eligibility of board members

35178 Resignation with deferred effective date

ELECTIONS CODE

10600-10604 School district elections

11381-11386 Candidates for recall

GOVERNMENT CODE

1064 Absence from state

1770 Vacancies: definition

3000-3003 Forfeiture of office

3060-3075 Removal other than by impeachment

6061 One time notice

54950-54963 The Ralph M. Brown Act

PENAL CODE

88 Bribery, forfeiture from office

UNITED STATES CODE, TITLE 18

704 Military medals or decorations

ATTORNEY GENERAL OPINIONS

58 *Ops. Cal. Atty. Gen.* 888 (1975)

Management Resources:

CSBA PUBLICATIONS

Filling a Board Vacancy, rev. December 2010

WEB SITES

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

California State Attorney General's Office, *Quo Warranto Applications*:

http://ag.ca.gov/opinions/quo_warranto.php

Bylaw
adopted: 4/10/07
11/13/07

CSBA MANUAL MAINTENANCE SERVICE
November 2011

Proposed

Board Bylaw

Meetings And Notices

BB 9320

Board Bylaws

Meetings of the Governing Board are conducted for the purpose of accomplishing district business. In accordance with state open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and the Board's bylaws, policies, and administrative regulations.

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

(cf. 9322 - Agenda/Meeting Materials)

(cf. 9323 - Meeting Conduct)

A Board meeting exists whenever a majority of Board members gather at the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the Board or district. (Government Code 54952.2)

***Note: The Brown Act prohibits serial meetings, defined under Government Code 54952.2 as a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of district business. However, Government Code 54952.2 specifies that briefings between staff and Board members are permissible in order to answer questions or to provide information, as long as the briefing is not used to communicate the comments or position of any other Board member. Thus, Superintendent briefings involving less than a majority of the Board are allowed, but participants must ensure that the comments or positions of one member are not shared with other members. ***

***Note: This prohibition against serial meetings also applies to communications via technology. Email exchanges, chat room threads, or comments posted on a blog that result in a majority of the Board "discussing" an item within the subject matter jurisdiction of the Board could result in a Brown Act violation. See BB 9012 - Board Member Electronic Communications. ***

***Note: In 84 Ops.Cal.Atty.Gen. 30 (2001), the Attorney General opined that Government Code 54952.2 prohibits a majority of the Board from sending emails to each other to develop a collective concurrence as to action to be taken by the Board even if the emails are (1) sent to the secretary and chairperson, (2) posted on the district's web site, and (3) distributed at the next

meeting. Although the Attorney General recognized that those three conditions would allow the deliberations to be conducted, to some extent, "in public," the emails were prohibited by the Brown Act because all debate would be completed before the meeting and members of the public who did not have Internet access would be excluded from the debate. ***

Revised and New Language

A majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. However, an employee or district official may engage in separate conversations with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)

(cf. 9012 - Board Member Electronic Communications)

***Note: Government Code 54953.2 requires that all Board meetings meet the protections of the Americans with Disabilities Act (42 USC 12132) and implementing regulations (28 CFR 35.160, 36.303). Such protections require the district to ensure that the meeting is accessible to persons with disabilities and, upon request, to provide disability-related accommodations, such as auxiliary aids and services. Auxiliary aids and services may include accommodations at the actual meeting, such as a sign-language interpreter, or accommodations to the supporting documentation, such as Braille translation of the agenda packet. Government Code 54954.2 requires that the agenda specify how, when, and to whom a request for accommodation should be made; see BB 9322 - Agenda/Meeting Materials.

✓ In order to help ensure the participation of individuals with disabilities at Board meetings, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1)

Meeting notices and agendas shall specify that 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.

Regular Meetings

***Note: Education Code 35140 and Government Code 54954 mandate the Board to fix the time and place for its regular meetings by rule and regulation.

✓ The Board shall hold one regular meeting each month. The Sierra County Board of Education regular meetings shall be held at 6 p.m. on the second Tuesday of every month. The Sierra-Plumas Joint Unified School District regular meetings shall be held immediately following the Sierra County Board of Education meeting. Meetings shall be held at Downieville School, Downieville, CA and Loyalton Middle School, Loyalton, CA, alternating months.

***Note: Pursuant to Government Code 54954.2, the agenda for a regular meeting must be posted at least 72 hours prior to the meeting, at a location that is freely accessible to the public. As amended by AB 1344 (Ch. 692, Statutes of 2011), Government Code 54954.2 also requires that the agenda be posted on the district's Internet web site, if it has one. Any district that does not have a web site should delete the reference to it in the following paragraph. ***

***Note: The Attorney General has determined in 78 Ops.Cal.Atty.Gen. 327 (1995) that weekend hours may be counted as part of the 72-hour period for posting of the agenda prior to a regular meeting. In the same opinion, the Attorney General found that the term "freely accessible" requires that the agenda be posted in a location where it can be read by the public at any time during the 72 hours immediately preceding the meeting. For example, if a building where the agenda is posted is closed during the evening hours, the agenda must also be posted in a location accessible during evening hours, such as a lighted display case outside of the building. The Attorney General also opined in 88 Ops.Cal.Atty.Gen. 218 (2005) that the agenda may be posted on a touch screen electronic kiosk, in lieu of a paper copy on a bulletin board, as long as the kiosk is accessible without charge to the public 24 hours a day, seven days a week. ***

✓ At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public and on the district's Internet web site. (Government Code 54954.2)

(cf. 1113 - District and School Web Sites)

***Note: Pursuant to Government Code 54957.5, the agenda must list any address where the public can inspect agenda materials that are distributed to Board members less than 72 hours before a regular meeting; see BB 9322 - Agenda/Meeting Materials. In addition, pursuant to the California Public Records Act (Government Code 6252-6270), agenda materials related to an open session of a Board's regular meeting are "public records" and are subject to the inspection of any member of the public. For a list of documents subject to disclosure by the district, see BP/AR 1340 - Access to District Records. ***

New { Whenever agenda materials relating to an open session of a regular meeting are distributed to the Board less than 72 hours before the meeting, the Superintendent or designee shall make the materials available for public inspection at the District Office, 305 S. Lincoln St., Sierraville, CA. (Government Code 54957.5)

(cf. 1340 - Access to District Records)

Special Meetings

***Note: Education Code 35144 and Government Code 54956 allow the Board to hold special meetings to address any matter that requires timely action. For example, the Board may hold a special meeting to discuss the need for an emergency state apportionment when the district is in financial distress; see AR 3460 - Financial Reports and Accountability. However, pursuant to

Government Code 54956, as amended by AB 1344 (Ch. 692, Statutes of 2011), certain specified matters, as described below, may not be addressed in a special meeting. ***

- ✓ Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the Superintendent, assistant superintendent, or other management employee as described in Government Code 3511.1. (Government Code 54956)

(cf. 2121 - Superintendent's Contract)

***Note: Pursuant to Government Code 54956, written notice of a special meeting may be delivered personally or by other means, including email or fax. AB 1344 (Ch. 692, Statutes of 2011) amended Government Code 54956 to require any district that has its own Internet web site to also post the notice on its web site. Any district that does not have its own web site should delete reference to it in the following paragraph. ***

✓ Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice also shall be posted on the district's Internet web site. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and place of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54956)

✓ Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (Government Code 54956)

✓ Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3)

Emergency Meetings

***Note: Government Code 54956.5 authorizes a closed session during emergency meetings, as long as two-thirds of the members present at the meeting agree on the need for the closed session. See BB 9321 - Closed Session Purposes and Agendas and E 9323.2 - Actions by the Board. ***

✓ In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

An emergency situation means either of the following: (Government Code 54956.5)

✓ 1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board

(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)

✓ 2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

✓ Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification must be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time he/she notifies the other members of the Board about the meeting. (Government Code 54956.5)

✓ The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

Adjourned/Continued Meetings

✓ A majority vote by the Board may adjourn/continue any regular or special meeting to a later time and place that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

✓ Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. (Government Code 54955)

Study Sessions, Retreats, Public Forums, and Discussion Meetings

***Note: The following section is optional and may be revised to reflect district practice. Pursuant to Government Code 54954.2, the Board must still comply with the 72 hours public notice requirement when holding a study session, retreat, public forum or other such meeting.

- ✓ The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.
- ✓ The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.

(cf. 2000 - Concepts and Roles)
 (cf. 2111 - Superintendent Governance Standards)
 (cf. 9000 - Role of the Board)
 (cf. 9005 - Governance Standards)
 (cf. 9400 - Board Self-Evaluation)

- ✓ Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within district boundaries. Action items shall not be included on the agenda for these meetings.

Other Gatherings

- ✓ Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program: (Government Code 54952.2)
 1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members
 2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern
 3. An open and noticed meeting of another body of the district
 4. An open and noticed meeting of a legislative body of another local agency
 5. A purely social or ceremonial occasion
 6. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers

applicant for Superintendent of the district

✓ 10. Interview a potential employee from another district

✓ Meetings exempted from the boundary requirements, as specified in items #1-10 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.

✓ If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a place designated by the Board president or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication. (Government Code 54954)

Teleconferencing

Definition | A teleconference is a meeting of the Board ~~connected~~ linking various locations by electronic means through audio and/or video for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law.

✓ ~~During the teleconference, a~~ All of the Board shall participate from the primary board meeting location. Inability to attend the meeting at the primary location is considered an absence.

✓ Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)

***Note: In 84 Ops.Cal.Atty.Gen. 181 (2001), the Attorney General opined that a city is not required under the Americans with Disabilities Act to provide, as an accommodation for a disabled city council member who was unable to attend a regularly scheduled meeting, a teleconference connection to the member's house where the public would not be permitted to be present. According to the Attorney General, Government Code 54953 requires that members of the public be permitted to be present at any teleconference location. ***

✓ All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)

✓ All Board policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent or designee shall facilitate public participation in the meeting at each teleconference location.

(cf. 9130 - Board Committees)

Individual contacts or conversations between a Board member and any other person are not subject to the Brown Act. (Government Code 54952.2)

Location of Meetings

Revised

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, including, but not limited to, religion, sex, or sexual orientation. In addition, meetings shall not be held in a facility which is inaccessible to individuals with disabilities or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

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

Meetings shall be held within district boundaries, except to do any of the following:
(Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party
2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet in the closest meeting facility if the district has no meeting facility within its boundaries or if its principal office is located outside the district
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the district but located outside the district, provided the meeting agenda is limited to items directly related to that facility
7. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
8. Attend conferences on nonadversarial collective bargaining techniques
9. Interview residents of another district regarding the Board's potential employment of an

Legal Reference:

EDUCATION CODE

- 35140 Time and place of meetings
- 35143 Annual organizational meeting, date, and notice
- 35144 Special meeting
- 35145 Public meetings
- 35145.5 Agenda; public participation; regulations
- 35146 Closed sessions
- 35147 Open meeting law exceptions and applications

GOVERNMENT CODE

- 3511.1 Local agency executives
- 11135 State programs and activities, discrimination
- 54950-54963 The Ralph M. Brown Act, especially:
- 54953 Meetings to be open and public; attendance
- 54954 Time and place of regular meetings
- 54954.2 Agenda posting requirements, board actions
- 54956 Special meetings; call; notice
- 54956.5 Emergency meetings

UNITED STATES CODE, TITLE 42

- 12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

- 35.160 Effective communications
- 36.303 Auxiliary aids and services

COURT DECISIONS

- Wolfe v. City of Fremont, (2006) 144 Cal.App. 544

ATTORNEY GENERAL OPINIONS

- 88 Ops.Cal.Atty.Gen. 218 (2005)
- 84 Ops.Cal.Atty.Gen. 181 (2001)
- 84 Ops.Cal.Atty.Gen. 30 (2001)
- 79 Ops.Cal.Atty.Gen. 69 (1996)
- 78 Ops.Cal.Atty.Gen. 327 (1995)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2009

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

The ABCs of Open Government Laws

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, 2nd Ed., 2010

WEB SITES

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

CSBA, Agenda Online:

<http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>

California Attorney General's Office: <http://www.ag.ca.gov>

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

League of California Cities: <http://www.cacities.org>

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

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